

Ministry of the Environment
and Climate Change

Ministère de l'Environnement
et de l'Action en matière de
changement climatique



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June 25th, 2015

The City of Windsor
350 City Hall Square West
Windsor, Ontario
N9A 6S1

Attention: Mr. Fahd Mikhael, Project Manager

**Re: Class EA Study, Banwell Road – From Tecumseh Road East To The CPR Tracks
South of Intersection Road, Notice of Public Information Centre # 4**

Dear Mr. Mikhael:

This letter is this ministry's response to the Notice of Public Information Centre #4 for the above noted project. This response acknowledges that this study is being completed following the Municipal Engineers Association Municipal Class EA.

Thank you for the opportunity to comment on this project.

As you know, the Class EA planning process includes consultation with interested stakeholders, evaluation of alternatives, assessment of the effects of the proposed works and identification of measures to mitigate any adverse impacts. In addition to public agencies, and the general public, consultation with First Nations and Metis is required.

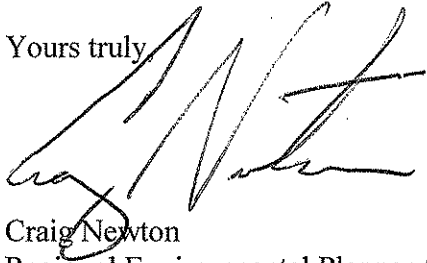
Consultation with First Nation and Metis Communities

The Crown has a duty to consult First Nation and Metis communities if there is a potential impact to Aboriginal or treaty rights. As the proponent of this project, the City of Windsor has a responsibility to conduct adequate consultation with First Nation and Metis communities as part of the environmental assessment process. The Crown is therefore, delegating the procedural aspects of consultation to the City of Windsor, as outlined in the attached document.

The City of Windsor must contact the Director, Environmental Approvals Branch if this project may adversely affect an Aboriginal or treaty right. The Ministry will then determine whether the Crown has a duty to consult. Information and resources to assist the City of Windsor and IBI Group in fulfilling this requirement are provided as an attachment.

Please continue to keep this office fully informed of the status of this project as it proceeds through the Class EA process. Thank you in advance.

Yours truly

A handwritten signature in black ink, appearing to read 'Craig Newton', written over the words 'Yours truly'.

Craig Newton
Regional Environmental Planner / Regional EA Coordinator
Ministry of the Environment & Climate Change
Southwestern Region
(519) 873-5014

cc – Mr. Muhammad Khan, Consultant Project Manager, IBI Group, Toronto

Attachment (1)

ABORIGINAL CONSULTATION INFORMATION

Consultation with Interested Persons under the Ontario Environmental Assessment Act

Proponents subject to the Ontario *Environmental Assessment Act* are required to consult with interested persons, which may include First Nations and Métis communities. In some cases, special efforts may be required to ensure that Aboriginal communities are made aware of the project and are afforded opportunities to provide comments. Direction about how to consult with interested persons/communities is provided in the Code of Practice: Consultation in Ontario's Environmental Assessment Process available on the Ministry's website:

<https://www.ontario.ca/environment-and-energy/consultation-ontarios-environmental-assessment-process>

As an early part of the consultation process, proponents are required to contact the Ontario Ministry of Aboriginal Affairs' Consultation Unit and visit Aboriginal Affairs and Northern Development Canada's Aboriginal and Treaty Rights Information System (ATRIS) to help identify which First Nation and Métis communities may be interested in or potentially impacted by their proposed projects.

ATRIS can be accessed through the Aboriginal Affairs and Northern Development Canada website:

http://sidait-atris.aadnc-aandc.gc.ca/atris_online/

For more information in regard Aboriginal consultation as part of the Environmental Assessment process, refer to the Ministry's website:

www.ontario.ca/government/environment-assessments-consulting-aboriginal-communities

You are advised to provide notification directly to all of the First Nation and Métis communities who may be interested in the project. You should contact First Nation communities through their Chief and Band Council, and Metis communities through their elected leadership.

Rights-based consultation with First Nation and Métis Communities

Proponents should note that, in addition to requiring interest-based consultation as described above, certain projects may have the potential to adversely affect the ability of First Nation or Métis communities to exercise their established or credibly asserted Aboriginal or treaty rights. In such cases, Ontario may have a duty to consult those Aboriginal communities.

Activities which may restrict or reduce access to unoccupied Crown lands, or which could result in a potential adverse impact to land or water resources in which harvesting rights are exercised, may have the potential to impact Aboriginal or treaty rights. For assistance in determining whether your proposed project could affect these rights, please refer to the attached "Preliminary Assessment Checklist: First Nation and Métis Community Interest."

If there is likely to be an adverse impact to Aboriginal or treaty rights, accommodation may be required to avoid or minimize the adverse impacts. Accommodation is an outcome of consultation and includes any mechanism used to avoid or minimize adverse impacts to Aboriginal or treaty rights and traditional uses. Solutions could include mitigation such as

v.1.1.4.0

adjustments in the timing or geographic location of the proposed activity. Accommodation may in certain circumstances involve the provision of financial compensation, but does not necessarily require it.

For more information about the duty to consult, please see the Ministry's website at:

www.ontario.ca/government/duty-consult-aboriginal-peoples-ontario

The proponent must contact the Director, Environmental Approvals Branch if a project may adversely affect an Aboriginal or treaty right, consultation has reached an impasse, or if a Part II Order or an elevation request is anticipated; the Ministry will then determine whether the Crown has a duty to consult.

