APPENDIX

M

Impacted Property Owner Consultation

- **Essex Terminal Railway**

Minutes

Date:	7 December 2020
File #:	IM20104013
Meeting Date & Time:	3 December 2020 @ 2:00 PM.
Meeting at:	Microsoft Teams Meeting
Subject:	Class EA for Ojibway Parkway Wildlife Crossing – Meeting with Essex Terminal Railway

Attendees:

Paul Mourad (PM), City of Windsor
Karen Cedar (KC), City of Windsor
Tony De Thomasis (TDT), Essex Terminal Railway
Felix Wong (FW), Wood
Nathan Hellinga (NH), Wood
Mir Talpur (MT), Wood

MATTERS DISCUSSED	ACTION BY:
Introduction: • The purpose of this meeting was discussed; this purpose being to provide an overview of the project to Essex Terminal Railway (ETR), discuss any concerns ETR may have regarding the project, discuss the possibility of incorporating an overpass over the railway, and request information from ETR which may be of use to describe potential railway impacts on wildlife. • The meeting attendees introduced themselves to one another and provided a brief description of their role / involvement with the Project.	
Safety Moment: • A Safety Moment discussing the use of Christmas lights was presented. Safe ladder use, inspection of electrical wires, and use of lights when unattended were all briefly reviewed.	
Brief Description of the Project: • NH provided a brief description of the project goal / opportunity statement, the assessed alternatives, the selected preferred solution and the common theme of public comments received to date.	
ETR Opportunity to Voice Concerns: • TDT explained that ETR wants to be part of the process and considers the City a partner in improving the condition of the natural environment in the City.	

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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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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MATTERS DISCUSSED	ACTION BY:
• TDT confirmed ETR's desire for messaging related to the project to be consistent from the City and ETR. • TDT stated that ETR would consider accepting an overpass over the railway but it would need to meet certain design criteria and ensure the railway's continued rights of use and access. • FW requested that the ETR provide information related to the required clearance / envelope for an overpass span over the railway.	**ETR**
Overpass Crossing of ETR • NH explained that the City and Wood are considering an option which would involve the construction of a second span of overpass which would cross the railway. • NH explained that for such a crossing to be viable, the western abutment would need to be placed on lands currently owned by ETR. • NH asked TDT if ETR would be willing to consider a land severance or easement type arrangement to enable the construction of the westernmost abutment and landing on ETR lands. • TDT replied that it is unlikely that ETR would consider such an arrangement; however, they would be willing to entertain a sale or land-swap which would include the entire linear corridor adjacent to the railway. The reasoning behind this being that severance of a single square/rectangular area from the corridor would mean that the remaining linear portion could no longer be utilized functionally by the railway (it would segment/split the area in which they would need to run any additional expansion or features linearly adjacent to their existing railway lines). • PM stated that he would follow-up with the appropriate City department to determine what might be required for such a purchase or land swap to occur.	**City**
Fencing • NH explained that fencing will be required to funnel wildlife to the overpass and to prevent wildlife from entering / re-entering Ojibway Parkway. NH further explained a preference to install such fencing immediately adjacent to the existing multi-use trail instead of along the existing ETR / City property line. A Google Earth image was presented briefly to illustrate the approximate location of such fencing. • TDT stated that ETR did not see an issue with such a plan, but would need to review design drawings to confirm this. • TDT noted that if the City acquires the land to the west of the active railway from ETR, then ETR would expect fencing to be installed along this new west edge to funnel wildlife to the overpass.	

MATTERS DISCUSSED	ACTION BY:
Additional Discussion Related to ETR • When asked TDT confirmed that ETR does not currently have any expansion plans for the railway in this area. • When asked TDT confirmed that ETR would be willing to allow the City or their consultant within the railway corridor to monitor wildlife mortality on the tracks, post-construction of the overpass, so long as a signed agreement related to safety and access constraints was in place. • When asked TDT informed the team that the frequency and duration of use of the tracks varies day to day and is based generally on business operations and customer demands, there is no seasonal patterns of note which effect the frequency of use. • TDT informed the team that ETR has recently completed a railway traffic study for work completed near Broadway, and this could be provided to the Project team. • TDT informed the team that ETR has recently been involved with an overpass installation as part of the Herb Gray Parkway Plaza construction and as such has recent information related to ETR's needs and requirements for such an installation. • NH stated that Wood will prepare a list of questions and documents to request from ETR to assist in the ongoing Class EA for the Project.	**ETR** **Wood**
Information Requested from ETR • Copy of the recent railway traffic study prepared for work near Broadway (includes frequency of movements, duration of daily activities and speed of train movement). • Requirements for clearance and/or envelop for railway beneath overpass.	**ETR** **ETR**

Meeting Minutes prepared by:

Wood Environment & Infrastructure Solutions,
a Division of Wood Canada Limited

Per: Nathan Hellinga, B.Sc., CPESC
Deputy Project Manager

Minutes

Date:	May 6, 2021
File #:	IM20104013
Meeting Date & Time:	May 6, 2021 @ 2:00 PM.
Meeting at:	Microsoft Teams Meeting
Subject:	Class EA for Ojibway Parkway Wildlife Crossing – Meeting with Essex Terminal Railway

Attendees:

Paul Mourad, City of Windsor
Karen Cedar, City of Windsor
Tony De Thomasis, Essex Terminal Railway
Nathan Hellinga, Wood
Andreas Stenzel, Wood
Felix Wong, Wood
Mir Talpur, Wood

MATTERS DISCUSSED	ACTION BY:
Introduction: • The purpose of this meeting was to share the preliminary preferred design with Essex Terminal Railway 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 we held from April 19, 2021 to May 3, 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. The Study will proceed on
	-

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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MATTERS DISCUSSED	ACTION BY:
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. • Tony did not have any comments or concerns regarding the identified Preliminary Preferred Design. • Paul noted that one of the comments received is to consider providing a gap between railway trains at the railyard. Would the ETR consider this? • Tony responded that the ETR is willing to work with the City on this project. However, it is not feasible to leave a gap between the railway trains because the schedule for the railway trains is different throughout the day. Tony added that ETR will discuss this matter internally and confirm if this approach can be considered.	

Meeting Minutes prepared by:

Wood Environment & Infrastructure Solutions
a Division of Wood Canada Limited

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

Talpur, Mir

From: Mourad, Paul <pmourad@citywindsor.ca>
Sent: Thursday, May 27, 2021 9:09 AM
To: Hellinga, Nathan
Cc: Talpur, Mir; Wong, Felix
Subject: FW: Ojibway Parkway Wildlife Crossing - Meeting #2

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

Hi Nathan,

Please see the response below from the ETR regarding leaving a gap in the trains for wildlife passage, for your records.

Regards,

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

From: Tony De Thomasis <tdethomasis@etr.ca>
Sent: Thursday, May 27, 2021 9:04 AM
To: Mourad, Paul <pmourad@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing Meeting #2

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Paul,

My email is in response to your inquiry at our last zoom session with Wood Consulting to discuss the proposed wildlife crossing at Ojibway Parkway terminating just east of our main switching yard.

After further review with our ETR operations team we are unable to accommodate a designated wildlife throughway across our Ojibway switching yard as requested. There are several operational and safety factors related to the request for consideration that pose significant risk to our operations and staff.

Let me know if you have any further questions.

