

APPENDIX

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Agency Consultation

- Ministry of the Environment, Conservation and Parks
- Ministry of Natural Resources and Forestry
- Ministry of Citizenship and Multiculturalism
- Essex Region Conservation Authority
- Windsor Police Service

APPENDIX

Ministry of the Environment, Conservation and Parks



**Ministry of the Environment,
Conservation and Parks**

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

Environmental Assessment Branch

Direction des évaluations
environnementales

1st Floor

135 St. Clair Avenue W
Toronto ON M4V 1P5

Tel.: 416 314-8001

Fax.: 416 314-8452

Rez-de-chaussée

135, avenue St. Clair Ouest
Toronto ON M4V 1P5

Tél. : 416 314-8001

Téléc. : 416 314-8452

356-366-8185

Via email only

October 2, 2020

Mr. Paul Mourad
City of Windsor

Mr. Felix Wong
Wood PLC

Dear Messrs. Mourad and Wong:

**Re: Ojibway Wildlife Crossing
MEA Class EA – Schedule “C” Undertaking
Response to Notice of Commencement**

This letter is in response to the Notice of Commencement for the above noted project. The Ministry of the Environment, Conservation and Parks (MECP) acknowledges that the City of Windsor has indicated that the study is following the MEA Class EA for Schedule” C” projects. It is understood that the purpose of the project is to identify and evaluate options for the construction of a safe wildlife crossing at Ojibway Parkway to link Black Oak Heritage and Ojibway Parks.

It is expected that the EA, will consider the following in the identification and evaluation of options for the wildlife crossing:

- How each alternative is able to address climate change adaptation and mitigation. We have some guidance available and I have attached that document for your use;
- How this crossing will affect species at risk through a comparison of all potential alignments. You are encourage to contact the ministry’s Species At Risk unit at SARSOntario@ontario.ca with detailed locational information and a complete project description to obtain direction as to what needs to be done at the EA stage to facilitate the issuance of any authorizations or permits that might be required when the project is being implemented

- All permits, licences and approvals that would be required in order to implement the identified alternatives for the intersection

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. Before authorizing this project, the Crown must ensure that its duty to consult has been fulfilled where such a duty is triggered. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown may delegate procedural aspects of this duty to project proponents while retaining oversight of the consultation process.

Your proposed project may have the potential to affect Aboriginal or treaty rights protected under Section 35 of Canada's *Constitution Act* 1982. Where the Crown's duty to consult is triggered in relation to your proposed project, **the MECP is delegating the procedural aspects of rights-based consultation to you through this letter.** The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Based on information you have provided to date and the Crown's preliminary assessment you are required to consult with the following communities who have been identified as potentially affected by your proposed project:

- Kettle and Stony Point First Nation
- Aamjiwnaang First Nation
- Bkejwanong (Walpole Island First Nation)
- Chippewas of the Thames First Nation
- Caldwell First Nation
- Oneida Nation of the Thames
- Windsor-Essex-Kent Métis Council

Steps that you may need to take in relation to Aboriginal consultation for your proposed project are outlined in the "Code of Practice for Consultation in Ontario's Environmental Assessment Process" which can be found at the following link:

<https://www.ontario.ca/document/consultation-ontarios-environmental-assessment-process> Additional information related to Ontario's Environmental Assessment Act is available online at: www.ontario.ca/environmentalassessments

You must contact the Director of Environmental Approvals Branch under the following circumstances subsequent to initial discussions with the communities identified by MECP:

- Aboriginal or treaty rights impacts are identified to you by the communities
- You have reason to believe that your proposed project may adversely affect an Aboriginal or treaty right
- Consultation has reached an impasse

- A Part II Order request is expected

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

The MECP will then assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps should be taken, including what role you will be asked to play in them.

Royal Assent to Bill 197 was given on July 22nd: changing certain aspects of the provincial environmental assessment process. Proponents are still required to prepare and issue a Notice of Completion providing at least 30 days during which documentation may be reviewed and comment and input submitted to the Proponent.

Now however, the Notice of Completion will advise that outstanding concerns are to be directed to the Proponent for a response, and that in the event the outstanding concerns relate to **potential adverse impacts to constitutionally protected Aboriginal and treaty rights**, Part II Order requests on those matters (only) should be addressed in writing to:

Minister Jeff Yurek
Ministry of Environment, Conservation and Parks
777 Bay Street, 5th Floor
Toronto ON M7A 2J3
minister.mecp@ontario.ca

and

Director, Environmental Assessment Branch
Ministry of Environment, Conservation and Parks
135 St. Clair Ave. W, 1st Floor
Toronto ON, M4V 1P5
ClassEAnotices@ontario.ca

Please note that you cannot proceed with the project until at least 30 days after the end of the comment period provided for in the Notice of Completion.

You may not proceed after this time if:

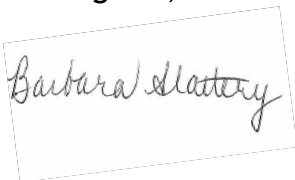
- a Part II Order request has been submitted to the ministry regarding **potential adverse impacts to constitutionally protected Aboriginal and treaty rights**, or
- the Director has issued a Notice of Proposed order regarding the project.

If other concerns with the ESR and/or EA process are made known to the minister, or determined following a review of the document, the Minister reserves the right to issue an order on his or her own initiative within a specified time period. Within the 30 days following the Notice of Completion, the Director would first issue a Notice of Proposed Order to you if the Minister is considering an order for the project. At that time, the Director may request additional information from you. Once the requested information has been received, the Minister will have 30 days within which to make a decision or impose conditions on your project.

Please note that our procedure now includes a review of all Schedule "C" ESRs such as this. Accordingly, please provide me with a draft ESR in an electronic format with a minimum 30-day review period and incorporate this into your project timeline. I will be happy to discuss this with you further when you are at a point of nearing completion of a draft document for agency review. I have also attached template wording for the Notice of Completion that describes the new process.

Should you have questions or wish to discuss these comments, please contact me at Barbara.slattery@ontario.ca or by calling me at (365) 366-8185.

With regards,

A handwritten signature in cursive script, reading "Barbara Slattery", enclosed within a rectangular box.

EA/Planning Coordinator

Encl.

APPENDIX

Ministry of Natural Resources and Forestry



Talpur, Mir

From: MNRF Ayl Planners (MNRF) <MNRF.Ayl.Planners@ontario.ca>
Sent: Thursday, December 3, 2020 8:46 AM
To: Talpur, Mir
Cc: Wong, Felix; Hellinga, Nathan; Shams, Anika
Subject: [Attachment Removed] RE: Ojibway Parkway Wildlife Crossing - Municipal Class EA - Notice of Study Commencement and Online Public Information Centre #1
Attachments: IM20104013_OjibwayWildlifeCrossing_NOC-PIC#1_FINAL_05-11-2020.pdf; NHGuide_MNRF_2019-04-01.pdf

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Ministry of Natural
Resources and Forestry

Ministère des Richesses
naturelles et des Forêts



615 John Street North
Aylmer, ON N5H 2S8
Tel: 519-773-9241
Fax: 519-773-9014

615, rue John Nord
Aylmer ON N5H 2S8
Tél: 519-773-9241
Télé: 519-773-9014

December 3, 2020

Paul Mourad, P.Eng.
City Project Administrator
City of Windsor
350 City Hall Square West, Suite 310
Windsor, ON N9A 6S1
Tel: 519-255-6100 (Ext. 6119)
Email: pmourad@citywindsor.ca

Felix Wong, P.Eng.
Consultant Project Manager
Wood Environment & Infrastructure Solutions
3450 Harvester Road
Burlington, ON L7N 3W5
Tel: 905-335-2353
Email: felix.wong@woodplc.com

Subject: Ojibway Parkway Wildlife Crossing - Municipal Class EA - Notice of Study Commencement and Online Public Information Centre #1

The Ministry of Natural Resources and Forestry (MNRF) Aylmer District received the notice for the proposed Ojibway Parkway Wildlife Crossing project. Thank you for circulating this information to our office, however, please note that we have not completed a screening of natural heritage or other resource values for the project at this time. Please also note that it is your responsibility to be aware

of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

This response provides information to guide you in identifying and assessing natural features and resources as required by applicable policies and legislation, and engaging with MNRF Aylmer District for advice as needed.

Natural Heritage & Endangered Species Act

In order to provide the most efficient service possible, the attached Natural Heritage Information Request Guide has been developed to assist you with accessing natural heritage data and values from convenient online sources.