The Director of the Environmental Approvals Branch can be notified either by email with the subject line "Potential Duty to Consult" to EAASIBgen@ontario.ca or by mail or fax at the address provided below:

Email:	EAASIBGen@ontario.ca Subject: Potential Duty to Consult
Fax:	416-314-8452
Address:	Environmental Approvals Branch 135 St. Clair Avenue West, 1 st Floor Toronto, ON, M4V 1P5

Delegation of Procedural Aspects of Consultation

Proponents have an important and direct role in the consultation process, including a responsibility to conduct adequate consultation with First Nation and Métis communities as part of the environmental assessment process. This is laid out in existing environmental assessment codes of practice and guides that can be accessed from the Ministry's environmental assessment website at

www.ontario.ca/environmentalassessments

The Ministry relies on consultation conducted by proponents when it assesses the Crown's obligations and directs proponents during the regulatory process. Where the Crown's duty to consult is triggered, various additional procedural steps may also be asked of proponents as part of their delegated duty to consult responsibilities. In some situations, the Crown may also become involved in consultation activities.

Ontario will have an oversight role as the consultation process unfolds but will be relying on the steps undertaken and information you obtain to ensure adequate consultation has taken place. To ensure that First Nation and Métis communities have the ability to assess a project's potential to adversely affect their Aboriginal or treaty rights, Ontario requires proponents to undertake certain procedural aspects of consultation.

The proponent's responsibilities for procedural aspects of consultation include:

- Providing notice to the elected leadership of the First Nation and/or Métis communities (e.g., First Nation Chief) as early as possible regarding the project;

- Providing First Nation and/or Métis communities with information about the proposed project including anticipated impacts, information on timelines and your environmental assessment process;
- Following up with First Nation and/or Métis communities to ensure they received project information and that they are aware of the opportunity to express comments and concerns about the project. If you are unable to make the appropriate contacts (e.g. are unable to contact the Chief) please contact the Environmental Assessment and Planning Coordinator at the Ministry's appropriate regional office for further direction.
- Providing First Nation and/or Métis communities with opportunities to meet with appropriate proponent representatives to discuss the project;
- Gathering information about how the project may adversely impact the relevant Aboriginal and/or Treaty rights (for example, hunting, fishing) or sites of cultural significance (for example, burial grounds, archaeological sites);
- Considering the comments and concerns provided by First Nation and/or Métis communities and providing responses;
- Where appropriate, discussing potential mitigation strategies with First Nation and/or Métis communities;
- Bearing the reasonable costs associated with these procedural aspects of consultation, which may include providing support to help build communities' capacity to participate in consultation about the proposed project.
- Maintaining a Consultation Record to show evidence that you, the proponent, completed all the steps itemized above or at a minimum made meaningful attempts to do so.
- Upon request, providing copies of the Consultation Record to the Ministry. The Consultation Record should:
 - summarize the nature of any comments and questions received from First Nation and/or Métis communities
 - describe your response to those comments and how their concerns were considered
 - include a communications log indicating the dates and times of all communications; and
 - document activities in relation to consultation.

Successful consultation depends, in part, on early engagement by proponents with First Nation and Métis communities. Information shared with communities must be clear, accurate and complete, and in plain language where possible. The consultation process must maintain sufficient flexibility to respond to new information, and we trust you will make all reasonable efforts to build positive relationships with all First Nation and Métis communities contacted. If you need more specific guidance on Aboriginal consultation steps in relation to your proposed project, or if you feel consultation has reached an impasse, please contact the Environmental Assessment and Planning Coordinator at the Ministry's appropriate regional office.

Preliminary Assessment Checklist: First Nation and Métis Community Interests and Rights

In addition to other interests, some main concerns of First Nation and Métis communities may pertain to established or asserted rights to hunt, gather, trap, and fish – these activities generally occur on Crown land or water bodies. As such, projects related to Crown land or water bodies, or changes to how lands and water are accessed, may be of concern to Aboriginal communities.

Please answer the following questions and keep related notes as part of your consultation record. “Yes” responses will indicate a potential adverse impact on Aboriginal or treaty rights.

Where you have identified that your project may trigger rights-based consultation through the following questions, you should arrange for a meeting between you and the Environmental Assessment and Planning Coordinator at the Ministry's appropriate regional office to provide an early opportunity to confirm whether Ontario's duty to consult is triggered and to discuss roles and responsibilities in that event.

	YES	NO
<p>1. Are you aware of concerns from First Nation and Métis communities about your project or a similar project in the area?</p> <p>The types of concerns can range from interested inquiries to environmental complaints, and even to land use concerns. You should consider whether the interest represents on-going, acute and/or widespread concern.</p>		
<p>2. Is your project occurring on Crown land, or is it close to a water body? Might it change access to either?</p>		
<p>3. Is the project located in an open or forested area where hunting or trapping could take place?</p>		
<p>4. Does the project involve the clearing of forested land?</p>		
<p>5. Is the project located away from developed, urban areas?</p>		
<p>6. Is your project close to, or adjacent to, an existing reserve?</p> <p>Projects in areas near reserves may be of interest to the First Nation and Métis communities living there.</p>		
<p>7. Will the project affect First Nations and/or Métis ability to access areas of significance to them?</p>		
<p>8. Is the area subject to a land claim?</p> <p>Information about land claims filed in Ontario is available from the Ministry of Aboriginal Affairs; information about land claims filed with the federal government is available from Aboriginal Affairs and Northern Development Canada.</p>		
<p>9. Does the project have the potential to impact any archaeological sites?</p>		



BANWELL ROAD
Class Environmental Assessment Study

PUBLIC INFORMATION CENTRE NO. 4 – June 25, 2015

COMMENT SHEET

The City of Windsor is interested in your input. Please provide your comments and/or concerns regarding this study and feel free to use the back side of this sheet if more space is required.

The Town of Tecumseh would like consideration given to extending the multi-purpose pathway along the east side of Banwell Rd farther northerly to the future Gowin St. intersection. Currently, it is proposed that the pathway cross from the east side to the west side of Banwell at Intersection Rd. The Town will forward a more detailed comment w/ this request via email.