Regards,

Tony De Thomasis
President & CEO
Essex Terminal Railway / Morterm Ltd. / Motipark Ltd.
1601 Lincoln Rd.| Windsor, Ontario | N8Y 2J3
T: 519 973 8222 EXT. 238 | D: 519 946 3663 | F: 519 973 7234 | C: 519 817 5355 | E: tdethomasis@etr.ca
Like us on Facebook Follow us on Twitter Connect with us on Linked In
Find us online: www.etr.ca / www.morterm.com / www.motipark.com

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From: Tony De Thomasis
Sent: April 29, 2021 2:59 PM
To: Talpur, Mir <mir.talpur@woodplc.com>; Mourad, Paul <pmourad@citywindsor.ca>; Cedar, Karen <kcedar@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@woodplc.com>; Wong, Felix <felix.wong@woodplc.com>
Subject: RE: Ojibway Parkway Wildlife Crossing Meeting #2

Thank you!

Tony De Thomasis
President & CEO
Essex Terminal Railway / Morterm Ltd. / Motipark Ltd.
1601 Lincoln Rd.| Windsor, Ontario | N8Y 2J3
T: 519 973 3222 EXT. 239 | D: 519 946 3663 | F: 519 973 7234 | C: 519 817 5355 | E: tdethomasis@etr.ca
Like us on Facebook Follow us on Twitter Connect with us on Linked In
Find us online: www.etr.ca / www.morterm.com

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Original Appointment
From: Talpur, Mir <mir.talpur@woodplc.com>
Sent: April 29, 2021 2:46 PM
To: Tony De Thomasis; Mourad, Paul; Cedar, Karen; Hellinga, Nathan; Wong, Felix
Subject: Ojibway Parkway Wildlife Crossing Meeting #2
When: May 6, 2021 2:00 PM 3:00 PM (UTC 05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Thank you for prompt response, Tony. Here's the meeting invite.

Microsoft Teams meeting

Join on your computer or mobile app
Click here to join the meeting

Or call in (audio only)
+1 647 749 7026,,657501901# Canada, Toronto
(888) 304 2647,,657501901# Canada (Toll free)
Phone Conference ID: 657 501 901#
Find a local number | Reset PIN

Talpur, Mir Ahsan Ali

From: Michael Semande <msemande@etr.ca>
Sent: Wednesday, March 16, 2022 3:24 PM
To: Talpur, Mir; Jack Weston
Cc: Mourad, Paul; Hagan, Jeff; Cedar, Karen; Hellinga, Nathan; Wong, Felix; Stenzel, Andreas
Subject: RE: Ojibway Parkway Wildlife Crossing - Draft Environmental Study Report

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

Hi Mir,

Hope you are doing very well today. I have discussed with Jack at ETR and we have concerns with agreeing to this project. Can we please set up a call to discuss further and perhaps hear your side prior to agreeing. I will need more supporting evidence of the project as it may pose risks to our operations in the area which is our high traffic area. Please advise and we can schedule a discussion.

Thank you

Michael Semande
Corporate Director of Operations
Essex Terminal Railway / Morterm Ltd. / Motipark
1600 Tecumseh Rd. East | Windsor ON | N8W 1C5
T: 519-973-8222 ETR Office EXT. 2390 | T: 519-972-8020 Morterm Office EXT. 222| F: 519-973-7234
E: msemande@etr.ca C: 519-562-7836
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Find us online: www.etr.ca / www.morterm.com / www.motipark.com

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From: Talpur, Mir <mir.talpur@woodplc.com>
Sent: March 15, 2022 12:48 PM
To: Jack Weston <jweston@etr.ca>; Michael Semande <msemande@etr.ca>
Cc: Mourad, Paul <pmourad@citywindsor.ca>; Hagan, Jeff <jhagan@citywindsor.ca>; Cedar, Karen <kcedar@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@woodplc.com>; Wong, Felix <felix.wong@woodplc.com>; Stenzel, Andreas <andreas.stenzel@woodplc.com>
Subject: RE: Ojibway Parkway Wildlife Crossing - Draft Environmental Study Report

Hi Jack,

I was wondering if the ETR staff had the opportunity to review the draft Environmental Study Report and if there are any comments?

Sincerely,

Mir

Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner
Mobile: +1 (647) 545 8974
www.woodplc.com

From: Talpur, Mir
Sent: Thursday, February 10, 2022 7:09 PM
To: Jack Weston <jweston@etr.ca>; Michael Semande <msemande@etr.ca>
Cc: Mourad, Paul <pmourad@citywindsor.ca>; Hagan, Jeff <jhagan@citywindsor.ca>; Cedar, Karen <kcedar@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@woodplc.com>; Wong, Felix <felix.wong@woodplc.com>; Stenzel, Andreas <andreas.stenzel@woodplc.com>
Subject: RE: Ojibway Parkway Wildlife Crossing - Draft Environmental Study Report

Hi Jack,

Thank you for your email. I have included new links below. Please let me know if there are any issues with the download.

- Draft Environmental Study Report: https://www.dropbox.com/t/YBYZcNctblX7JVLX
- Appendix A – Appendix G: https://www.dropbox.com/t/eNS18nzH3cnCCvz4
- Appendix H – Appendix N: https://www.dropbox.com/t/eqoVuTAAy4sxvCII

Sincerely,

Mir

Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner
Mobile: +1 (647) 545 8974
www.woodplc.com

From: Jack Weston <jweston@etr.ca>
Sent: Thursday, February 10, 2022 12:47 PM
To: Michael Semande <msemande@etr.ca>; Talpur, Mir <mir.talpur@woodplc.com>
Subject: RE: Ojibway Parkway Wildlife Crossing - Draft Environmental Study Report

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

Ahsan,

The links for the material that needs to be reviewed have expired. Can you resend them so our ETR team can review the documents?

Regards,

Jack Weston
Superintendent

Essex Terminal Railway / Morterm Ltd. / Motipark Ltd.
1601 Lincoln Rd.| Windsor, Ontario | N8Y 2J3
T: 519 973-8222 EXT. 227 | C: 519-551-9327 | F: 519 253-9662 | E: jweston@etr.ca
Like us on Facebook Follow us on Twitter Connect with us on Linked In
Find us online: www.etr.ca / www.morterm.com / www.motipark.com

From: Michael Semande <msemande@etr.ca>
Sent: Wednesday, February 9, 2022 2:15 PM
To: Jack Weston <jweston@etr.ca>
Subject: FW: Ojibway Parkway Wildlife Crossing - Draft Environmental Study Report