It remains the proponent's responsibility to complete a preliminary screening for each project, to obtain available information from multiple sources, to conduct any necessary field studies, and to consider any potential environmental impacts that may result from an activity. We wish to emphasize the need for the proponents of development activities to complete screenings prior to contacting the Ministry or other agencies for more detailed technical information and advice.

The Ministry continues to work on updating data housed by Land Information Ontario and the Natural Heritage Information Centre, and ensuring this information is accessible through online resources. Species at risk data is regularly being updated. To ensure access to reliable and up to date information, please contact the Ministry of the Environment, Conservation and Parks at SAROntario@ontario.ca.

Petroleum Wells & Oil, Gas and Salt Resource Act

There may be petroleum wells within the proposed project area. Please consult the Ontario Oil, Gas and Salt Resources Library website (www.ogsrlibrary.com) for the best known data on any wells recorded by MNRF. Please reference the 'Definitions and Terminology Guide' listed in the publications on the Library website in order to better understand the well information available. Any oil and gas wells in your project area are regulated by the *Oil, Gas and Salt Resource Act*, and the supporting regulations and operating standards. If any unanticipated wells are encountered during development of the project, or if the proponent has questions regarding petroleum operations, the proponent should contact the Petroleum Operations Section at POSRecords@ontario.ca or 519-873-4634.

Public Lands Act & Lakes and Rivers Improvement Act

Some projects may be subject to the provisions of the *Public Lands Act* or *Lakes and Rivers Improvement Act*. Please review the information on MNRF's web pages provided below regarding when an approval is required or not. Please note that many of the authorizations issued under the *Lakes and Rivers Improvement Act* are administered by the local Conservation Authority.

- For more information about the *Public Lands Act*: <https://www.ontario.ca/page/crown-land-work-permits>
- For more information about the *Lakes and Rivers Improvement Act*: <https://www.ontario.ca/document/lakes-and-rivers-improvement-act-administrative-guide>

After reviewing the information provided, if you have not identified any of MNRF's interests stated above, there is no need to circulate any subsequent notices to our office.

If you have any questions or concerns, please feel free to contact me.

Sincerely,
Karina

Karina Černiavskaja, District Planner
Ministry of Natural Resources and Forestry
Email: MNR.F.Ayl.Planners@ontario.ca



As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Talpur, Mir <mir.talpur@woodplc.com>
Sent: November 12, 2020 10:31 AM
To: Talpur, Mir <mir.talpur@woodplc.com>
Cc: Wong, Felix <felix.wong@woodplc.com>; Hellinga, Nathan <nathan.hellinga@woodplc.com>; Shams, Anika <anika.shams@woodplc.com>
Subject: Ojibway Parkway Wildlife Crossing 2 Municipal Class EA 2 Notice of Study Commencement and Online Public Information Centre #1

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

The City of Windsor has initiated a Municipal Class Environmental Assessment Study for a Wildlife Crossing at Ojibway Parkway, south of Broadway Boulevard to provide an ecological connection between Black Oak Heritage Park and Ojibway Park. The Wildlife Crossing will provide landscape connectivity and safe passage for area wildlife and species at risk in the Ojibway Prairie Complex.

Please find attached the Notice of Commencement and Public Information Centre (PIC) #1. The purpose of this notice is to inform you that the City has initiated this study and a PIC is scheduled for November 19, 2020. Due to the ongoing COVID-19 pandemic, the PIC will be held online. The information materials for PIC#1 will be posted online on City's website: <https://www.citywindsor.ca/residents/construction/environmental-assessments-master-plans/Pages/default.aspx>

Comments will be received during a two-week period (November 19 - December 3). We would like to invite you to review information materials for PIC#1 and let us know if you have any comments. Thank you in advance.

Sincerely,

Mir

Mir Ahsan Talpur, M.Env.Sc., EP

Environmental Planner

E: mir.talpur@woodplc.com

M: +1 (647) 545 8974

D: +1 (905) 335 2353 (Ext. 3069)

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APPENDIX

Ministry of Citizenship and Multiculturalism



**Ministry of Heritage, Sport,
Tourism and Culture Industries**

Programs and Services Branch
401 Bay Street, Suite 1700
Toronto, ON M7A 0A7
Tel: 416.728.3494

**Ministère des Industries du Patrimoine,
du Sport, du Tourisme et de la Culture**

Direction des programmes et des services
401, rue Bay, Bureau 1700
Toronto, ON M7A 0A7
Tél: 416.728.3494



November 26, 2020

EMAIL ONLY

Felix Wong, P.Eng.
Consultant Project Manager
Wood Environment & Infrastructure Solutions
3450 Harvester Road
Burlington, ON L7N 3W5
felix.wong@woodplc.com

MHSTCI File : 0012914
Proponent : The City of Windsor
Subject : Notice of Commencement – Schedule C MCEA
Project : Ojibway Parkway Wildlife Crossing
Location : The City of Windsor

Dear Felix Wong:

Thank you for providing the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) with the Notice of Study Commencement for the above-referenced project. MHSTCI's interest in this Environmental Assessment (EA) project relates to its mandate of conserving Ontario's cultural heritage.

Under the EA process, the proponent is required to determine a project's potential impact on cultural heritage resources. The recommendations below are for a Schedule C Municipal Class EA project, as described in the notice of study commencement. If any municipal bridges may be impacted by this project, we can provide additional screening documentation as formulated by the Municipal Engineers Association in consultation with MHSTCI.

Project Summary

The City of Windsor has initiated a Municipal Class Environmental Assessment (Class EA) study to consider the construction of a Wildlife Crossing at Ojibway Parkway, south of Broadway Boulevard, in the City of Windsor in order to provide an ecological connection between Black Oak Heritage Park and Ojibway Park. The study is being conducted in accordance with the requirements for a Schedule 'C' project as outlined in the Municipal Engineers Association's Municipal Class Environmental Assessment (October 2000, as amended in 2015) document, which is an approved process under the Ontario's Environmental Assessment Act. This study will address Phases 1 – 4 of the Class EA process.

Identifying Cultural Heritage Resources

While some cultural heritage resources may have already been formally identified, others may be identified through screening and evaluation. Indigenous communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Indigenous communities includes a discussion about known or potential cultural heritage resources that are of value to these communities. Municipal Heritage Committees, historical societies and other local heritage organizations may also have knowledge that contributes to the identification of cultural heritage resources.

Archaeological Resources

[Criteria for Evaluating Archaeological Potential](#) is normally used to determine if an archaeological assessment is needed. In this case we understand that you have retained an archaeologist licensed under the OHA, who will complete the necessary archaeological assessment work and will be responsible for submitting the reports directly to MHSTCI for review.

Built Heritage and Cultural Heritage Landscapes

The presentation slides for The Online Public Information Centre held for this project on November 19th indicate (slide 11) that the MHSTCI [Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes](#) checklist was completed. It was noted that no cultural heritage or built heritage resources were identified within the Study Area.

Given that cultural heritage is one aspect of the environment, a section must be included in the Project File Report to illustrate that this has been addressed in a formal and methodical manner. The purpose of this section is to document the existing conditions and indicate that due diligence has been undertaken for cultural heritage. Given your findings here is an example of how that information could be captured:

Cultural Heritage

The screening checklists (Criteria for Evaluating Archaeological Potential and Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes), developed by the Ministry of Tourism, Culture and Sport, were completed as part of the project file (see Appendix X). The study area was determined to have low potential for archaeological resources, built heritage resources and cultural heritage landscapes. Therefore, no technical cultural heritage studies have been undertaken. Please include the completed screening checklists with documentation to support your conclusion for this project.

Please include the completed screening checklists with documentation to support your conclusion for this project.

Environmental Assessment Reporting

All technical cultural heritage studies and their recommendations are to be addressed and incorporated into EA projects. Please advise MHSTCI whether any technical cultural heritage studies will be completed for this EA project, and provide them to MHSTCI before issuing a Notice of Completion or commencing any work on the site. If screening has identified no known or potential cultural heritage resources, or no impacts to these resources, please include the completed checklists and supporting documentation in the EA report or file.

Thank you for consulting MHSTCI on this project and please continue to do so throughout the EA process. If you have any questions or require clarification, do not hesitate to contact Katherine Kirzati.

Sincerely,

Joseph Harvey

On behalf of

Katherine Kirzati

Heritage Planner

Heritage Planning Unit

Katherine.Kirzati@Ontario.ca

Copied to: Paul Mourad, City Project Administrator, City of Windsor

Mir Ahsan Talpur, Environmental Planner, Wood Environment & Infrastructure Solutions

It is the sole responsibility of proponents to ensure that any information and documentation submitted as part of their EA report or file is accurate. MHSTCI makes no representation or warranty as to the completeness, accuracy or quality of the any checklists, reports or supporting documentation submitted as part of the EA process, and in no way shall MHSTCI be liable for any harm, damages, costs, expenses, losses, claims or actions that may result if any checklists, reports or supporting documents are discovered to be inaccurate, incomplete, misleading or fraudulent.