Please provide the details below:

Name: Chad Jeffery Telephone # (optional): 519-735-2184

Mailing Address: _____ Postal Code: _____

Check if you prefer to receive information by email E-mail: cjeffery@tecumseh.ca

Kindly return this Comment Sheet to project staff at this PIC, or you may email, fax or mail it by July 17, 2015 to:

Muhammad Khan P.Eng., M.Eng., Project Manager
IBI Group
100 – 175 Galaxy Boulevard, Toronto, ON, M9W 0C9
Phone # 416-679-1930 / Fax: 416-675-4620
E-mail: muhammad.khan@ibigroup.com

Thank you for your participation in this study
www.windsoreas.ca

Under the Municipal Freedom of Information and Protection of Privacy Act and the Ontario Environmental Assessment Act, unless otherwise stated in the submission, with the exception of personal information, all comments will become part of the public record.



BANWELL ROAD Class Environmental Assessment Study

PUBLIC INFORMATION CENTRE NO. 4 – June 25, 2015

COMMENT SHEET

The City of Windsor is interested in your input. Please provide your comments and/or concerns regarding this study and feel free to use the back side of this sheet if more space is required.

DON'T AGREE THAT A SIGNALIZED INTERSECTION IS REQUIRED AT PALMETTO. LOCAL TRAFFIC CAN USE MULBERRY FOR LEFT TURN. THE ADDITIONAL SIGNAL WILL SLOW TRAFFIC FLOW ON BANWELL. UTILIZING THE SIGNAL FOR THE FUTURE COMMERCIAL DEVELOPMENT ON THE WEST IS NOT APPROPRIATE FOR THE SIZE OF SITE. DON'T SUPPORT TEMPORARY MEASURES AT E.C.ROW. OTHERWISE AGREE WITH THE PLAN.

Please provide the details below:

Name: CHRIS MANZON

Telephone # (optional):

Mailing Address: 937 JARVIS AVE, WINDSOR

Postal Code: N8P 1C8

Check if you prefer to receive information by email

E-mail:

Kindly return this Comment Sheet to project staff at this PIC, or you may email, fax or mail it by July 17, 2015 to:

Muhammad Khan P.Eng., M.Eng., Project Manager
IBI Group
100 – 175 Galaxy Boulevard, Toronto, ON, M9W 0C9
Phone # 416-679-1930 / Fax: 416-675-4620
E-mail: muhammad.khan@ibigroup.com

Thank you for your participation in this study

www.windsoreas.ca

Under the Municipal Freedom of Information and Protection of Privacy Act and the Ontario Environmental Assessment Act, unless otherwise stated in the submission, with the exception of personal information, all comments will become part of the public record.



Essex Region
Conservation
Authority



360 Fairview Avenue West, Suite 311, Essex, ON, Canada, N8M 1Y6 | P 519-776-5209 | F 519-776-8688 | erca.org | ourgreenlegacy.org

Partner Municipalities

Town of Amherstburg
Town of Essex
Town of Kingsville
Town of Lakeshore
Town of LaSalle
Municipality of
Leamington
Township of Pelee
Town of Tecumseh
City of Windsor

July 15, 2015

Mr. Muhammad Khan
Consultant Project Manager
IBI Group
100 -175 Galaxy Boulevard
Toronto, ON M9W 0C9

RE: Banwell Road - Class Environmental Assessment Study. Notice of Public Meetings Comments

Dear Mr. Khan,

We have received the Notice of Public Information Centre #4 regarding the Class Environmental Assessment Study for "Banwell Road - From Tecumseh Road East to the CPR Tracks south of Intersection Road".

From the information circulated to us we understand that the purpose of this study is to investigate improvements to the transportation corridor along Banwell Road from Tecumseh Road East to the CPR tracks. This study is conducted in accordance with a Schedule 'C' undertaking of the Municipal Class Environmental Assessment. In addition to notice of the public information centre #4 we have also reviewed the available PIC 4 Display Boards and associated PIC #4 Design Plan.

We note that portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcel falls within the regulated area of the following watercourses/waterbodies: Parent Outlet Drain, No Name, Gouin Drain, Lachance Drain, Robinet Drain and Banwell Drain. The proponents are required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

If enclosures to any of the existing drains within the study area are proposed as part of the design alternatives for this project, the DFO should be contacted prior to design in order to determine if there are any fish habitat issues associated with the proposed enclosures/modifications to the drains. Under the *Fisheries Act*, no one may carry out any work or undertaking that results in a harmful alteration, disruption or destruction of fish habitat (HADD), unless the HADD has been





**Essex Region
Conservation
Authority**



360 Fairview Avenue West, Suite 311, Essex, ON, Canada, N8M 1Y6 | P 519-776-5209 | F 519-776-8688 | erca.org | ourgreenlegacy.org

Partner Municipalities

- Town of Amherstburg
- Town of Essex
- Town of Kingsville
- Town of Lakeshore
- Town of LaSalle
- Municipality of Leamington
- Township of Pelee
- Town of Tecumseh
- City of Windsor

authorized by the Minister of Fisheries and Oceans Canada pursuant to Subsection 35(2) of the *Fisheries Act*. In keeping with the Department of Fisheries and Oceans' (DFO) "Policy for the Management of Fish Habitat", no such authorizations are issued unless acceptable measures to compensate for the habitat loss are developed and implemented by the proponent.

We request the opportunity to review hydrology, hydraulics and stormwater management analyses including the identification of all required water quality, water quantity, flooding control and related issues as part of the pre-design work to be undertaken. Stormwater quality measures will also be required dependent on the ultimate preferred concept. The use of best management practices during construction to limit sedimentation into the adjacent watercourses will be required.

We would like to remain on the distribution list and would prefer to receive such notifications by e-mail (mnelson@erca.org). We would like to be circulated on the Environmental Study Report as part of Phase 4 of the study.