From: Talpur, Mir <mir.talpur@woodplc.com>
Sent: February 9, 2022 12:55 PM
To: Dan Lebedyk <DLebedyk@erca.org>; Badali, Mark (MECP) <mark.badali1@ontario.ca>; eanotification.swregion@ontario.ca; karla.barboza@ontario.ca; Harvey, Joseph (MHSTCI) <Joseph.Harvey@ontario.ca>; erick.boyd@ontario.ca; mitch.wilson@ontario.ca; Cerniavskaja, Karina (MNRF) <Karina.Cerniavskaja@ontario.ca>; sarah.zelcer@ontario.ca; malvika.rudra@ontario.ca; bkrauter@countyofessex.ca; cgrant@countyofessex.on.ca; bhorrobin@police.windsor.on.ca; slaforet@citywindsor.ca; adejong@citywindsor.ca; robin.souchuk@ontario.ca; byron.hornick@opp.ca; mvinhaes@enwin.com; sbastounas@enwin.com; david.cowing@bell.ca; Bill.Sorrell@cogeco.com; wceccacci@uniongas.com; ONTUGLLandsINQ@uniongas.com; tom.zadorsky@canadapost.ca; Info <info@etr.ca>; Ivan Pratt <ipratt@etr.ca>; Tony De Thomasis <tdethomasis@etr.ca>
Cc: Mourad, Paul <pmourad@citywindsor.ca>; Cedar, Karen <kcedar@citywindsor.ca>; Hagan, Jeff <jhagan@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@woodplc.com>; Wong, Felix <felix.wong@woodplc.com>; Stenzel, Andreas <andreas.stenzel@woodplc.com>; Shams, Aniqa <aniqa.shams@woodplc.com>; Hughes, Samantha <samantha.hughes@woodplc.com>
Subject: RE: Ojibway Parkway Wildlife Crossing - Draft Environmental Study Report

Good Afternoon,

I am sending a gentle reminder regarding the email below. Please let me if you were not able to download the report. In that case I can recirculate the download links.

Sincerely,

Mir

Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner
Mobile: +1 (647) 545 8974
www.woodplc.com

From: Talpur, Mir
Sent: Monday, January 31, 2022 8:32 AM
To: DLebedyk@erca.org; Badali, Mark (MECP) <mark.badali1@ontario.ca>; eanotification.swregion@ontario.ca; karla.barboza@ontario.ca; Harvey, Joseph (MHSTCI) <Joseph.Harvey@ontario.ca>; erick.boyd@ontario.ca; mitch.wilson@ontario.ca; Cerniavskaja, Karina (MNRF) <Karina.Cerniavskaja@ontario.ca>; sarah.zelcer@ontario.ca; malvika.rudra@ontario.ca; bkrauter@countyofessex.ca; cgrant@countyofessex.on.ca; bhorrobin@police.windsor.on.ca; slaforet@citywindsor.ca; adejong@citywindsor.ca; robin.souchuk@ontario.ca; byron.hornick@opp.ca; mvinhaes@enwin.com; sbastounas@enwin.com; david.cowing@bell.ca; Bill.Sorrell@cogeco.com; wceccacci@uniongas.com; ONTUGLLandsINQ@uniongas.com; tom.zadorsky@canadapost.ca; info@etr.ca; ipratt@etr.ca; Tony De Thomasis <tdethomasis@etr.ca>
Cc: Mourad, Paul <pmourad@citywindsor.ca>; Cedar, Karen <kcedar@citywindsor.ca>; Hagan, Jeff <jhagan@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@woodplc.com>; Wong, Felix <felix.wong@woodplc.com>; Stenzel, Andreas <andreas.stenzel@woodplc.com>; Shams, Aniqa <aniqa.shams@woodplc.com>; Hughes, Samantha <samantha.hughes@woodplc.com>
Subject: Ojibway Parkway Wildlife Crossing - Draft Environmental Study Report

Ojibway Parkway Wildlife Crossing
Draft Environmental Study Report

31 January 2022

Good Morning,

As you may be aware, the City of Windsor is undertaking 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 to begin re-establishing an ecological connection between Black Oak Heritage Park and Ojibway Park. For more information about this project, please refer to the project webpage: Ojibway Parkway Wildlife Crossing Class Environmental Assessment

The project team has prepared a Draft Environmental Study Report to document the planning, decision making, and consultation process for this Class EA Study. This draft report was endorsed by the City of Windsor Council during the City Council meeting held on December 20, 2021. The City Council directed the project team to finalize this report and issue it for a formal public review period of a minimum of 30-days. Prior to finalizing the Environmental Study Report, a draft version of the report is being shared with the government review agencies, Indigenous Nations and key stakeholders for review and comment. Please use the links provided below to download the report and its appendices. We would appreciate it if you could please review and provide any comments by **March 4, 2022**. Following this review, the project team will finalize this report and issue it for a formal 30-day review period. A Notice of Study Completion will be issued at that time.

- Draft Environmental Study Report: https://www.dropbox.com/t/wcEJhhQeBYDhH6G2
- Appendix A – Appendix G: https://www.dropbox.com/t/fdQjNDiqGKzaYzFw
- Appendix H – Appendix N: https://www.dropbox.com/t/N3FwHQrOlZ5ZzX8B

Please let me know if there any issues with the download links.

Sincerely,

Mir

Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner
Mobile: +1 (647) 545 8974
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From: Talpur, Mir
Sent: Tuesday, April 13, 2021 11:33 AM
To: Mourad, Paul <pmourad@citywindsor.ca>; Wong, Felix <felix.wong@woodplc.com>
Cc: Hellinga, Nathan <nathan.hellinga@woodplc.com>; Shams, Aniqa <aniqa.shams@woodplc.com>; Talpur, Mir <mir.talpur@woodplc.com>
Subject: Ojibway Parkway Wildlife Crossing - Notice of Online Public Information Centre #2

Ojibway Parkway Wildlife Crossing
Notice of Online Public Information Centre #2

The City of Windsor is undertaking 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 to begin re-establishing an ecological connection between Black Oak Heritage Park and Ojibway Park.

Public Information Centre (PIC) #1 was held from November 19, 2020 to December 3, 2020. A PIC Summary Report was prepared to document a summary of comments received and City's responses. The PIC Summary Report is available on the project webpage (please see link below).

The City is now hosting PIC #2 to present the evaluation of alternative design concepts and the preliminary preferred design concept. The information materials for PIC #2 will be posted on the project webpage and comments will be received during a two-week period (April 19, 2021 to May 3, 2021). The Study Team would like to invite you to participate in PIC #2 by reviewing information materials and providing comments.

Project webpage: https://www.citywindsor.ca/residents/Construction/Environmental-Assessments-Master-Plans/Pages/Ojibway-Parkway-Wildlife-Crossing-Class-Environmental-Assessment.aspx

Sincerely,

Mir

Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner
Mobile: +1 (647) 545 8974
3450 Harvester Road, Suite 100
Burlington ON L7N 3W5
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Minutes

Date:	08 April 2022
File #:	IM20104013
Meeting Date & Time:	07 April 2022 @ 1:00 PM.
Meeting at:	Microsoft Teams Meeting
Subject:	Class EA for Ojibway Parkway Wildlife Crossing – Meeting with Essex Terminal Railway

Attendees:

Tony De Thomasis, Essex Terminal Railway
Michael Semande, Essex Terminal Railway
Jack Weston, Essex Terminal Railway
Paul Mourad, City of Windsor
Nathan Hellinga, Wood
Mir Talpur, Wood

MATTERS DISCUSSED	ACTION BY:
Purpose and Introduction: • The draft Environmental Study Report was circulated to government agencies, Indigenous Nations and Essex Terminal Railway on April 13, 2022, for review and comment, prior to finalizing the report. On March 16, 2022, the ETR staff contacted that Study Team and noted that the ETR staff have concerns with agreeing to this project and would like to have a meeting with the Study Team to discuss their concerns. This meeting was hosted to listen to ETR staff's concerns. • All meeting attendees provided their introductions.	-
Open Discussion: • The meeting was hosted in an open discussion format where Study Team listened to ETR's comments and concerns and provided responses. A summary of ETR's concerns and Study Team's responses is provided below: • ETR staff noted that railway yard located to the west of Ojibway Parkway, south of Broadway Street, is ETR's main switching yard where most of the rail switching activity takes place. With continued growth in the area, this yard will continue to get busy. • ETR staff expressed concern that the wildlife crossing will result in increased wildlife movement through the railway yard, and that any increase in wildlife within the railway corridor is a risk to ETR's operation from various standpoints including: • Safety – from both human/wildlife and train/wildlife interactions	-