Please notify MHSTCI if archaeological resources are impacted by EA project work. All activities impacting archaeological resources must cease immediately, and a licensed archaeologist is required to carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*.

If human remains are encountered, all activities must cease immediately and the local police as well as the Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the *Ontario Heritage Act*.

Talpur, Mir Ahsan Ali

From: Harvey, Joseph (MHSTCI) <Joseph.Harvey@ontario.ca>
Sent: Tuesday, May 11, 2021 11:08 AM
To: Talpur, Mir
Subject: RE: File 0012914: Ojibway Parkway Wildlife Crossing - Notice of Online Public Information Centre #2

CAUTION: External email. Please do not click on links/attachments unless you know the content is genuine and safe.

Good Morning Ahsan Talpur,

Thank you for providing us with the update on technical cultural heritage resource studies for this undertaking.

Joseph Harvey | Heritage Planner (A)

Heritage, Tourism and Culture Division | Programs and Services Branch | Heritage Planning Unit

Ministry of Heritage, Sport, Tourism and Culture Industries

401 Bay Street

17th Floor, Suite 1700

Toronto, ON M7A 0A7

613.242.3743

Joseph.Harvey@ontario.ca

From: Talpur, Mir <mir.talpur@woodplc.com>
Sent: May 10, 2021 10:08 AM
To: Harvey, Joseph (MHSTCI) <Joseph.Harvey@ontario.ca>
Cc: Mourad, Paul <pmourad@citywindsor.ca>; Wong, Felix <felix.wong@woodplc.com>; Hellinga, Nathan <nathan.hellinga@woodplc.com>
Subject: RE: File 0012914: Ojibway Parkway Wildlife Crossing - Notice of Online Public Information Centre #2

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Good Morning Joseph,

I would like to take the opportunity to respond to your following email directed to Felix and Paul.

A Stage 1 Archaeological Assessment was completed as part of the Municipal Class EA process for Ojibway Parkway Wildlife Crossing. A Stage 2 Archaeological Assessment is being proposed for the detailed design phase of this project. When available, the City of Windsor will share the Stage 2 Archaeological Assessment Report with the Ministry for review/approval.

In addition, MHSTCI's checklist for built heritage resources and cultural heritage landscapes was completed for this project. Completion of the checklist determined that there are no cultural heritage resources within the study area. Completed checklist along with information gathering emails are attached to this email.

Please let us know if you have any follow-up questions.

Mir Ahsan Talpur, M.Env.Sc., EP

Environmental Planner

Mobile: +1 (647) 545 8974

www.woodplc.com



From: Harvey, Joseph (MHSTCI) <Joseph.Harvey@ontario.ca>

Sent: Friday, April 30, 2021 2:18 PM

To: Wong, Felix <felix.wong@woodplc.com>

Cc: pmourad@citywindsor.ca

Subject: File 0012914: Ojibway Parkway Wildlife Crossing - Notice of Online Public Information Centre #2

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Felix Wong,

Good Afternoon,

Thank you for providing us with the above referenced notice.

Can you provide us with an update on the status of technical cultural heritage resource studies for this undertaking?

We note that a stage 1 archaeological assessment has been entered in the Ontario Public Register of Archaeological reports under Project Information Form Number P348-0102-2020. The Stage 1 recommends further archaeological assessments for parts of the study area (e.g. Stage 2,3,4). Please provide any associated project information form numbers (PIF#) so that we may link them in our files.

Kind Regards,

Joseph Harvey | Heritage Planner (A)

Heritage, Tourism and Culture Division | Programs and Services Branch | Heritage Planning Unit

Ministry of Heritage, Sport, Tourism and Culture Industries

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Joseph.Harvey@ontario.ca

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APPENDIX

Essex Region Conservation Authority



Minutes

Date: November 30, 2020
File #: IM20104013
Meeting Date & Time: November 13, 2020 @ 10:00 AM.
Meeting at: Microsoft Teams Meeting
Subject: Class EA for Ojibway Parkway Wildlife Crossing
 – Meeting with Essex Region Conservation Authority

Attendees:

Paul Mourad, City of Windsor
 Karen Cedar, City of Windsor
 Dan Lebedyk, Essex Region Conservation Authority
 Nathan Hellinga, Wood
 Mir Talpur, Wood

MATTERS DISCUSSED	ACTION BY:
Introduction: - The purpose of this meeting was to share project information with Essex Region Conservation Authority in advance of the PIC#1 scheduled for November 19, 2020 and obtain feedback for consideration into next steps of the Study. - Information was presented using the slides developed for the PIC #1.	-
Study Overview: - An overview of the Study was provided, including the significance of the Ojibway Prairie Complex. - The City of Windsor has initiated a Municipal Class Environmental Assessment Study for the wildlife crossing, which will provide landscape connectivity and safe passage for the wildlife between Ojibway Park and Black Oak Heritage Park. - To address this problem, various alternatives were developed and assessed: Do Nothing, Wildlife Underpass and Wildlife Overpass. - Two different locations were also evaluated within the Study Area for the Wildlife Underpass and the Wildlife Overpass alternatives. - Various technical studies have been completed and are planned as part of this Study. Natural environmental field investigations were conducted for this study, which identified constraints including SAR plants near the south portion of the Study Area. As part of the utility review, the Project Team	-

PLEASE NOTE: If there is any comment or amendment to be made to these meeting notes, they should be brought to the notice of Wood within five (5) business days of issue and confirmed in writing.

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 www.woodplc.com

Wood Environment & Infrastructure Solutions
 a Division of Wood Canada Limited
 Registered office: 2020 Winston Park Drive, Suite 700, Oakville, Ontario L6H 6X7



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Continued...

Meeting Date: November 13, 2020

MATTERS DISCUSSED	ACTION BY:
identified utility constraints on the west side of Ojibway Parkway. The underground utility constraints (primarily sanitary sewer) will require cover between the top of the underpass and the underground utilities, which will result in extensive trenching. • Following the evaluation of alternatives, the Preferred Solution was identified being Wildlife Overpass Crossing (North Option). The Wildlife Crossing will span from the Ojibway Park to the Ojibway Parkway Trail Park. Extending it over the railway crossing was not considered feasible due to cost constraints. An Infraworks model video was shared to illustrate the conceptual alternative design.	
Input from Essex Region Conservation Authority: • Underpass Wildlife Crossing is not a preferred option as there will be safety issues associated with potential human use of the underpass. • For the Overpass Wildlife Crossing, consideration shall be given to how to limit human access. • Getting Essex Terminal Railway's feedback is very critical. In an ideal scenario it would be beneficial to extend the Wildlife Crossing over the railway tracks into the Black Oak Heritage Park. • It was inquired if the switchback design is being considered. The switchback design will help narrow the footprint of the ramp, as opposed to graded out at a constant grade. Project Team noted that the switchback design was not considered during this phase of the EA process. It can be carried considered during the next phase of the study. • Concern was expressed that the wildlife may use the railway corridor to travel north or south and potentially re-enter Ojibway Parkway after landing on the west side in the Ojibway Parkway Trail Park. The trains may also prevent the wildlife from the crossing railway tracks. Consideration should be given to as how the impact to wildlife mortality will be addressed if they are directed down to the Parkway and the railway tracks. • For the Wildlife Overpass structure, one of the suggestions is using shrubs (such as Dogwood) along both edges of the structure. This will provide screening which will limit wildlife's view of the Parkway when crossing. • Project Team noted that one of the mitigation measures that will be considered in the study is the fencing along Ojibway Parkway. Fencing would help avoid wildlife road mortality. This will be supplemented with monitoring to observe if there are road mortalities. • Essex Region Conservation Authority will review the PIC #1 materials and provide written comments. The staff will also provide comments on potential impacts and recommendations on mitigation measures.	-

Continued...

Meeting Date: November 13, 2020

Meeting Minutes prepared by:

Wood Environment & Infrastructure Solutions
a Division of Wood Canada Limited

A handwritten signature in black ink, reading "M.A. Talpur". The signature is written in a cursive, flowing style.

Per: Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner

Ojibway Parkway Wildlife Crossing Schedule 'C' Municipal Class Environmental Assessment (Phases 1 - 4) Online Public Information Centre #1 Comment Form

Do you have any comments on the evaluation of alternative solutions process?