If you should have any questions or require any additional information, please do not hesitate to contact the ERCA Watershed Planner, Michael Nelson by phone at (519) 776-5209 ext. 347, by fax at (519) 776-8688 or by e-mail at mnelson@erca.org.

Thank you.

Sincerely,

Mike Nelson
Watershed Planner
/mn

Attachments: Three ERCA maps outlining locations of watercourses and associated regulated areas.



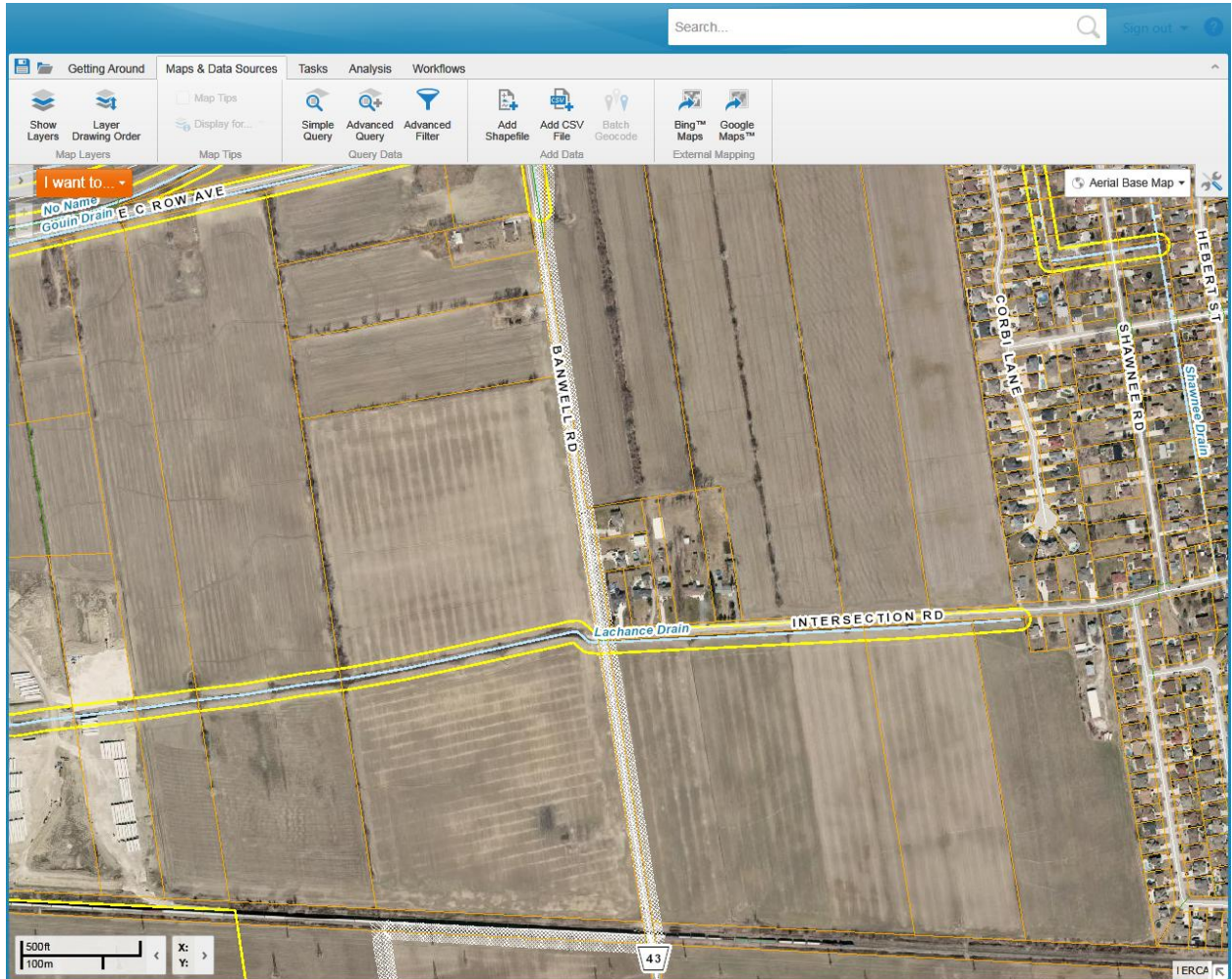


Figure 1 Southern Extent.