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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Registered in Canada No. 7732899-9; GST: 899879050 RT00008; DUNS: 25-36

MATTERS DISCUSSED	ACTION BY:
• Financials – due to increased effort in clearing animals, and potential delays due to avoidance • Public perception – increased amount of mortality due to the increase in wildlife • Environmental regulatory – increased potential for SAR species to be harmed by train traffic which could result in increased reporting or increased pressure to modify operations (also ties into public perception) • ETR staff added that with the current plan for the proposed wildlife crossing, it would appear that the wildlife crossing will simply transfer the wildlife mortality issue from Ojibway Parkway to ETR railyard, and it is not reasonable for the ETR to accept City's proposal to move the wildlife away from the roadway to ETR tracks. • Study Team provided clarification that there will not be an increase in wildlife in the area. The crossing will provide a safe passage for the existing wildlife that is being injured/killed on Ojibway Parkway. • ETR staff also expressed concern with not proposing a wildlife fence along ETR railway yard noting that the wildlife will be directed to ETR tracks. • ETR staff added that their operations at the rail yard run from around 7 am until midnight. • Study Team inquired what could be done to alleviate this concern. Discussion regarding providing a wildlife crossing across railway tracks followed. Study Team inquired whether the ETR would be open to accept a wildlife crossing across ETR tracks. ETR staff responded that they can consider this, provided that appropriate clearance is provided. In addition, there may be requirements from Transport Canada that will need to be addressed for any works within ETR corridor. • Study Team explained another option of providing culverts under the railway tracks with wildlife crossing ending at the currently proposed location. Study Team inquired whether the ETR would have any issue with this approach. • ETR staff responded that the ETR would have issues with any plan that introduces wildlife to ETR tracks (whether it is deer or snakes). • Study Team inquired whether the ETR would be willing to work with the City to conduct monitoring within the railway corridor? If agreed, the study will be completed by the City, and will not be shared with the public until prior consent has been obtained from the ETR. Monitoring will involve wildlife mortality surveys as well as night time surveys on the adjacent ETR lands to identify wildlife movement. • ETR staff requested that this information be sent via email for ETR's review. • ETR staff noted that ETR is willing to work with the City on this, however, ETR's legal team will need to be involved in reviewing any proposals that involve work within ETR corridor.	**Wood**

Meeting Minutes prepared by:

Wood Environment & Infrastructure Solutions
a Division of Wood Canada Limited

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

Bartlet & Richardes LLP
Barristers & Solicitors
ESTABLISHED IN 1887

JAMES N. BARTLET, Q.C. (1950 – 2005)

JEAN L. MARENTETTE
AARON P. MARCOTTE
MARY-JOE RENAUD
JENNIFER L. McKIM
CRISTA L. REA
VICTORIA C. LITTLE
JENNIFER L. DEVOS
GERALD E. TROTTIER
ROBERT W. WEISSER
PHILIP S. CHANDLER
GERALD E. SKILLINGS
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2565 OUELLETTE AVENUE
Suite 100
WINDSOR, ONTARIO
N8X 1L9

E-mail: gtrottier@bartlet.com

BY EMAIL ONLY to pmourad@citywindsor.ca

The Corporation of the City of Windsor
Engineering Department
350 City Hall Square West, Suite 310,
Windsor, Ontario
N9A 6S1

Attention: Mr. Paul Mourad, P. Eng.

Dear Mr. Mourad,

Re: Municipal Class Environmental Assessment Study
Proposed Ojibway Parkway Wildlife Crossing

We are legal counsel for The Essex Terminal Railway Company ("ETR").

The City has requested ETR's consent to, and cooperation in, the preparation of a monitoring program to document mortality of wildlife crossing the ETR switching yard running parallel with Ojibway Parkway. This would support the above-captioned EAS process.

After due consideration, ETR has decided that it will not permit this monitoring to occur on its lands.

ETR has further concluded that any proposed wildlife bridge terminating at its Eastern boundary with Ojibway Parkway is very likely to encourage wildlife, including potential rare species and species at risk, to enter onto its rail yard. This is inappropriate and not acceptable to ETR.

ETR will oppose any proposal which will tend to put wildlife at increased risk by encouraging further travel across its rail yard and, if such a proposal is implemented, ETR will take proactive steps on its own lands to erect barriers at its boundaries to prevent, to the extent possible, such further wildlife migration from occurring.

We trust you understand the nature of our client's concerns and thank you for your consultations to date.

Please do not hesitate to contact the writer should you have further questions or concerns.

Yours truly,
BARTLET & RICHARDES LLP

GERALD E. TROTTIER
GET
cc. *Mr. T. De Thomasis (by email only)*
City Clerk (by email only)

Bartlet & Richardes LLP
Barristers & Solicitors
ESTABLISHED IN 1887

JAMES N. BARTLET, Q.C. (1950 – 2005)

JEAN L. MARENTETTE
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E-mail: gtrottier@bartlet.com

BY EMAIL ONLY to pmourad@citywindsor.ca

October 3, 2022

The Corporation of the City of Windsor
Engineering Department
350 City Hall Square West, Suite 310,
Windsor, Ontario
N9A 6S1

Attention: Mr. Paul Mourad, P. Eng.

Dear Mr. Mourad,

Re: Municipal Class Environmental Assessment Study
Proposed Ojibway Parkway Wildlife Crossing

This letter replies to your email to the writer received on June 9, 2022 and an email from Mir Talpur of Wood Environment & Infrastructure Solutions, received on September 26, 2022.

Concerning your June 9 email, ETR's preference is to avoid any crossing over its rail yard, including a grade separated crossing, and that wildlife migration should be directed elsewhere. ETR does not wish to have any wildlife crossing infrastructure located within its lands. Specifically, please be advised that a "wildlife overpass" of any type is not ETR's "preferred approach" as you suggested in your email.

Concerning Mr. Talpur's September 26 email, ETR does not wish any part of its lands to be subject of a biological survey and will not provide permission to enter onto its lands for this purpose.

Essex Terminal Railway values its working relationship with the City of Windsor and is prepared to continue discussions to ensure that mutual interests can be protected and advanced.

Yours truly,
BARTLET & RICHARDES LLP

GERALD E. TROTTIER
GET
cc. Mr. T. De Thomasis, President, ETR

Talpur, Mir Ahsan Ali

Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

Sensitivity: Confidential

From: Tony De Thomasis <tdethomasis@etr.ca>
Sent: Tuesday, October 11, 2022 10:46 AM
To: Colucci, Sergio <scolucci@citywindsor.ca>
Cc: Cedar, Karen <kcedar@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@wsp.com>; Stenzel, Andreas <andreas.stenzel@wsp.com>; Wong, Felix <felix.wong@wsp.com>; 'Gerald Trottier' <gtrottier@bartlet.com>; Talpur, Mir <mir.talpur@wsp.com>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program
CAUTION: External email. Please do not click on links/attachments unless you know the content is genuine and safe.