The Municipal Class EA should evaluate the possible construction of a functional ecopassage which physically connects the disjunct natural features associated with the Ojibway Prairie Complex (Black Oak Heritage Park and Ojibway Park). Instead, it appears the EA is evaluating a "wildlife crossing" which is encouraging wildlife to travel from Ojibway Park into an area located between a busy highway and a wide, active railway, rather than to the disjunct Black Oak Heritage Park on the other side of the railway. The EA *Evaluation of Alternative Solutions Memo* does state that the intention of this 'crossing' is to "create an ecological connection between Black Oak Heritage Park and Ojibway Park". This intention is consistent with the clearly stated conservation desires of local agencies (ERCA), NGOs, naturalists groups and the community, which is to provide a seamless ecological connection/linkage between the currently fragmented and isolated remnants of the Ojibway Prairie Complex. However, it appears that the proposed alternative solutions are only designed to create a wildlife crossing to an area that is not natural, located between the highway and an active railway, stopping well short of a complete ecological connection. The EA should have included an alternative that actually would accomplish what is being professed – an ecological connection providing for landscape connectivity between the disjunct fragments. The intent of the ecopassage should not be to simply encourage wildlife to cross just over the existing Ojibway Parkway, but to physically connect the existing habitat within Black Oak Heritage Park with Ojibway Park. Therefore, none of the proposed alternatives actually do provide for a fully functional and complete ecological linkage (i.e., landscape connectivity) due to the fact that the crossing is not a complete connection between the habitat within Black Oak Heritage Park and Ojibway Park.

It appears that the evaluation of alternatives process has not included an extensive consultation with outside stakeholders, who may have expertise to provide. The process is now at the public consultation stage. Why haven't stakeholders been asked to engage in suggesting alternatives and in the actual evaluation of the alternatives? It appears the evaluation process was solely an internal process, only inviting public input after the evaluation of alternatives was completed.

Information will be collected in accordance with the Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record.

What do you think about the Preferred Solution (Wildlife Overpass)?

As stated above, the EA is flawed in that the “preferred solution” does not provide for a complete ecological connection which will effectively increase landscape connectivity. While the preferred solution of an overpass is preferable to an underpass, the overpass does not accomplish the goal of actually connecting Black Oak Heritage Park with Ojibway Park. Therefore any conclusions regarding the alternative solutions increasing landscape connectivity are not valid due to the fact that the ecological connection is not complete.

There are significant concerns with respect to the preferred solution, from the perspective of providing for safe passage of wildlife. The preferred overpass only encourages wildlife to travel from Ojibway Park to an area between the busy highway and an active, multi-track railway. It does not provide for safe travel from Ojibway Park to Black Oak Heritage Park. Not all wildlife, when landing on the other side of Ojibway Parkway, will be able to cross over the 7 – 8 sets of railway tracks to get to Black Oak Heritage Park. Large mammals such as deer may be able to successfully make the journey, as long as there are no parked freight trains on the tracks, but smaller wildlife such as snakes and turtles will not be able to cross the railway lands. For deer, if there are parked trains on the tracks at the time they are crossing over the highway, the deer may wish to attempt to go around the parked trains. This would encourage them to travel laterally along the Ojibway Parkway highway until they find an opportunity to cross the tracks successfully. Failing to find an opportunity to cross the tracks, the deer may instead attempt to go back into Ojibway Park across Ojibway Parkway, potentially interacting with vehicles. Will there be exclusionary fencing placed along the entire stretch of Ojibway Parkway in order to prevent the anticipated deer-motor vehicle interactions? The landing location for the wildlife crossing does not appear to protect sensitive species from roadway (or railway) mortality or protect the travelling public on Ojibway Parkway from wildlife vehicle interactions.

The EA should have included the evaluation of the alternative to travel over both the highway and the railway. Why was this not considered as an alternative? An EA process is to evaluate all reasonable alternatives based upon a set of evaluation criteria. It is recognized that cost of construction is one criteria, and that a longer ecopassage would increase the cost of the project, however all alternatives should have been evaluated within the EA to come up with the preferred alternative. We do believe that a complete ecopassage connecting Ojibway Park to Black Oak Heritage Park is a feasible alternative to be evaluated, and not one to be immediately discounted due to cost.

Information will be collected in accordance with the Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record.

Do you have any comments that we should consider during the next steps of the Study?

The EA study should not proceed to the next step as the study has not considered the alternative of constructing a complete linkage between Ojibway Park and Black Oak Heritage Park. This alternative should be objectively evaluated along with the current set of alternatives. A partial wildlife crossing, such as the one identified as the 'preferred alternative', does not provide for landscape connectivity and even the conclusion of providing for safe passage for wildlife is highly questionable. In the end, a full connection between the two disjunct natural areas will come out as 'preferred' from an ecological perspective as it will be fully functional, providing for a complete connection/linkage between the natural features, as well as ensure safe passage for all forms of wildlife.

Having said the above, it is realized that cost of construction is an important consideration with respect to identifying a preferred alternative. However, do not underestimate the potential opportunities for funding a project of such significance. Effective connection of some of the most significant ecosystems in the entire country is not something that high-profile granting organizations will ignore. For example, the David Suzuki Foundation may be extremely interested in providing funding for such a project, given the support for Ojibway and connected ecosystems that Dr. Suzuki has already expressed. Do not discard the concept of creating a complete ecological ecopassage, due to a preconceived notion that funding will not be available to construct such an undertaking. That is not an appropriate approach to the objective evaluation of alternatives within an EA.

Please provide your contact information below:

Name: Dan Lebedyk, *Biologist/Ecologist*, Essex Region Conservation Authority

Address: 360 Fairview Ave. W., Suite 311

City: Essex, ON

Postal Code: N8M 1Y6

Phone: 519-776-5209 x 409

Email: dlebedyk@erca.org

Do you wish to be added to our Study Mailing List to be kept informed about the study?

Yes ☒ No ☐

Information will be collected in accordance with the Freedom of Information and Protection of Privacy Act. With the exception of personal information, all comments will become part of the public record.

Thank you for your participation – we appreciate your input! Please send this completed form by December 3, 2020 to the following Project Team Members:

Paul Mourad, P.Eng.

City Project Administrator
City of Windsor
350 City Hall Square West, Suite 310
Windsor, ON N9A 6S1
Tel: 519-255-6100 (Ext. 6119)
Email: pmourad@citywindsor.ca

Felix Wong, P.Eng.

Consultant Project Manager
Wood Environment & Infrastructure Solutions
3450 Harvester Road
Burlington, ON L7N 3W5
Tel: 905-335-2353
Email: felix.wong@woodplc.com

Minutes

Date: April 1, 2021
File #: IM20104013
Meeting Date & Time: April 1, 2021 @ 1:00 PM.
Meeting at: Microsoft Teams Meeting
Subject: Class EA for Ojibway Parkway Wildlife Crossing
 – Meeting with Essex Region Conservation Authority

Attendees:

Paul Mourad, City of Windsor	Felix Wong, Wood
Karen Cedar, City of Windsor	Nathan Hellinga, Wood
Dan Lebedyk, Essex Region Conservation Authority	Mir Talpur, Wood

MATTERS DISCUSSED	ACTION BY:
Introduction: The purpose of this meeting was to share the preliminary preferred design with Essex Region Conservation Authority and discuss how public's comments received as a result of Public Information Centre (PIC) #1 were incorporated into the preliminary preferred design. Information at this meeting was presented using the slides developed for the PIC #2, that was being planned to start on April 19, 2021.	-
Preliminary Preferred Design: - Wood provided an overview of the comments received as part of the PIC# 1. The majority of key comments received as part of PIC #1 expressed concern that the Wildlife Overpass did not extend over the railway tracks and the wildlife fencing was not incorporated into the project design. - Wood explained that, following the PIC #1, four alternative design concepts were identified for the Wildlife Overpass. These options included: - Alternative 1 - Wildlife Overpass (3 Span Bridge) - Alternative 2 - Wildlife Overpass (4 Span Bridge) - Alternative 3 - Wildlife Overpass (2 Span Bridge) - Alternative 4 - Wildlife Overpass (4 Span Arch Culvert) - All options considered future extension of the overpass over railway tracks and wildlife fencing. Alternative 2 – Wildlife Overpass (4 Span Bridge) was identified as the Preliminary Preferred Design. Wood noted that the City has been in discussions with the Essex Terminal Railway to explore the	-

PLEASE NOTE: If there is any comment or amendment to be made to these meeting notes, they should be brought to the notice of Wood within five (5) business days of issue and confirmed in writing.