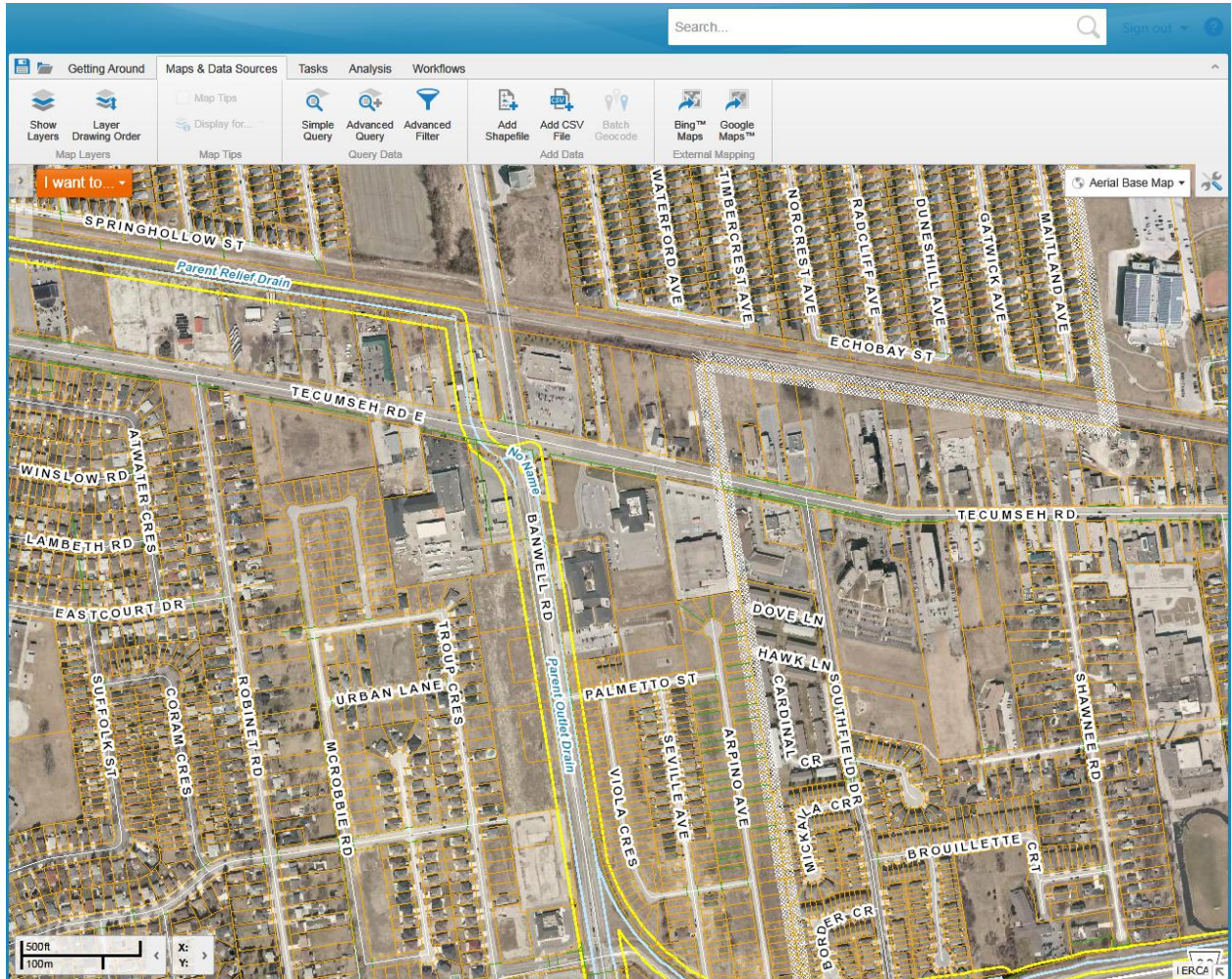


Figure 2 Northern extent.

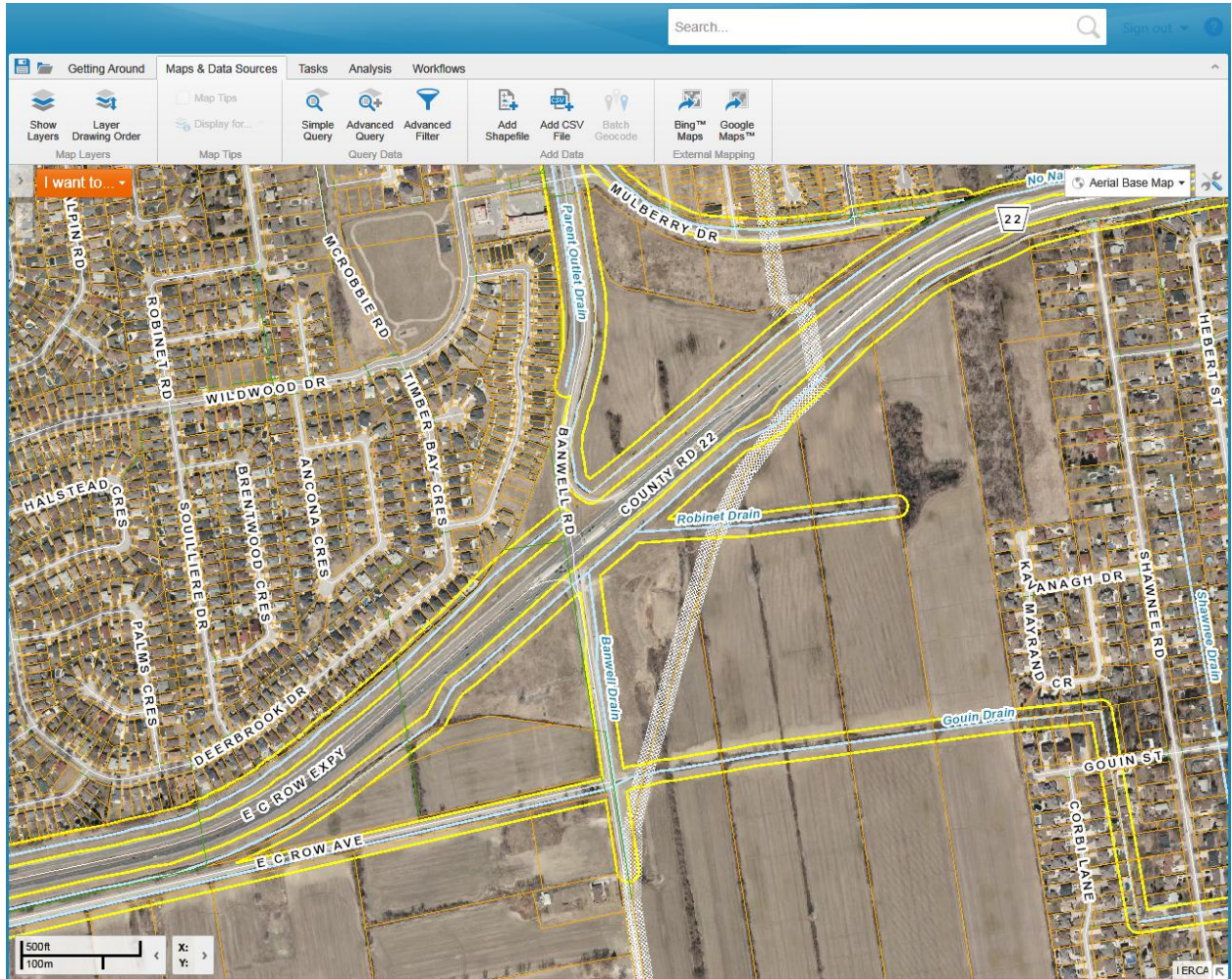


Figure 3 Central Extent.