Good morning Sergio,
We would be available to meet virtually on Wednesday morning between 9:00am and 11:30am.
Alternately I would be available the following Thursday October 20th between 1:30 and 4:00pm.
Regards,

Tony De Thomasis
President and CEO

1600 Tecumseh Rd. E | Windsor, ON | N8W 1C5
P: (519) 973-8222 ext. 2380 | **C:** (519) 817-5355
E: tdethomasis@etr.ca | www.etr.ca

From: Colucci, Sergio <scolucci@citywindsor.ca>
Sent: October 5, 2022 10:35 AM
To: Tony De Thomasis <tdethomasis@etr.ca>
Cc: Cedar, Karen <kcedar@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@wsp.com>; Stenzel, Andreas <andreas.stenzel@wsp.com>; Wong, Felix <felix.wong@wsp.com>; 'Gerald Trottier' <gtrottier@bartlet.com>; Talpur, Mir <mir.talpur@wsp.com>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

Thanks Tony. When would you be available to set aside some time for an online meeting?
Sergio

From: Tony De Thomasis <tdethomasis@etr.ca>
Sent: Tuesday, October 4, 2022 2:25 PM
To: Colucci, Sergio <scolucci@citywindsor.ca>
Cc: Cedar, Karen <kcedar@citywindsor.ca>; clerks <clerks@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@wsp.com>; Stenzel, Andreas <andreas.stenzel@wsp.com>; Wong, Felix <felix.wong@wsp.com>; 'Gerald Trottier' <gtrottier@bartlet.com>; Talpur, Mir <mir.talpur@wsp.com>; Mourad, Paul <pmourad@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Sergio,
Thank you for the introductory email.
We have concerns with the project and the potential financial impacts to ETR and the Ojibway Switching Yard railway operations.
We would be interested in a meeting with City of Windsor staff and decision makers to better understand the scope of the project and impacts on the Essex Terminal Railway.
I look forward to further discussion.
Thank you

Tony De Thomasis
President and CEO

1600 Tecumseh Rd. E | Windsor, ON | N8W 1C5
P: (519) 973-8222 ext. 2380 | **C:** (519) 817-5355
E: tdethomasis@etr.ca | **www.etr.ca**

From: Colucci, Sergio <scolucci@citywindsor.ca>
Sent: October 4, 2022 1:32 PM
To: Tony De Thomasis <tdethomasis@etr.ca>
Cc: Cedar, Karen <kcedar@citywindsor.ca>; clerks <clerks@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@wsp.com>; Stenzel, Andreas <andreas.stenzel@wsp.com>; Wong, Felix <felix.wong@wsp.com>; 'Gerald Trottier' <gtrottier@bartlet.com>; Talpur, Mir <mir.talpur@wsp.com>; Mourad, Paul <pmourad@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program
Hi Tony,

I've recently taken over this project from Paul Mourad. Thank you for reaching out to him earlier this morning. We understand that the ETR has concerns with any disturbance to their railway operations, including increased wildlife crossing their rail corridor and any costs that could be incurred by the ETR as a result of the on-going Environmental Assessment or any preferred solution resulting from the completion of the study. There would be no costs incurred by the ETR with any overpass option or the field investigations that are required on ETR property and the surrounding area. The EA is on-going and the City would like to continue discussions with ETR regarding potential solutions for crossing both Ojibway Parkway and the ETR tracks. We were hoping to sit down with your staff within the next week or two.
If you have any questions or concerns do not hesitate to contact me.
Thanks,

Sergio Colucci, P.Eng., MBA | Project Administrator

THE CITY OF WINDSOR
ONTARIO, CANADA

Infrastructure Services
Engineering Department – Corporate Projects
350 City Hall Square | Sutie 310 | Windsor, ON | N9A 6S1
T – 519-255-6100 ext. 6785
www.citywindsor.ca

From: Gerald Trottier <gtrottier@bartlet.com>
Sent: Monday, October 3, 2022 3:28 PM
To: Talpur, Mir <mir.talpur@wsp.com>; Mourad, Paul <pmourad@citywindsor.ca>
Cc: Colucci, Sergio <scolucci@citywindsor.ca>; Cedar, Karen <kcedar@citywindsor.ca>; clerks <clerks@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@wsp.com>; Stenzel, Andreas <andreas.stenzel@wsp.com>; Wong, Felix <felix.wong@wsp.com>; Tony De Thomasis <tdethomasis@etr.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program
Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Mourad and Mr. Talpur,
Please see the attached letter sent on behalf of our client, The Essex Terminal Railway Company.
ETR President Mr. Tony De Thomasis will be calling you to further discuss the matter.
Gerry

Gerald E. Trottier
Partner, Bartlet & Richardes LLP
2565 Ouellette Ave. | Suite 100 | Windsor, ON | N8X 1L9
p: (519) 253-7461 | d: (519) 561-7314 | f: (519) 253-2321 | e: gtrottier@bartlet.com

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From: Talpur, Mir <mir.talpur@wsp.com>
Sent: October 3, 2022 1:37 PM
To: Gerald Trottier <gtrottier@bartlet.com>; Tony De Thomasis <tdethomasis@etr.ca>

Cc: Colucci, Sergio <scolucci@citywindsor.ca>; Cedar, Karen <kcedar@citywindsor.ca>; clerks <clerks@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@wsp.com>; Stenzel, Andreas <andreas.stenzel@wsp.com>; Wong, Felix <felix.wong@wsp.com>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

Good afternoon Gerald and Tony,

I am following up on our meeting request below. We would really appreciate if you could please advise on your availability for a meeting.

Many thanks in advance.

Sincerely,

Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner
He/Him

M+ 1 647-545-8974

Please be aware that, effective September 21st, 2022, Wood Environment & Infrastructure Solutions Canada Limited was acquired by WSP.

From: Talpur, Mir
Sent: Monday, September 26, 2022 10:13 AM
To: 'Gerald Trottier' <gtrottier@bartlet.com>; Tony De Thomasis <tdethomasis@etr.ca>
Cc: Colucci, Sergio <scolucci@citywindsor.ca>; Cedar, Karen <kcedar@citywindsor.ca>; clerks <clerks@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@woodplc.com>; Stenzel, Andreas <andreas.stenzel@woodplc.com>; Wong, Felix <felix.wong@woodplc.com>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

Hello Gerald and Tony,

I hope this email finds you well. I am following up to arrange a meeting to discuss our questions noted in the email response below.

Would you be available for a one-hour virtual meeting during any of the following availabilities?

- Tuesday, October 4, 2022: 9 am – 12 pm
- Thursday, October 6: 2:30 pm – 4 pm
- Friday, October 14: 1 pm – 4 pm

Sincerely,

Mir Ahsan Talpur, M.Env.Sc., EP
Environmental Planner
He/Him

M+ 1 647-545-8974

Please be aware that, effective September 21st, 2022, Wood Environment & Infrastructure Solutions Canada Limited was acquired by WSP.