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 Burlington, ON L7N 3W5
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 Registered office: 2020 Winston Park Drive, Suite 700, Oakville, Ontario L6H 6X7



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MATTERS DISCUSSED	ACTION BY:
option to extend the Wildlife Overpass across railway tracks. The Study will proceed on the assumption that the western slope of the Wildlife Overpass will end at the Ojibway Trail, east of railway yard. Monitoring will be conducted by the City of Windsor in the future to monitor performance of the Wildlife Overpass and mortality on railway tracks. If the need to extend the Wildlife Overpass across the railway yard is identified, the City may consider providing the structure over the railway corridor, subject to the availability of funding to support additional studies, design, property acquisition and construction. In addition, wildlife fencing has been incorporated into the design along Ojibway Parkway and Broadway Street to prevent wildlife from entering onto the Ojibway Parkway and to direct wildlife to the proposed wildlife overpass. • Dan was receptive of the idea that the crossing will end east of railway tracks with consideration that there will be monitoring in the future and the crossing may be extended over the railway tracks, if the need is identified. Dan suggested the use of an adaptive management approach which would allow for the implementation of interim measures to avoid negative impacts if the monitoring identifies wildlife mortality on railway tracks. • Dan noted that there have been instances on Herb Gray Parkway where deer were able to jump over the fence. The Study Team should consider that fencing height is sufficiently high to avoid deer jumping over the fences. Dan agreed that the exclusion fencing will avoid snake crossing on the roads. • Dan asked if there is data available regarding the usage of pedestrian trail on the west side of Ojibway Parkway. Study Team noted that there is no data available, however, the alternative designs were shared with the Windsor Police for review and comment. Windsor Police expressed safety concerns with Alternative Design 4. • Dan asked whether the multi-use trail and one lane of the road can be put under one arch, under Alternative Design 4? Study Team noted that this can be completed, however, it will not be feasible from a cost perspective. • Dan added that because the ramp on the west side will end at the railway tracks, it is highly unlikely that people will be using the Wildlife Overpass. However, it is suggested that signage or other measures be installed to deter human use. • Dan requested link to the webpage where the PIC #2 materials will be made available. Study Team noted that the Notice of PIC #2 will be sent to Dan to invite Essex Region Conservation Authority staff to review PIC #2 materials and provide comments.	

Continued...

Meeting Date: April 1, 2021

Meeting Minutes prepared by:

Wood Environment & Infrastructure Solutions
a Division of Wood Canada Limited

Per: Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

March 2, 2022

Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner
wood.
3450 Harvester Road, Suite 100
Burlington ON L7N 3W5

Dear Mr. Talpur:

RE: Ojibway Parkway Wildlife Crossing Draft Environmental Study Report

This letter is in response to our receipt and review of the Ojibway Parkway Wildlife Crossing Draft Environmental Study Report and associated appendices. It is our understanding that this study is following the Schedule 'C' Municipal Class EA process, which is outlined in the Municipal Engineering Association's document titled "Municipal Class Environmental Assessment," (October 2000, as amended in 2007, 2011 & 2015).

The following are comments pursuant to the review of the "Draft Environmental Study Report - Ojibway Parkway Wildlife Crossing Schedule 'C' Municipal Class Environmental Assessment (Phases 1 - 4), Windsor, Ontario, Project # IM20104013", for your information and consideration.

The Draft Environmental Study Report (ESR) states the overarching ecological problem to be addressed as the following: *"the 20 m wide Ojibway Parkway that carries approximately 20,000 vehicles per day contributes to the functional separation of these natural heritage features"* [i.e., Black Oak Heritage Park and Ojibway Park] and *"consequently, the Ojibway Parkway inhibits wildlife movement and ecological linkage functions"*. Within the ESR the consultants make several statements regarding the objectives and goals of the proposed Wildlife Crossing. The ESR states that the Wildlife Crossing *"aims to improve ecological connectivity and provide safe passage for wildlife and Species at Risk across the well understood barrier presented by Ojibway Parkway"* and to *"begin re-establishing an ecological connection between Black Oak Heritage Park and Ojibway Park"*. However, the ESR also makes several definitive claims regarding the efficacy of the Wildlife Crossing which, in our opinion, have not yet been substantiated. For example, the ESR states that *"the Wildlife Crossing will provide a connection for local tallgrass prairie plant communities and safe passage opportunities for wildlife, including species at risk"* and *"the proposed Wildlife Crossing thereby will reduce landscape fragmentation through improvement of habitat connectivity in the Ojibway Prairie Complex"*. These assertions would certainly be valid for a complete Wildlife Crossing, seamlessly connecting Black Oak Heritage Park with Ojibway Park across both the Ojibway Parkway as well as the adjacent 7 sets of railway tracks owned by the Essex Terminal Railway (ETR). However, as stated in the ESR, *"at this time, the Study will proceed on the assumption that the western slope of the Wildlife Overpass will end at the naturalized area west of Ojibway Parkway Trail, east of the railway yard"*, because, *"the funding opportunity currently present allows for the first phase of*

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this goal; a connection over Ojibway Parkway" [only]. Therefore, the assertion that the incomplete crossing as proposed will provide an effective ecological connection as well as safe passage for wildlife is invalid as Black Oak Heritage Park and Ojibway Park will remain physically and ecologically separated by the 40 metre expanse of at least 7 sets of active railway tracks.

The ESR states, *"surveys confirmed the presence of Purple Twayblade, Slender Bush-clover, Spotted Wintergreen, Willow-leaved Aster, and Dense Blazing-star. The Preferred Alternative location avoids impacts to these species and the minimum habitat buffers proposed by recovery plans."* The general location for the North Option was selected as the Preferred Solution as it would have the least impact on natural heritage features. Based upon the review of the biological surveys and evaluations, we do concur with this location as the preferred option for a Wildlife Crossing.

As stated in the ESR, *"whether the crossings are functional for local populations will largely depend on how well the crossing is planned and designed. Monitoring should determine whether the basic functions of wildlife crossings are being met."* While the preferred location of the Wildlife Crossing has considered wildlife-related concerns, including habitat fragmentation and connectivity, its design of only being a partial crossing has not adequately fulfilled the ultimate goals of a Wildlife Crossing. As stated within the ESR:

- *"Wildlife Crossings must connect to and form an integral part of the larger landscape."*
- *"Ultimately, wildlife crossings have two purposes; to 1) connect habitats and populations and 2) reduce road mortality".*
- *"Wildlife crossing structures are intended to increase habitat permeability and connectivity across roads and reduce the negative effects of roadways on wildlife and populations."*
- *"Wildlife crossing structures can be above-grade (overpasses) or belowgrade (underpasses) structures designed to facilitate the movement of animals and connections among populations."*
- *"Preferably wildlife crossings will be designed to allow for movement of the greatest diversity of wildlife species."*
- *"Ultimately, wildlife crossings should not lead to an ecological dead-end and should allow for dispersal and free movement to areas which wildlife requires for biological processes."*
- *"Ideally, crossing structures should be placed where animals naturally approach the road, but crossing locations should be selected based on habitat availability (Ontario Road Ecology Group, Toronto Zoo, 2010)."*

A "connection" is generally well understood to be something that links or physically joins one thing to another. A partial crossing from Ojibway Park to the narrow *"naturalized area west of Ojibway Parkway Trail, east of the railway yard"* does not in fact provide a connection, because the physical habitats associated with Black Oak Heritage Park and Ojibway Park will still be physically separated from one another by the railway yard.