Muhammad Khan

From: Christopher Waters <cwaters@uwindsor.ca>
Sent: Saturday, July 18, 2015 2:48 PM
To: Muhammad Khan
Subject: FW: Bangle - Active Transportation facilities

From: Chris Waters
Date: Saturday, July 18, 2015 at 2:45 PM
To: "fmikhael@city.windsor.on.ca", "Muhammad.khan@ibigroup.com"
Cc: Chris Waters
Subject: Bangle - Active Transportation facilities

Dear Mr Fahd and Mr Mikhael,

I Chair the Windsor Bicycling Committee. I believe the following views are representative of the Committee's views though I should note that they have not been formally adopted. In general, we are pleased to see the provision of active transportation facilities in the form of a multi-use trail and sidewalk. We are also pleased to see the potential connection to active transportation facilities in Essex.

We offer the following suggestions for your consideration:

1. Our primary concern is that the multi-use trail switches road sides on 3 or 4 occasions. Is it possible to further minimise this switching in order to provide more continuity for users and fewer interactions with motorized vehicles? We understand that re-locating the proposed multi-use trail to the east side of Banwell Road between Intersection Road and the eastbound EC Row Expressway off ramp for improved continuity is being considered and we encourage that. If further continuity is not possible, please give consideration to mitigating the effect of these switches by providing for clear signage (for trail users and motorists) and carefully designed cycling/pedestrian crossings
2. There is a roundabout at Mulberry. Roundabouts can be quite dangerous for cyclists and design and signage should reflect this in order to alert drivers to active transportation users crossing and to slow motor vehicular traffic down in the roundabout.
3. We understand that the trail is to connect to existing facilities at Tecumseh Rd East. However, on the map (if we are reading it correctly) the multi-use trail appears to stop short of Tecumseh Rd (or to merge into an existing 'walkway'?). The same goes for the sidewalk on the South side of the road. Obviously we hope that the multi-use trail and sidewalk extend all the way to Tecumseh.
4. The multi-use facility that is proposed on the south side of the EC Row seems to end and leave the cyclist stranded. Please see look into how the adult cyclist (who can not ride on the sidewalk) can meets up with this multi-use facility. In general, cyclists will feel around the EC Row and special care should be taken in these areas to ensure safety and perceptions of safety.
5. If we understand correctly, the active transportation facilities are part of the long term proposal for this road and that the short-term proposals deal only with vehicular traffic. If this is the case, we suggest reorienting these priorities so that the safety of cyclists and pedestrians is prioritised in this project.

Thank you for the opportunity to review the proposed active transportation facilities for this project.

Sincerely,

Chris Waters

--

Christopher Waters, DCL
Professor
Faculty of Law
University of Windsor
Windsor, Ontario
Canada N9B 3P4
+ (1) 519-253-3000 ext.4233
www.uwindsor.ca/law/cwaters



Our File: 12-6653 (Corr.)

July 21, 2015

The Corporation of the City of Windsor
2450 McDougall Street
Windsor, ON
N8W 3N6

Attention: Mr. Fahd Mikhael, P.Eng., P.E.,
Engineer III

**Banwell Road Class Environmental Assessment Study
Town of Tecumseh Comments on the Recommended Design**

Dear Mr. Mikhael:

On behalf of the Town of Tecumseh, we are hereby providing comments related to the recommended design for the Banwell Road improvements, as presented by the City of Windsor at the Public Information Centre of June 25, 2015, and as outlined in supporting information previously provided to the Town. Our comments are as follows:

1. Multi-Use Trail

A multi-use trail has been proposed along Banwell Road as follows:

- o On the east side from CPR tracks to Intersection Road.
- o On the west side from Intersection Road to Gouin Street.
- o On the east side north of Gouin Street to Wildwood Street.
- o Back on the west side north of Wildwood Street.

The Town requests that consideration be given to locating the proposed multi-use trail on the east side of Banwell Road between Intersection Road and Gouin Street in order to maintain a more consistent alignment that reduces road crossings and improves public safety, while improving its accessibility to future residents within the Tecumseh Hamlet area, who will be the primary users based on current land use assumptions.

2. Intersecting Roadway Cross Sections

While not specifically detailed on the recommended design drawings, the proposed intersecting roadways at Maisonneuve Street and Intersection Road appear to be shown as 5 lane cross sections with raised centre medians.

- o We do not believe that those lane requirements on the intersecting roads would be warranted, or desirable. This may simply be a typical/conceptual illustration that is not indicative of the recommended cross section for these intersecting roadways, which should be clarified.

...continued

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Windsor, Ontario
Canada
N8W 5K8
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(519) 948-5000
Fax
(519) 948-5054



3. Municipal Boundary

The Town requests that the City re-confirm the location of the municipal boundary that has been shown on the recommended design drawings, which should reflect the approved new municipal boundary that formed part of the land transfer agreement.

4. Land Reserve

The Town requests clarification on the limits and any intended conditions associated with the proposed 0.3 m wide land reserve that has been shown on the recommended design drawings. It is not clear whether this land reserve applies to the proposed intersecting roadways, and whether there would be any restrictive provisions that would not necessarily satisfy the intent of the land transfer agreement.

5. Interim Intersection Improvements

We have completed a review of the City's analysis of interim improvements at the Banwell/E.C. Row intersection.

It appears that the projected 2024 "interim" volumes consist of the following:

- Existing traffic increased by 2.5% per year over 10 years.
- Half of the Tecumseh Hamlet being fully built-out, which would be equivalent to 1,550 residential units and 206,500 sq. ft. of commercial development.
- Full development of the Fanelli lands, which consist of 1.5 million sq. ft. of commercial development.
- Development of the Royal Timbers area.

