

Appendix D

Species at Risk Technical Memo

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Technical Bulletin: Aylmer District Species at Risk Screening Process

This technical bulletin outlines the process for engaging the Ministry of Natural Resources and Forestry (**MNRF**) Aylmer District Office regarding the *Endangered Species Act, 2007* (**ESA**).

The ESA provides protection for species listed as Endangered or Threatened on the [Species at Risk in Ontario List](#). Individuals receive protection under Section 9 and their habitat is protected under Section 10. The ESA is a law of general application that is binding on everyone in the province of Ontario, and applies to both private and public lands. MNRF Aylmer District provides review of a project's compliance under the ESA by responding to species at risk (**SAR**) information requests (Stage 1) and project screening requests (Stage 2) only when both of the following conditions are met:

1. The request comes directly from the property owner or their delegate (e.g. consultants) on their behalf; and,
2. A specific project/activity is proposed by the property owner.

MNRF Aylmer District Contact Information

All ESA-related requests must be submitted to MNRF Aylmer District via our ESA inbox at ESA.Aylmer@ontario.ca

NOTE: MNRF response time is between 8 and 10 weeks after receipt of all required information, due to the high volume of requests received.

Stage 1: Information Request

To ensure due diligence under the ESA, MNRF encourages property owners and/or their delegates proposing to conduct site alteration (such as construction, vegetation/debris removal, site grading, etc.) to request SAR information from Aylmer District prior to beginning site alteration and/or conducting SAR surveys. For MNRF to respond to an information request, the following information is required:

- Proponent information (name, mailing address, and email address);
- Property location and mapping (municipal address and/or lot and concession);
- Digital photos of the property, including the vegetation on-site, if available;
- General description of all proposed activities and extent of development footprint (e.g. residential, driveway, vegetation clearing). Maps / site layout drawings are beneficial;
- Current state of vegetation, property maintenance/management (e.g. frequency of mowing), and recent property landscape history / changes (i.e. for the last five years);
- Timing and duration of proposed activities;
- Copies of past correspondence with MNRF about the property, if applicable; and,
- Status of municipal planning or Environmental Assessment process, if any.

Once the above information has been provided, MNRF will review available SAR data to determine if SAR species and/or their habitat(s) are known or likely to occur on or in the general area of the property. MNRF's response will be one of the following:

1. There is a **low** likelihood for SAR species and/or habitat to occur and/or be impacted
 - Further project screening / comment from MNRF will not be needed unless recommendations to avoid impacts cannot be followed or significant changes to the project are made (e.g. natural vegetation proposed to be removed).

2. SAR species and/or habitat are **known** to occur on or near the property, or there is a **high** likelihood for SAR species and/or habitat to occur
 - MNRF may recommend that field assessments by a qualified biologist are needed to determine whether the proposed project may contravene the ESA.
 - It is expected that the retained qualified biologist will use the information provided by MNRF to scope and design the field assessments, including identifying appropriate species-specific survey methodologies and timing.
 - MNRF can provide guidance on field assessments (i.e. protocols or proposed work plans). Some field assessment methodologies may require MNRF authorizations under the ESA and the *Fish and Wildlife Conservation Act*.
 - After field assessments have been completed, proceed to Stage 2.

NOTE: MNRF strongly recommends that no on-site activity (i.e. site alteration, vegetation/debris removal, etc.) occur until Stage 2 is complete, in order for proponents to demonstrate due diligence and remain in compliance with the ESA. Failure to comply with this recommendation could result in a contravention of the ESA and possible compliance / enforcement action.

Stage 2: Project Screening / IGF Review

Following MNRF's recommendations, a qualified biologist should complete appropriate field assessments and submit the results in an [Information Gathering Form \(IGF\)](#) to initiate a project screening request.

Link to IGF:

<http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/MinistryResults?Openform&SRT=T&MAX=5&ENV=WWE&STR=1&TAB=PROFILE&MIN=018&BRN=21&PRG=31>

MNRF will review the IGF to determine whether the project is likely to contravene the ESA (Section 9 and/or Section 10). MNRF's response will be one of the following:

1. Contravention under the ESA is **not likely** to occur:
 - A response will be provided, which could include recommendations necessary to avoid impacts to SAR; or,

2. Contravention under the ESA is **likely** to occur:
 - MNRF will recommend options for seeking approval under the ESA, such as applying for a permit or assessing eligibility for alternative regulatory processes. Please be advised that applying for a permit does not guarantee approval and processes can take several months before a permit may be issued.