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Due to the obvious lack of a continuous, uninterrupted connection between the subject natural areas, the following are reasonable concerns with the proposed preferred alternative and the City's approach:

The ESR state, *"Ojibway Park has large mammals-ungulates (deer); highmobility medium-sized mammals- carnivores (coyote, fox); low mobility medium-sized mammals (raccoon, skunk, groundhog); small mammals (voles, mice); amphibians; and reptiles."* The ETR rail corridor on the west side of Ojibway Parkway is approximately 40 metres wide and consists of at least 7 sets of railway tracks in parallel. While the ESR states that *"train traffic in this area is infrequent and slow, with a maximum operating speed of 16 kilometres per hour in both directions (Stantec Consulting Ltd., 2017)"* it does appear that these tracks are in fact frequently occupied by long lines of parked train cars. The ESR states *"it is likely that many large and meso mammals successfully cross this barrier due to the infrequent train traffic, but the railroad serves as a barrier to small animals"*. The statement describing the train traffic as *"infrequent"* is not necessarily consistent with documentation from digital imagery however. For example, from Google Streetview imagery, it does appear that every Google Streetview image of the rail yard from 2009 to the present day shows long lines of stationary train cars occupying the tracks; not one image shows the tracks clear of rail cars. While the speed of the train cars travelling on these tracks, when they are in fact in motion, may not be a significant concern, the frequent significant number of parked train cars on these tracks however does pose a very real barrier to wildlife movement, including a barrier to large and meso mammals. Therefore, it is not likely that many large and meso mammals successfully cross this barrier (i.e., the long lines of parked trains frequently occupying the tracks). The ESR does however recognize the primary concern associated with a partial Wildlife Crossing, in that the railroad tracks themselves serves as a barrier to small animals. The ESR states that *"various sources and reports identify seven turtle species that could be found in the Study Area. Common and urban adapted turtle species that may be present include Snapping Turtle, Midland Painted Turtle, and pond sliders (nonnative turtles)"* and *"herptiles (snakes and turtles) actively use the area"*. Any amphibian or reptile attempting to cross the 7 sets of railway tracks will find it extremely challenging if not impossible to successfully cross to the other side. While The ESR states that *"a connection between Black Oak Heritage Park to Ojibway Park would help connect reptile movement from the east side of the complex west towards Black Oak Heritage Park"* this could only be referring to a complete connection and not a partial connection which would lead reptiles to a very wide, active railyard. The ESR does however state that in order to ensure that the proposed Wildlife Crossing is permeable to wildlife, *"it may be necessary to create an opening in the adjacent railroad bed that parallels the Ojibway Parkway"*. This permeability across the railyard should be assumed as necessary, as the 7 sets of railway tracks are obviously a barrier to wildlife movement. However, an opening in the adjacent railroad bed may only benefit some small wildlife species. The issue of the railyard packed with parked trains inhibiting larger wildlife movement will remain a significant issue that perhaps only a complete connection will be able to adequately mitigate.

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The ESR additionally states that, *"the Wildlife Crossing may increase the volume, intensity, and frequency of wildlife movement in the area, thus requiring consultation with the railway company to maximize the benefit of the considerable investment of the Wildlife Crossing"*. As stated in the ESR, an ultimate goal for Wildlife Crossings is that *"wildlife crossings should not lead to an ecological dead-end and should allow for dispersal and free movement to areas which wildlife requires for biological processes"*. A Wildlife Crossing which leads to 7 sets of active railway tracks is clearly in contravention of this ultimate goal as it leads wildlife to an area which they may not be able to traverse, and which may in fact result in increased wildlife mortality. Consultation with the railway company after the fact, post construction of the Wildlife Crossing, in order to address the potential increase in wildlife activity caused by the construction of a partial crossing is not viewed as an effective mitigation strategy. It would be entirely logical to assume that there will be an increase in wildlife activity in the area of the Wildlife Crossing landing on the west side of Ojibway Parkway. The proposed partial crossing intentionally leads wildlife to an area which may be difficult to cross and therefore may lead to an increase in mortality. The ESR and the EA process should ensure that the preferred design will not result in an increase in wildlife mortality, but in fact reduce wildlife mortality. The ESR states that *"following the construction of the Wildlife Overpass, monitoring will be conducted by the City of Windsor to monitor performance of the Wildlife Overpass and mortality on the railway tracks. If the need to extend the Wildlife Overpass across the railway yard is identified, the City may consider providing a crossing across the railway corridor, subject to the availability of funding to support additional studies, design, property acquisition and construction"*. While monitoring is essential in determining the effects of the Wildlife Crossing, the response to the identification of a need to extend the overpass as *"the City may consider... subject to the availability of funding"* is grossly inadequate. It is not reasonable to propose constructing an expensive structure which is not in fact a complete solution to the problem of wildlife mortality, confirming only after completion that the structure may actually exasperate the problem, and then maybe consider fixing the problem that was created by the partial crossing (i.e., increased wildlife mortality) only if you happen to secure the funding.

Estimates for the construction cost for the Ojibway Parkway Wildlife Overpass (partial crossing) is estimated to be \$12.6 million. Estimates for the cost of the Wildlife Overpass extension over the ETR tracks is estimated to be an additional \$14.3 million. No estimates are given for the cost of a complete crossing if constructed all at once. The ESR states that *"future phases of the Wildlife Crossing may be implemented, should monitoring efforts prove mortality occurs on the rail tracks"*. The alternative of a complete crossing should have been explored up front, instead of proposing a contingency based upon monitoring revealing that the partial crossing actually leads to wildlife mortality and therefore there is a real need to complete the crossing over the railway lands. It should be assumed that there will be a need to cross the railway lands and that monitoring programs proposed will simply confirm the severity of the mortality resulting from the installation of a partial Wildlife Crossing. As stated in the ESR, *"as part of the Class EA Study, the Study Team consulted with the Essex Terminal Railway to discuss the possibility of incorporating an overpass over the railway tracks and request information that may be*



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of use to describe potential railway impacts on wildlife. It was identified that Essex Terminal Railway would consider accepting an overpass over the railway tracks." Therefore, this complete crossing alternative should have been investigated more thoroughly as a option within the EA, including costing.

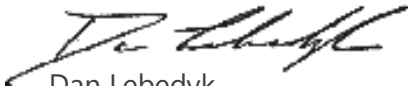
The proposed monitoring program does appear robust and comprehensive, asking very appropriate questions. In this regard, the ESR states the following: *"is road-related mortality increasing or decreasing as a result of the Ojibway Wildlife Crossing? This question would be answered by completing road mortality surveys on Ojibway Parkway over the course of several years. There is also the question 'does the Wildlife Crossing encourage more connectivity?' This question, while valuable, requires complex and lengthy surveys of populations both in Black Oak Heritage Park and Ojibway Park. For example, mark-recapture programs of Anuran species could inform this question."* With respect to the results from the monitoring program, the ESR proposes specific benchmarks and thresholds to trigger adaptive management: *"For example, a target of five WVCs a year is acceptable, but WVCs exceeding five would require further fencing considerations. As landscape conditions and population dynamics vary over time, short- and long-term monitoring and performance targets should be assessed periodically and readjusted accordingly."* In the event that the monitoring program reveals an unacceptable level of mortality due to the obvious barrier of the railway tracks, what other adaptive management options would be recommended? The ESR does state that *"adaptive management will consider a herptile tunnel south of the Preferred Wildlife Crossing location, if the preferred crossing proves unsuccessful for herptile crossing"*. However, 7 sets of railway tracks full of parked train cars may very well prove to be a significant barrier to other larger forms of wildlife. While the ESR again states the following: *"design considerations will be incorporated to allow for future extension of the Wildlife Overpass to the west across the railway yard. Monitoring is planned to monitor the performance of the Wildlife Overpass and mortality on the railway tracks"*, it also clearly states that, *"if the need is identified to extend the Wildlife Overpass across the railway yard, the City of Windsor may consider extending the structure, subject to the availability of funding to support additional studies, design, property acquisition and construction"*. If the City decides not to consider extending the structure, for whatever reason, then the only adaptive management recommendation which would effectively mitigate the wildlife mortality associated with the barrier of the train tracks is complete closure of the Wildlife Crossing. This, therefore, begs the question as to why one would propose spending \$12.6 million on a structure that may not be able to function as intended and without confirmation that additional funding would be available to complete the crossing. It would appear that the more prudent approach to such a potentially costly mistake would be to design a complete Wildlife Crossing and delay construction until such time as full funding is secured.

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Please do not hesitate to contact me if you should have any questions or require any additional information related to the above comments.

Thank you.

Sincerely,



Dan Lebedyk
Biologist/Ecologist
/dl

File Number: EA-3-2022

APPENDIX

Windsor Police Service



Talpur, Mir

From: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Sent: Saturday, December 5, 2020 12:20 PM
To: 'Mourad, Paul'
Cc: Wong, Felix; Talpur, Mir
Subject: Windsor Police comments: Ojibway Parkway Wildlife Crossing - Municipal Class EA

CAUTION: External email. Please do not click on links/attachments unless you know the content is genuine and safe.