This degree of interim development conditions over a 10 year period is considered to be overly aggressive and unrealistic. The effectiveness of interim intersection improvements to accommodate a more modest, realistic rate of development has not been addressed.

During our previous meetings with the City, the Town was asked to confirm the thresholds for development that could be accommodated by undertaking interim improvements at the Banwell/E.C. Row intersection. The results of this analysis were included as part of our Tecumseh Hamlet Transportation Study (January

The Corporation of the City of Windsor
Page 3
July 21, 2015

2015). In Section 6.6.2, Page 70 of that Study, it was confirmed that the following levels of development could be accommodated with interim intersection improvements:

- 400 low density, or 550 medium density units (if developed in the northern part of the Hamlet).
- 640 low density, or 880 medium density units (if developed in the southern part of the Hamlet).
- Some retail space could also be accommodated with only minor reductions in these residential unit thresholds, as long as these commercial uses do not generate traffic that would affect the critical AM peak period volumes.

This degree of development could be either in the City of Windsor or in the Tecumseh Hamlet area. This level of development is not insignificant, and would suggest that there is value in undertaking interim improvements at this intersection.

Accordingly, the Town requests that the City consider acknowledging the benefits of undertaking interim improvements at the Banwell/E.C. Row intersection to accommodate growth and development in the area until such time as funding for the implementation of the recommended interchange solution is available.

We appreciate the opportunity to provide these comments on the recommended design for the Banwell Road corridor in the City of Windsor. Please contact the undersigned or Mr. Daniel Piescic, P.Eng., of the Town of Tecumseh to review these comments in further detail and to confirm the City's position in finalizing their Class Environmental Assessment for this project.

Yours sincerely,

DILLON CONSULTING LIMITED



Flavio R. Forest, P.Eng.,
Project Manager

FRF:d

Cc: Mr. Daniel Piescic, P.Eng., Town of Tecumseh

Ministry of Aboriginal Affairs

160 Bloor St. East, 9th Floor
Toronto, ON M7A 2E6
Tel: (416) 326-4740
Fax: (416) 325-1066
www.aboriginalaffairs.gov.on.ca

Ministère des Affaires Autochtones

160, rue Bloor Est, 9^e étage
Toronto ON M7A 2E6
Tél. : (416) 326-4740
Télééc. : (416) 325-1066
www.aboriginalaffairs.gov.on.ca



Reference: EA #2015-179

Muhammad Khan, M. Eng., P.Eng.
Consultant Project Manager
IBI Group
100 – 175 Galaxy Boulevard
Toronto, ON M9W 0C9

**Re: Class Environmental Assessment Study
Banwell Road – From Tecumseh East to the CPR Tracks
South of Intersection Road
Notice of Public Information Centre #4**

Dear Muhammad Khan:

Thank you for informing the Ministry of Aboriginal Affairs (MAA) of your project. Please note that MAA treats all letters, emails, general notices, etc. about a project as a request for information about which Aboriginal communities may have rights or interests in the project area.

As a member of the government review team, the Ministry of Aboriginal Affairs (MAA) identifies First Nation and Métis communities who may have the following interests in the area of your project:

- reserves;
- land claims or claims in litigation against Ontario;
- existing or asserted Aboriginal or treaty rights, such as harvesting rights; or
- an interest in the area of the project.

MAA is not the approval or regulatory authority for your project, and receives very limited information about projects in the early stages of their development. In circumstances where a Crown-approved project may negatively impact a claimed Aboriginal or treaty right, the Crown may have a duty to consult the Aboriginal community advancing the claim. The Crown often delegates procedural aspects of its duty to consult to proponents. Please note that the information in this letter should not be relied on as advice about whether the Crown owes a duty to consult in respect of your project, or what consultation may be appropriate. Should you have any questions about your consultation obligations, please contact the appropriate ministry.

You should be aware that many First Nations and/or Métis communities either have or assert rights to hunt and fish in their traditional territories. For First Nations, these territories typically include lands and waters outside of their reserves.

In some instances, project work may impact aboriginal archaeological resources. If any Aboriginal archaeological resources could be impacted by your project, you should contact your regulating or approving Ministry to inquire about whether any additional Aboriginal communities should be contacted. Aboriginal communities with an interest in archaeological resources may include communities who are not presently located in the vicinity of the proposed project.

With respect to your project, and based on the brief materials you have provided, we can advise that the project appears to be located in an area where First Nations may have existing or asserted rights or claims in Ontario's land claims process or litigation, that could be impacted by your project. Contact information is below:

<p>Aamjiwnaang First Nation (Sarnia) 978 Tashmoo Avenue SARNIA, Ontario N7T 7H5</p>	<p>Chief Chris Plain (519) 336-8410 (Fax) 336-0382 CPlain@aamjiwnaang.ca sredmond@aamjiwnaang.ca</p>
<p>Bkejwanong Territory (Walpole Island) 117 Tahgahoning Road, R.R. #3 WALLACEBURG, Ontario N8A 4K9</p>	<p>Chief Daniel Miskokomon (519) 627-1481 (Fax) 627-0440 drskoke@wifn.org alicia.black eagle@wifn.org</p>
<p>Oneida Nation of the Thames 2212 Elm Avenue SOUTHWOLD, Ontario N0L 2G0</p>	<p>Chief Sheri Doxtator (519) 652-3244 (Fax) 652-9287 Sheri.Doxtator@oneida.on.ca</p>
<p>Caldwell First Nation P.O. Box 388 LEAMINGTON, Ontario N8H 3W3</p>	<p>Chief Louise Hillier (519) 322-1766 (Fax) 322-1533 1-800-206-7522 cfnchief@live.com</p>

The information upon which the above comments are based is subject to change. First Nation or Métis communities can make claims at any time, and other developments can occur that could result in additional communities being affected by or interested in your undertaking.