From: Mourad, Paul <pmourad@citywindsor.ca>
Sent: Thursday, June 9, 2022 2:38 PM
To: 'Gerald Trottier' <gtrottier@bartlet.com>
Cc: Tony De Thomasis <tdethomasis@etr.ca>; clerks <clerks@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@woodplc.com>; Talpur, Mir <mir.talpur@woodplc.com>; DiDomenico, Marc <MDiDomenico@citywindsor.ca>; Cedar, Karen <kcedar@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

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

Hi Gerald,

We acknowledge ETR's expressed concern of wildlife and potential species at risk (SAR) migrating into the railway corridor. Based on this concern, it would appear that extending the

wildlife overpass structure to also span the railway corridor would be the preferred approach to address your concerns and would be supported by the Essex Terminal Railway (ETR).
To update the Environmental Assessment (EA) and associated preliminary design to include a preferred span over the railway corridor, additional biological surveys are required on ETR land holdings to the west of the tracks. These additional studies will support identification of baseline conditions only for use in the environmental impact assessment. This would not include monitoring of wildlife mortality on the tracks or any investigative work inside the active rail corridor.
Would the ETR be supportive of providing permission to enter their lands for the purpose of conducting the aforementioned biological studies?
We would like to arrange a meeting with ETR (and their solicitors if required) to confirm the details and design criteria which ETR requires to be applied for the City's design of a wildlife overpass structure crossing the railway.
Thank you for your time and attention to this matter,
Paul

PAUL MOURAD, P.Eng. | Engineer III (T)
Engineering Department
350 City Hall Square West, Suite 310, Windsor, ON N9A 6S1
E: pmourad@citywindsor.ca | **O:** 519.255.6100 ext. 6119 | **M:** 519.562.2448

From: Gerald Trottier <gtrottier@bartlet.com>
Sent: Friday, May 27, 2022 5:06 PM
To: Mourad, Paul <pmourad@citywindsor.ca>
Cc: Tony De Thomasis <tdethomasis@etr.ca>; clerks <clerks@citywindsor.ca>
Subject: FW: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

Dear Mr. Mourad,
We are legal counsel for ETR. Mr. De Thomasis has asked to reply to your emails below.
Please see the attached letter, responding to the City's wildlife monitoring proposal for ETR's Ojibway switching yard.
Regards,

Gerald E. Trottier
Partner, Bartlet & Richardes LLP
2565 Ouellette Ave. | Suite 100 | Windsor, ON | N8X 1L9
p: (519) 253-7461 | d: (519) 561-7314 | f: (519) 253-2321 | e: gtrottier@bartlet.com

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From: "Mourad, Paul" <pmourad@citywindsor.ca>
Date: May 27, 2022 at 9:36:55 PM GMT+2
To: Tony De Thomasis <tdethomasis@etr.ca>
Cc: "Hellinga, Nathan" <nathan.hellinga@woodplc.com>, "Talpur, Mir"

<mir.talpur@woodplc.com>, "Cedar, Karen" <kcedar@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

Hi Tony,
I was following up on the request for the monitoring program the City has proposed and if the ETR supports this plan.
Thank you,
Paul

PAUL MOURAD, P.Eng. | Engineer III (T)
Engineering Department
350 City Hall Square West, Suite 310, Windsor, ON N9A 6S1
E: pmourad@citywindsor.ca | **O:** 519.255.6100 ext. 6119 | **M:** 519.562.2448

From: Tony De Thomasis <tdethomasis@etr.ca>
Sent: Wednesday, April 13, 2022 12:11 PM
To: Mourad, Paul <pmourad@citywindsor.ca>
Cc: Hellinga, Nathan <nathan.hellinga@woodplc.com>; 'Talpur, Mir' <mir.talpur@woodplc.com>; Cedar, Karen <kcedar@citywindsor.ca>
Subject: RE: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

Good afternoon Paul,
I will review the correspondence below and provide a response at my earliest.
Thank you

Tony De Thomasis
President & CEO
Essex Terminal Railway / Morterm Ltd. / Motipark Ltd.
OUR ADDRESS HAS CHANGED
1600 Tecumseh Rd. East | Windsor ON | N8W 1C5
T: 519 973-8222 EXT. 2380 | D: 519 946-3663 | F: 519 973-7234 | C: 519 817-5355 | E: tdethomasis@etr.ca
Like us on Facebook Follow us on Twitter Connect with us on Linked In
Find us online: www.etr.ca / www.morterm.com / www.motipark.com
Check out our latest corporate videos by clicking on the logos below

---

From: Mourad, Paul <pmourad@citywindsor.ca>
Sent: April 13, 2022 11:22 AM
To: Tony De Thomasis <tdethomasis@etr.ca>
Cc: Hellinga, Nathan <nathan.hellinga@woodplc.com>; 'Talpur, Mir' <mir.talpur@woodplc.com>; Cedar, Karen <kcedar@citywindsor.ca>
Subject: Ojibway Parkway Wildlife Crossing - ETR Monitoring Program

Hi Tony,
Please see the following request for our ETR Monitoring Program as discussed in our meeting on Thursday April 7, 2022.
The City of Windsor is undertaking a Municipal Class Environmental Assessment Study for a wildlife crossing of Ojibway Parkway south of Broadway Boulevard to identify opportunities to provide safe passage for area wildlife. Currently the Study has held two Public Information Centres, met with stakeholders, and prepared a draft Environmental Study Report which was provided to stakeholders for review and

comment prior to being issued for public review. A link to the draft ESR on the City website is provided:
https://www.citywindsor.ca/residents/Construction/Environmental-Assessments-Master-Plans/Pages/Ojibway-Parkway-Wildlife-Crossing-Class-Environmental-Assessment.aspx
One theme of questions and comments received through public and stakeholder engagement is related to the potential for increases for wildlife mortality crossing the Essex Terminal Railway's existing switching yard if the preferred alternative ends within the existing vegetated area between Ojibway Parkway and the ETR tracks, essentially leaving wildlife on their own to navigate the crossing of the tracks.
The City has identified the effect of the switching yard on wildlife is not fully understood, and cannot be easily inferred due to a lack of published studies and information on cases focusing on switching yard impacts on wildlife (specifically as it relates to wildlife movement). As a result the City is proposing that a monitoring program could be conducted within the ETR lands with the following objectives:

1. Document mortality of wildlife associated with the switchyard operation.
2. Identify wildlife currently crossing, or attempting to cross the tracks, with a specific focus on reptiles and amphibians.
3. Document wildlife behavior upon approach to crossing the tracks.

The monitoring would commence as soon as possible since survey windows for some species of amphibians have already started. To conduct this monitoring program the City would require permission from ETR to access their lands, and work in proximity to the train tracks. This monitoring would likely be performed during night-time surveys for reptiles and amphibians and potentially daytime surveys to follow-up on track mortality. Surveys are proposed to be performed approximately three times per week near dusk for April – June and twice weekly for June - October. Notification will be provided to designated ETR staff prior to time of arrival and upon departure. Additional documentation of wildlife behaviour would be performed through the use of camera surveillance directed parallel to the tracks to monitor wildlife approaching the tracks from Black Oak Heritage Park.
The City would use qualified personnel with appropriate PPE and safety training, including any safety training or orientation specific to ETR. There is also a possibility to employ certain individuals for the monitoring which have Personal Track Safety (PTS) training and experience working in conjunction with Metrolinx in rail corridors owned by CN and CPR. All of the proposed work on ETR lands will be done by foot (no vehicles in the rail corridor).
The City would share the results with ETR, and will not disclose results to the public without ETR's consent.
It would be appreciated if ETR could review this plan and let us know if you have any concerns or wish to discuss any specific aspects of the plan.