Paul:

I know I am one day past the comment deadline for this – my apologies for leaving this to the last minute. If it is possible, I would however like to offer you and the project team the following remarks from a public safety perspective for the proposed project:

- Principally speaking, the recommended option; namely, Alternative 3A – overpass Wildlife Crossing (North Option), represents the most optimal from a public safety and crime & disorder prevention perspective for a number of reasons; namely:
 - It's is very wide and open in its configuration and orientation – this optimizes ongoing visibility, guarding against the prospect of suspicious behaviour/use to occur
 - The fact it spans overtop of the roadway makes for more accountable usage in the long term – always in clear sight, even from further away
 - The design's open nature makes ongoing access for monitoring and maintenance activities easier and thus, easier for responsible parties who attend there for such purposes to more easily identify if unlawful activity has been occurring – allowing for potential problems to be identified and mitigated more efficiently
- The tunnel option is less desirable from a public safety perspective for the following reasons:
 - A feature such as this will be, generally speaking, far less naturally observable and thus, more susceptible to unlawful behaviour to germinate and continue, without easy detection
 - Because the tunnel option is considerably smaller and more confining than the overpass option, with a far greater percentage of its overall mass being less “accountably visible” to random natural surveillance, its discreet configuration lends itself more to attracting problematic behaviour of both a criminal and/or public disorder nature
 - Tunnel features of this kind can be typically vulnerable to unlawful congregations of persons for unlawful purposes such as drug use/selling, loitering & trespassing, vandalism & graffiti, nuisance setting of fires, etc.
- A couple of possible safety and security risks to keep in mind with the preferred option (overpass) would include:
 - The design appears to show the overpass terminating at the nearby railyard – if wildlife can traverse this overpass then so too (presumably) can someone who is trespassing. Trespassers ending up in the railyard space.....an area with very little ongoing activity in which to monitor and report suspicious behaviour, present a crime and disorder risk that should be avoided.
 - It is understood that as a wildlife crossing, this feature will remain largely in a “naturalized” condition.....meaning minimal, if any, ongoing maintenance. The risk of having no maintenance whatsoever is that the space could eventually become attractive

to unlawful behaviour that would be difficult to detect and therefore report. This should be kept in mind in terms of long term thinking.

Respectfully,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE



Advanced Certified Law Enforcement Planner

From: Mourad, Paul <pmourad@citywindsor.ca>
Sent: Thursday, November 12, 2020 3:07 PM
To: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing 2Municipal Class EA 2Notice of Study Commencement and Online Public Information Centre #1

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Sorry Barry,

The website won't be ready until Monday but attached are the display boards for the PIC meeting showing a conceptual rendering of what the overpass might look like.

Regards,

PAUL MOURAD, P.Eng. | Project Administrator
Engineering
O: 519.255.6100 ext. 6119
M: 519.562.2448

From: Mourad, Paul
Sent: Thursday, November 12, 2020 11:11 AM
To: 'Horrobin, Barry' <bhorrobin@windsorpolice.ca>; Talpur, Mir <mir.talpur@woodplc.com>
Cc: felix.wong@woodplc.com
Subject: RE: Ojibway Parkway Wildlife Crossing 2Municipal Class EA 2Notice of Study Commencement and Online Public Information Centre #1

Hi Barry,

Just an FYI, we are currently updating the EA website and the link should be working by end of today. We'll have some PIC slides available by then.

Regards,

PAUL MOURAD, P.Eng. | Project Administrator
Engineering
O: 519.255.6100 ext. 6119

From: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Sent: Thursday, November 12, 2020 11:09 AM
To: Talpur, Mir <mir.talpur@woodplc.com>
Cc: felix.wong@woodplc.com; Mourad, Paul <pmourad@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing 2Municipal Class EA 2Notice of Study Commencement and Online Public Information Centre #1

Mir:

Thank you for including the Windsor Police Service in the notification of this project. We definitely have an interest in this EA in terms of its potential impact on public safety of the affected area and roadway. When I attempted to access any documents for PIC #1 from the City website, I continually received an error message. I am wondering if there is a preliminary conceptual design sketch that visually depicts the proposed wildlife crossing that you could forward ahead of the PIC#1 comment period. That would be very helpful if such a sketch is available.

Respectfully,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE



Advanced Certified Law Enforcement Planner

From: Talpur, Mir <mir.talpur@woodplc.com>
Sent: Thursday, November 12, 2020 10:31 AM
To: Talpur, Mir <mir.talpur@woodplc.com>
Cc: Wong, Felix <felix.wong@woodplc.com>; Hellinga, Nathan <nathan.hellinga@woodplc.com>; Shams, Aniq <aniqa.shams@woodplc.com>
Subject: Ojibway Parkway Wildlife Crossing 2Municipal Class EA 2Notice of Study Commencement and Online Public Information Centre #1

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hello,

The City of Windsor has initiated a Municipal Class Environmental Assessment Study for a Wildlife Crossing at Ojibway Parkway, south of Broadway Boulevard to provide an ecological connection between Black Oak Heritage Park and Ojibway Park. The Wildlife Crossing will provide landscape connectivity and safe passage for area wildlife and species at risk in the Ojibway Prairie Complex.

Please find attached the Notice of Commencement and Public Information Centre (PIC) #1. The purpose of this notice is to inform you that the City has initiated this study and a PIC is scheduled for November 19, 2020. Due to the ongoing COVID-19 pandemic, the PIC will be held online. The information materials for PIC#1 will be

posted online on City's website: <https://www.citywindsor.ca/residents/construction/environmental-assessments-master-plans/Pages/default.aspx>

Comments will be received during a two-week period (November 19 - December 3). We would like to invite you to review information materials for PIC#1 and let us know if you have any comments. Thank you in advance.

Sincerely,

Mir

Mir Ahsan Talpur, M.Env.Sc., EP

Environmental Planner

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From: [Horrobin, Barry](#)
To: [Mourad, Paul](#)
Subject: RE: Ojibway Parkway Wildlife Crossing - Evaluation of Alternative Designs
Date: Wednesday, March 24, 2021 10:03:38 PM
Attachments: [image003.png](#)

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Paul:

I have reviewed the updated alternative overpass designs for the Wildlife Crossing over Ojibway Parkway project and would offer the following revised remarks (that I initially provided in December 2020) from a public safety perspective:

- ▶ Principally speaking, the recommended option (Alternative #2 – Wildlife Overpass with 4 Span Bridge), represents an optimal choice from a public safety perspective. It is essentially the same as alternatives #1 and #3 from a public safety and crime & disorder prevention perspective for a number of reasons; namely:
 - It is very wide and open in its configuration and orientation. This optimizes ongoing visibility to guard against the prospect of suspicious behaviour/use to occur
 - The fact it spans overtop of the roadway makes for more accountable usage in the long term – always in clear sight, even from further away
 - The design's open nature makes ongoing access for monitoring and maintenance activities easier and thus, easier for responsible parties who attend there for such purposes to more easily identify if unlawful activity has been occurring – allowing for potential problems to be identified and mitigated more efficiently
 - As stated in the project's summary chart that provides a comparative analysis of the 4 alternatives, the preferred option will:
 - Allow for the multi-use trail that runs adjacent to the roadway to be easily seen from the roadway which will deter criminal activity
 - Emergency access by Police (also Fire and EMS) can be done from both directions
 - The adjacent multi-use trail can be easily accessed by police if necessary
- ▶ The 4 Span Culvert (Alternative #4) option is, by far, the least desirable option from a public safety perspective for the following reasons:
 - The design results in a 50 metre section of the adjacent multi-use trail to be completely closed off visually from the adjacent roadway through the creation of an opaque tunnel structure. This greatly restricts ongoing natural surveillance capability and thus increases susceptibility to unlawful behaviour to occur without easy detection.
 - Overall emergency access capability to both the lanes of traffic and the

- adjacent multi-use trail is restricted
- The physical design features of the tunnel increase vulnerability to congregations of persons for unlawful purposes such as drug use/selling, loitering & trespassing, assaults, vandalism & graffiti, nuisance setting of fires, etc. All such activity would then require additional measures to be implemented such as additional security lighting and CCTV cameras which increase costs for the project to ensure public safety.
- A couple of possible safety and security risks to keep in mind with the preferred option (overpass) would include:
 - The design shows the overpass terminating at the nearby railyard – if wildlife can traverse this overpass then so too (presumably) can someone who is trespassing. Trespassers ending up in the railyard space.....an area with very little ongoing activity in which to monitor and report suspicious behaviour, present a crime and disorder risk that should be avoided.
 - It is understood that as a wildlife crossing, this feature will remain largely in a “naturalized” condition.....meaning minimal, if any, ongoing maintenance. The risk of having no maintenance whatsoever is that the space could eventually become attractive to unlawful behaviour that would be difficult to detect and therefore report. This should be kept in mind in terms of long term thinking. At a minimum, there should be some kind of “twice annual trimming & grooming” (such as in Spring and Fall perhaps) to provide a reasonable level of basic upkeep to the overall space that would help deter unlawful activity from occurring.

