

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement, de
la Protection de la nature et des Parcs

Species at Risk Branch

Direction des espèces en péril

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Thomas Cavanagh Construction Limited
9094 Cavanagh Rd, Ashton,
ON K0A 1B0

Attention: Mr. Neal DeRuyter

**Re: Thomas Cavanagh Construction Highland Line Pit Application #626599 Part Lot 5,
Concession 10, Geographic Township of Dalhousie, Township of Lanark Highlands,
County of Lanark OUR FILE 0851'E'**

The Permissions and Compliance Section of the Ministry of the Environment, Conservation and Parks (MECP) has reviewed the Natural Environment Report & Environmental Impact Statement for the above noted Aggregate Resources Act License Application for impacts to species at risk and compliance under the *Endangered Species Act, 2007* (ESA).

Natural Environment Report & Environmental Impact Statement

1. There is a known Blanding's Turtle occurrence within the proposed site. The site is therefore considered to be Blanding's Turtle habitat since it is within 2 km of a known occurrence. An impact assessment including Blanding's Turtle habitat mapping, should be done to help us understand how the pit activities may impact the species and their habitat. The impact assessment should consider how the indirect or long-term effects could impact the adjacent wetlands as well as potential Category 2 and 3 habitats within the site. This information is required for MECP to determine whether there will be a contravention under Section 10 of the ESA.
2. Installing exclusion fencing as part of the mitigation measures will help minimize potential impacts on turtles. This will ensure that turtles do not enter the work site. MECP also requests more information about fencing design, frequency of monitoring as well as a figure showing where the fencing will be installed. This information is required for MECP to determine whether there will be a contravention under Section 9 of the ESA.
3. We understand that snag surveys and acoustic monitoring were conducted in 2020 which identified maternity roost habitat and detected the presence of species at risk (SAR) bats. Vegetation clearing was also proposed to occur outside of April 1st and August 31st. Please note, a contravention of Section 9 of the ESA could be avoided if tree removal will be occurring between October 1st and March 31st for Little Brown Myotis, Northern Myotis, and Tri-colored Bats.

4. MECP understands Eastern Meadowlark occur within 200 m of the site. As outlined by the General Habitat Description category 3 habitat can extend 300 m from the defended territory. MECP also notes habitat may be present on site as identified by the CUM habitat types identified within the project footprint.
5. MECP recommends that an Information Gathering Form (IGF) be submitted to SAROntario@ontario.ca as an authorization may be required for these species.

The Permissions and Compliance Section requires a response to these comments before we can consider the application any further. Please also be advised that we may have additional comments on the technical reports and/or the site plans based on the response received to our comments.

Please contact me if you have any questions regarding the comments and I would be pleased to discuss them with you.

Sincerely,

Brandan Norman

Brandan Norman
Management Biologist
Permissions and Compliance Section
Species At Risk Branch
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