Through Aboriginal Affairs and Northern Development (AANDC), the Government of Canada sometimes receives claims that Ontario does not receive, or with which Ontario does not become involved. AANDC's Consultation and Accommodation Unit (CAU) established a "single window" to respond to requests for baseline information held by AANDC on established or potential Aboriginal Treaty and rights. To request information from the Ontario Subject Matter Expert send an email to: UCA-CAU@aadnc-aandc.gc.ca

Additional details about your project or changes to it that suggest impacts beyond what you have provided to date may necessitate further consideration of which Aboriginal communities may be affected by or interested in your undertaking. If you think that further consideration may be required, please bring your inquiry to whatever government body oversees the regulatory process for your project. MAA does not wish to be kept informed of the progress of the project; please be sure to remove MAA from the mailing list.

Yours truly,

A handwritten signature in black ink, appearing to read 'C. Troje', written in a cursive style.

Corwin Troje
Manager, Ministry Partnerships Unit
Aboriginal Relations and Ministry Partnerships Branch

Muhammad Khan

From: Mikhael, Fahd <fmikhael@citywindsor.ca>
Sent: Wednesday, July 29, 2015 11:18 AM
To: Muhammad Khan
Subject: FW: BANWELL ROAD- FROM TECUMSEH ROAD EAST TO THE CPR TRACKS SOUTH OF INTERSECTION ROAD NOTICE OF PUBLIC INFORMATION CENTRE# 4 --- NEATS 40243
Attachments: 2015-06-17 CLASS ENVIRONMENTAL ASSESSMENT STUDY BANWELL ROAD- FROM TECUMSEH ROAD EAST TO THE CPR TRACKS SOUTH OF INTERSECTION ROAD NOTICE OF PUBLIC INFORMATION CENTRE# 4.PDF

Hi Muhammad:
Let's discuss.
Thanks,
Fahd

From: EnviroOnt [mailto:EnviroOnt@tc.gc.ca]
Sent: Wednesday, July 29, 2015 11:15 AM
To: Mikhael, Fahd
Subject: BANWELL ROAD- FROM TECUMSEH ROAD EAST TO THE CPR TRACKS SOUTH OF INTERSECTION ROAD NOTICE OF PUBLIC INFORMATION CENTRE# 4 --- NEATS 40243

Hello,

Please note that under *the Canadian Environmental Assessment Act, 2012*, Transport Canada is required to determine the likelihood of significant adverse environmental effects of projects that will occur on federal lands prior to exercising a power, performing a function or duty in relation to that project. To determine if the aforementioned applies, it is the responsibility of the project proponent to:

1. Review the Directory of Federal Real Property (<http://www.tbs-sct.gc.ca/dfrp-rbif/>) to determine if the project will potentially interact with any federal property; and
2. Review the list of Acts that Transport Canada administers and assists in administering that may apply to the project, available at: <https://www.tc.gc.ca/eng/acts-regulations/acts.htm>.

If a project will interact with a federal property **and** requires approval and/or authorization under any of the Transport Canada Acts, then correspondence should only be forwarded electronically to Environmental Assessment Coordinator at: EnviroOnt@tc.gc.ca – please ensure distribution lists are updated.

Below is a summary of the most common Acts that have applied to projects in an Environmental Assessment context:

Navigation Protection Act (NPA) – the NPA applies primarily to works constructed or placed in, on, over, under, through, or across scheduled navigable waters set out under the Act. The Navigation Protection Program administers the NPA through the review and authorization of works affecting scheduled navigable waters. Information about the Program, NPA and approval process is available at: <http://www.tc.gc.ca/eng/programs-621.html>. Enquiries can be directed to NPPONT-PPNONT@tc.gc.ca or (519) 383-1863.

Railway Safety Act (RSA) – the RSA provides the regulatory framework for railway safety, security, and some of the environmental impacts of railway operations in Canada. The Rail Safety Program develops and enforces regulations, rules, standards and procedures governing safe railway operations. Additional information about the Rail Safety Program is available at: <https://www.tc.gc.ca/eng/railsafety/menu.htm>. Enquiries can be directed to RailSafety@tc.gc.ca or (613) 998-2985.

Transportation of Dangerous Goods Act (TDGA) – the transportation of dangerous goods by air, marine, rail and road is regulated under the TDGA. Transport Canada, based on risks, develops safety standards and regulations, provides oversight and gives expert advice on dangerous goods to promote public safety. Additional information about the transportation of dangerous goods is available at: <https://www.tc.gc.ca/eng/tdg/safety-menu.htm>. Enquiries can be directed to TDG-TMDOntario@tc.gc.ca or (416) 973-1868.

Aeronautics Act – Transport Canada has sole jurisdiction over aeronautics, which includes aerodromes and all related buildings or services used for aviation purposes. Aviation safety in Canada is regulated under this Act and the Canadian Aviation Regulations (CARs). Elevated Structures, such as wind turbines and communication towers, would be examples of projects that must be assessed for lighting and marking requirements in accordance with the CARs. Transport Canada also has an interest in projects that have the potential to cause interference between wildlife and aviation activities. One example would be waste facilities, which may attract birds into commercial and recreational flight paths. Enquires can be directed to CASO-SACO@tc.gc.ca or 1 (800) 305-2059 / (416) 952-0230.

If none of the aforementioned information applies to any of the projects under review, please ensure we are removed from the distribution list.

Thank you,

Environmental Assessment Coordinator | Coordinatrice d'évaluation environnementale
Transport Canada, Ontario Region | Transports Canada, Région de l'Ontario
4900 Yonge St., Toronto, ON M2N 6A5 | 4900, rue Yonge, Toronto, ON, M2N 6A5
Email | Courriel: EnviroOnt@tc.gc.ca
Facsimile | télécopieur: (416) 952-0514
Government of Canada | Gouvernement du Canada