Please let me know if there is anything further you require in terms of safety assessment for the project, Paul. The Windsor Police Service certainly supports the preferred alternative being put forth as one that best supports public safety, in addition to the principle benefits it provides for safe passage by wildlife.

Respectfully,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE



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Subject: RE: Windsor Police comments: Ojibway Parkway Wildlife Crossing EA Extension

From: DiDomenico, Marc <MDiDomenico@citywindsor.ca>
Sent: February 6, 2024 4:38 PM
To: 'Horrobin, Barry' <bhorrobin@windsorpolice.ca>
Cc: Todd, Michael <MTodd@citywindsor.ca>
Subject: RE: Windsor Police comments: Ojibway Parkway Wildlife Crossing EA Extension

Hi Barry, this is great and much appreciated. Thanks again for your assessment and feedback.

Thanks,
Marc

From: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Sent: February 6, 2024 4:33 PM
To: DiDomenico, Marc <MDiDomenico@citywindsor.ca>
Subject: Windsor Police comments: Ojibway Parkway Wildlife Crossing EA Extension

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Marc:

Here are my revised remarks, based on the most recent preferred solution being put forward. A lot of the safety design principles I initially brought forward in my previous review of the project's design still apply but with a few tweaks that acknowledge the most recent preferred design solution for the project.

- Principally speaking, the recommended option (Alternative #3 – Wildlife Overpass/Bridge extending from Ojibway Park to Black Oak Park), represents an optimal choice from a public safety perspective. It possesses notable features in its configuration that support the principles of Crime Prevention Through Environmental Design (CPTED). This will help to ensure the outcome of the project, once constructed, will support public safety and the prevention of crime & disorder. Specific features of note include:
 - The overpass/bridge structure is very wide and open in its configuration and orientation. This optimizes ongoing natural surveillance capability to guard against the prospect of suspicious behaviour/use occurring.
 - A major beneficial difference for this option compared to the others is that the bridge spans overtop of the entirety of the urbanized spaces below (most notably the busy roadway and the railroad tracks) without the presence of intermediate supporting columns. From a safety design perspective, this is valuable because it prevents the intermediate support column(s) from forming a "sightline barrier" within a space that would already be somewhat discreet due to its covered nature. The open nature of the

bridge span therefore maximizes visual accountability of the space below – making for a more functional view corridor through this space, even from further away.

- The design's open nature makes ongoing access for monitoring and maintenance activities easier and thus, easier for responsible parties who attend there for such purposes to more easily identify if unlawful activity has been occurring – allowing for potential problems to be identified and mitigated more efficiently.
- As stated in the project's summary chart, the preferred option will:
 - Allow for a multi-use trail that runs adjacent to the roadway to be easily seen from the roadway, uninterrupted at all times, which will deter criminal activity
 - Emergency access by Police (also Fire and EMS) can be more readily facilitated from both directions
 - The adjacent multi-use trail can be easily accessed by police if necessary

Please let me know if there is anything further you require in terms of safety assessment for the project, Marc. The Windsor Police Service certainly supports the preferred alternative being put forth as one that best supports public safety, in addition to the principle benefits it provides for safe passage by wildlife.

Respectfully,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE



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From: Horrobin, Barry
Sent: Monday, February 5, 2024 9:09 AM
To: DiDomenico, Marc <MDiDomenico@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing EA Extension

Marc:

Thanks for this reminder.....I've been meaning to email you. I will have my revised comments on the new preferred option to you no later than by end of day tomorrow. Good to hear the PIC went well!

Regards,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE



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From: DiDomenico, Marc <MDiDomenico@citywindsor.ca>
Sent: Monday, February 5, 2024 9:05 AM

To: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Cc: Todd, Michael <MTodd@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing EA Extension

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<MDiDomenico@citywindsor.ca>

Hi Barry,

I hope all is well.

The PIC went very well and we got some positive and supportive feedback from local residents. It appears most are supportive of our proposed Option3 design. I'm touching in to see if you had a chance to put your comments together so that we can send to our consultant to include in the report.

Thanks,
Marc

From: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Sent: January 16, 2024 10:29 AM
To: DiDomenico, Marc <MDiDomenico@citywindsor.ca>
Cc: Todd, Michael <MTodd@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing EA Extension

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Marc:

Thanks for the reminder. Further to our meeting last month, it was definitely my intention to provide you with an updated summary of comments from a public safety and security perspective for this project, given its revised recommended solution. You can expect something from me within the next few days.

Regards,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE



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From: DiDomenico, Marc <MDiDomenico@citywindsor.ca>
Sent: Tuesday, January 16, 2024 10:01 AM
To: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Cc: Todd, Michael <MTodd@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing EA Extension

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<MDiDomenico@citywindsor.ca>

Hi Barry,

I hope you're having a good start to 2024.

Thanks again for meeting us last month and sharing your views on these options.

We have our Public Information Centre on Thursday and are looking forward to hearing what the public has to say as well.

Over the next few weeks, will you be able to send us a summary of your comments so that we can include them with the stakeholder comments, please?

Thanks,
Marc

From: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Sent: December 18, 2023 8:21 PM
To: DiDomenico, Marc <MDiDomenico@citywindsor.ca>
Cc: Todd, Michael <MTodd@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing EA Extension

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Marc:

No problem. I can do 11-11:30 and will send out the updated meeting invite in the morning.

Regards,

BARRY HORROBIN, M.A., CMM-III, CLEP
Director of Planning & Physical Resources
WINDSOR POLICE SERVICE

On Dec 18, 2023 8:10 PM, "DiDomenico, Marc" <MDiDomenico@citywindsor.ca> wrote:

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<MDiDomenico@citywindsor.ca>

Hi Barry,

I just got double booked at the 1030 time slot and need to take that meeting. Would it be possible to meet at 10-1030, 11-1130 or 1-130 instead?

Sorry for the inconvenience.

Thanks,
Marc

From: DiDomenico, Marc
Sent: December 15, 2023 3:28 PM
To: 'Horrobin, Barry' <bhorrobin@windsorpolice.ca>
Cc: Todd, Michael <MTodd@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing EA Extension

Hi Barry,

Yes, we can connect on Dec19. I've recently handed the project off to Mike Todd, so we'd be available for a Teams meeting on Dec19 at the following times: 10am-12pm, 1-130pm. We have availability on Wednesday as well.

Thanks,
Marc

From: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Sent: December 12, 2023 10:11 PM
To: DiDomenico, Marc <MDiDomenico@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing EA Extension

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Marc:

My apologies that I have not connected with you yet on this. I have reviewed the materials you sent however and would like to have a conversation with you about the project's current status and recommended design direction going forward. I will be away until Tuesday December 19th. Would you be available for a phone call on Dec 19th to discuss the project? If so, let me know a good time and I will call you.

Regards,

Barry Horrobin, B.A., M.A., CLEP, CMM-III

Director of Planning & Physical Resources

WINDSOR POLICE SERVICE



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From: DiDomenico, Marc <MDiDomenico@citywindsor.ca>
Sent: Tuesday, December 12, 2023 3:37 PM
To: Horrobin, Barry <bhorrobin@windsorpolice.ca>
Cc: Cedar, Karen <kcedar@citywindsor.ca>; Todd, Michael <MTodd@citywindsor.ca>
Subject: FW: Ojibway Parkway Wildlife Crossing EA Extension

Hi Barry,

I hope things are well.

I'm following up on my email below and wondering if you had any feedback or comments regarding these options?

Thanks,
Marc

From: DiDomenico, Marc
Sent: November 24, 2023 2:18 PM
To: Horrobin, Barry <bhorrobin@police.windsor.on.ca>
Cc: Cedar, Karen <kcedar@citywindsor.ca>
Subject: Ojibway Parkway Wildlife Crossing EA Extension

Hello Barry,

I hope all is well.

We have extended the EA for the Ojibway Parkway Wildlife Crossing to consider crossing over both the Ojibway Parkway and the ETR railroad tracks, providing a direct wildlife passage between Ojibway Park and Black Oak Heritage Park.

You had previously provided comments on the initial EA which explored a crossing over Ojibway Parkway and landing in the boulevard between the Parkway and railroad tracks (see attached).

As we have continued our work on this project, we have developed a new alternative assessment matrix to consider four additional crossing structures. Similar to before, we would really appreciate your feedback, particularly surrounding public safety and crime prevention. I also attached a draft of the slidedeck for the upcoming Public Information Centre, which is tentatively scheduled for January, for your reference.

If you have any questions, please don't hesitate to reach out.

Thanks,

Marc

Marc Di Domenico, P.Eng. | Project Administrator



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