If ETR supports this plan then can you please let us know and we will begin to make arrangements to perform the monitoring activities.
Thank you,
Paul

PAUL MOURAD, P.Eng. | Engineer III (T)

Engineering Department
350 City Hall Square West, Suite 310, Windsor, ON N9A 6S1
E: pmourad@citywindsor.ca **| O:** 519.255.6100 ext. 6119 **| M:** 519.562.2448

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-LAEmHhHzdJzBITWfa4Hgs7pbKI

MEETING NOTES

JOB TITLE	Ojibway Parkway Wildlife Crossing		
PROJECT NUMBER	IM20104013	**DATE**	20 October 2022
TIME	1:30 PM	**VENUE**	MS Teams
SUBJECT	Meeting with the Essex Terminal Railway Company (ETR)		
CLIENT	City of Windsor		

ATTENDEES			
Name	**Company**	**Phone**	**Email**
Tony De Thomasis	Essex Terminal Railway		tdethomasis@etr.ca
Gerry Trottier	Bartlet & Richardes LLP		gtrottier@bartlet.com
Sergio Colucci	City of Windsor		scolucci@citywindsor.ca
Karen Cedar	City of Windsor		kcedar@citywindsor.ca
Nathan Hellinga	WSP E&I Canada Limited		nathan.hellinga@wsp.com
Andreas Stenzel	WSP E&I Canada Limited		andreas.stenzel@wsp.com
Mir Ahsan Talpur	WSP E&I Canada Limited		mir.talpur@wsp.com

ADDITIONAL DISTRIBUTION			
Name	**Company**	**Phone**	**Email**

MATTERS ARISING		**ACTION**
1.0	**PURPOSE OF THE MEETING**	
1.1	Study Team initiated the meeting by thanking the attendees from ETR. Study Team provided a brief overview of the project background and current status, noting that an option to extend the Wildlife Crossing across ETR lands was identified, however, ETR expressed some concerns related to this option. The intent of this meeting was to discuss those concerns and potential strategy to address those concerns.	
1.2	Gerry (as ETR's legal counsel) recommended that City of Windsor's legal counsel be present in this meeting and provided the option of excluding himself from the meeting. He also recommended if City's legal counsel is not participating in the meeting, then all the comments/input should be vetted through City's legal counsel before sharing with ETR. Study Team noted that the meeting was an informal discussion to understand ETR's concerns, and can involve City's legal counsel in any future discussions.	
2.0	**ETR'S CONCERNS**	
2.1	Gerry started by noting that ETR functions under the Sections 100 and 101 of the Canada Transportation Act. This Act governs the obligations of the railway crossings of the federally regulated railway lines, and it encourages parties to enter into written agreements for road or utility crossings (pipelines, telecommunications, etc.).	

MATTERS ARISING		ACTION
2.2	Gerry noted that it is ETR's preference that the crossing be developed somewhere else. He highlighted the following key concerns: — Crossing of the railway switching yard is not preferred. It would require the City to agree to design the crossing in a way to not to limit ETR's use of the property for switching purposes. — Construction, operation and maintenance of the crossing should not affect ETR. — ETR does not want to have any surveys/studies completed on its property. — ETR's concerns are not only economical and operational, but also to ensure that wildlife does not migrate on to ETR lands. Barrier fencing would be required to funnel the wildlife onto the crossing. Without the fencing, the wildlife may funnel on to ETR tracks. — Giving a small section would interrupt the "linearity" of the whole line.	
2.3	Nathan added that the purpose of the project is re-establish a connection between Ojibway Park and Black Oak Heritage Park. The separation between the two parks is the Ojibway Parkway and ETR tracks.	
2.4	Karen added that the Study Team also reviewed other locations within the Study Area. We had to avoid installing the crossing at the southern extent of the parks because of the presence of the species at risk plants in that area. Karen added that exclusion/directional fencing will be part of the Wildlife Crossing.	
3.0	**POTENTIAL STRATEGY FOR MOVING FORWARD**	
3.1	Gerry noted that for a crossing across ETR switchyard, the following concerns would need to be considered: — ETR would want to preserve the operational use of its lands by providing appropriate vertical clearance for the crossing. As such, the Wildlife Crossing across the ETR switchyard would need to provide appropriate clearance to not to interfere with ETR operations. — The Wildlife Crossing would need to provide fencing to keep the wildlife from entering the ETR lands. — ETR would not be responsible for any costs associated with construction, operation, maintenance and deconstruction. — ETR would not be interested having any studies/surveys completed on its lands.	
3.2	Gerry stated he would be interested in seeing an example of wildlife crossing. The only one he was able to find was the one is the CP crossing in Alberta.	
3.3	Sergio thanked Tony and Gerry for attending the meeting.	

THE CITY OF WINDSOR
ONTARIO, CANADA

Office of the Commissioner of Infrastructure Services / City Engineer

July 3, 2024

Mr. Tony De Thomasis
President and CEO
The Essex Terminal Railway Company Limited
1600 Tecumseh Road East
Windsor, Ontario
N8W 1CS

BY EMAIL ONLY to gfranklin@etr.ca
tdethomasis@etr.ca

RE: Ojibway Parkway Wildlife Crossing Municipal Class Environmental Assessment

Thank you for your recent letter dated January 23, 2024 (attached) regarding the City of Windsor's Ojibway Parkway Wildlife Crossing Municipal Class Environmental Assessment (MECA).

The concerns raised by ETR throughout the various stages of this study have been reviewed and considered in the finalization of the MCEA Study. As required by the MCEA process, the Environmental Study Report will contain records of correspondence and meetings between the City and ETR, thus ETR's comments related to the project will be officially noted.

We anticipate posting the Environmental Study Report for public review shortly. A Notice of Study Completion, outlining the public review period for the Environmental Study Report, will be posted on the Project Webpage, https://CityW.ca/Ojibway-wildlife-crossing and sent to all interested residents, First Nations, government agencies, and stakeholders.

Sincerely,

Mark Winterton

Digitally signed by Mark Winterton
Date: 2024.07.02 11:33:52 -04'00'

Mark Winterton, P.Eng.
Commissioner, Infrastructure Services/City Engineer
Office of the Commissioner of Infrastructure Services/City Engineer

MT/sl

Attachment: LET-ETR and Ojibway Crossing 01.23.24

Cc: Project Administrator, Attn: Michael Todd
Manager of Corporate Projects, Attn: Colleen Middaugh
Executive Director of Engineering/Deputy City Engineer, Attn: Stacey McGuire

CTR
THE ESSEX TERMINAL
RAILWAY COMPANY
1600 Tecumseh Road East, Windsor, Ontario NBW 1C5

January 23, 2024

Mir Ahsan Talpur, RPP, MCIP, EP
Senior Environmental Planner
Environmental Impact Assessment - Energy & Resources
WSP E&I Canada Limited

Good afternoon, Mir:

I am following up on your recent correspondence to The Essex Terminal Railway Company (ETR) regarding the proposed Ojibway Parkway Wildlife Crossing and Environmental Assessment.

We are writing to express our concerns with the location of the proposed crossing and its proximity to our active rail yard.

ETR is concerned that any proposed wildlife bridge terminating at its easterly boundary with Ojibway Parkway is very likely to encourage wildlife, including potential rare species and species at risk to enter onto its rail yard. This is inappropriate and not acceptable to ETR.

Any proposal which will tend to put wildlife at increased risk by encouraging travel near or adjacent to our rail yard without the appropriate barriers or controls is not acceptable to ETR. If such a proposal were implemented, ETR would consider taking proactive steps on its own lands to erect barriers at its boundaries to prevent, to the extent possible, such further migration from occurring.

ETR wishes to avoid any crossing over its rail yard whether by span over its rail yard, by grade separated crossing or otherwise. In particular, ETR is concerned that any proposed wildlife crossing by span over its rail yard could pose an obstruction and reduce its level of service for the movement of goods by rail for its customers.

Please do not hesitate to contact me should you have any further questions or concerns.

Regards,

Tony De Thomasis
President and CEO
The Essex Terminal Railway Company Limited

Tel. 519.973.8222 Fax. 1.519.973.7234

Talpur, Mir Ahsan Ali

From: Todd, Michael <MTodd@citywindsor.ca>
Sent: Friday, July 5, 2024 12:43 PM
To: 'tdethomasis@etr.ca'
Cc: 'gfranklin@etr.ca'; Talpur, Mir Ahsan Ali; Hellinga, Nathan
Subject: RE: Ojibway Parkway Wildlife Crossing - Response
Attachments: 2024-07-03_Response Letter to ETR_OjibwayPkwyWildlifeCrossing.pdf

Categories: Important

Good Afternoon Tony,

Further to the recent project correspondence from January, 2024 regarding the Ojibway Parkway Wildlife Crossing study, please see our attached response letter from the City Engineer.

Thank you,

Michael Todd, P.Eng.
Project Administrator – Corporate Projects
350 City Hall Square West - Suite 310, Windsor, ON | N9A 6S1
C: (519) 791-2705 O: (519) 255-6100 ex. 6407 Email: mtodd@citywindsor.ca

---

From: Gail Franklin, BA, MA <gfranklin@etr.ca>
Sent: Tuesday, January 23, 2024 12:15 PM
To: Talpur, Mir Ahsan Ali <mir.talpur@wsp.com>
Cc: Tony De Thomasis <tdethomasis@etr.ca>
Subject: Ojibway Parkway Wildlife Crossing - Response

SENT ON BEHALF OF TONY DE THOMASIS

Good afternoon:

Please find our response regarding the proposed Ojibway Parkway Wildlife Crossing. We have also submitted responses/comments using the project website online form.

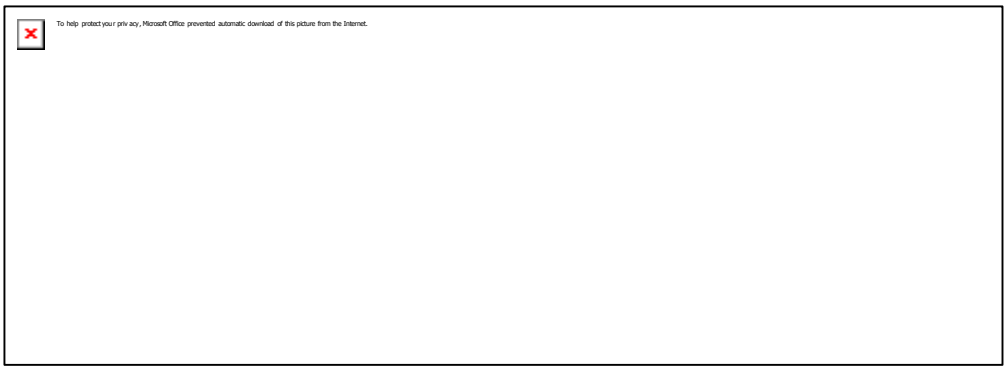
Please do not hesitate to contact our office should you have any further questions or concerns.

Regards,

Tony De Thomasis
President & CEO
Essex Terminal Railway

Gail Franklin, BA, MA
Executive Assistant to the President & CEO

1600 Tecumseh Road East | Windsor, ON | N8W 1C5
P: (519) 973-8222 ext. 2360 | **C:** (519) 566-2644
E: gfranklin@etr.ca | **www.etr.ca**



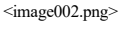
From: Talpur, Mir Ahsan Ali <mir.talpur@wsp.com>
Sent: Wednesday, January 3, 2024 8:07 AM
To: Talpur, Mir Ahsan Ali <mir.talpur@wsp.com>
Cc: MTodd@citywindsor.ca; kcedar@citywindsor.ca; DiDomenico, Marc <MDiDomenico@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@wsp.com>
Subject: Ojibway Parkway Wildlife Crossing - Public Information Centre #3

03 January 2024

Good morning,

This is a gentle reminder regarding City of Windsor's Public Information Centre #3 for the proposed Ojibway Parkway Wildlife Crossing. This event is being hosted in virtual and in-person formats. **Virtual consultation started December 18, 2023, and in-person event is planned for January 18, 2024, with comments are being invited by January 26, 2024.** Please refer to the attached notice for details on how to participate in Public Information Centre #3. More information can be found on project website.

Sincerely,



Mir Ahsan Talpur, RPP, MCIP, EP
Senior Environmental Planner
Environmental Impact Assessment - Energy & Resources
He/Him
M+ 1 647-545-8974

WSP E&I Canada Limited

From: Talpur, Mir Ahsan Ali
Sent: Monday, December 18, 2023 8:21 AM
To: Talpur, Mir Ahsan Ali <mir.talpur@wsp.com>
Cc: 'MTodd@citywindsor.ca' <MTodd@citywindsor.ca>; 'kcedar@citywindsor.ca' <kcedar@citywindsor.ca>; 'DiDomenico, Marc' <MDiDomenico@citywindsor.ca>; Hellinga, Nathan <nathan.hellinga@wsp.com>
Subject: Ojibway Parkway Wildlife Crossing - Public Information Centre #3

18 December 2023

Ojibway Parkway Wildlife Crossing
Notice of Public Information Centre #3

The City of Windsor is undertaking a Municipal Class Environmental Assessment (Class EA) study to consider the construction of a Wildlife Crossing at Ojibway Parkway to begin to re-establish an ecological connection between Ojibway Park and Black Oak Heritage Park. This study was initiated in 2020.

Public Information Centre #2 was held from April 19, 2021, to May 3, 2021. Key feedback received during this event was to consider a Wildlife Crossing that connects the Ojibway Park and Black Oak Heritage Park by crossing the Essex Terminal Railway (ETR) tracks in addition to Ojibway Parkway. Accordingly, the Study Team has identified and evaluated additional design options for the Wildlife Crossing and identified a preferred design that crosses the Ojibway Parkway and the ETR tracks and connects Ojibway Park and the natural areas associated with Black Oak Heritage Park.

Public Information Centre #3 is being hosted to present the update preferred design. This event is being hosted in virtual and in-person formats. **Virtual consultation is being hosted starting December 18, 2023, and in-person consultation is planned for January 18, 2024, with comments are being invited by January 26, 2024.** Please refer to the attached notice for details on how to participate in Public Information Centre #3. More information can be found on project website.

Sincerely,

<image006.png>

Mir Ahsan Talpur, RPP, MCIP, EP
Senior Environmental Planner
Environmental Impact Assessment - Energy & Resources
He/Him
M+ 1 647-545-8974

WSP E&I Canada Limited
3450 Harvester Road, Suite 100
Burlington, Ontario
L7N 3W5 Canada

wsp.com

Vacation Alert: December 20, 2023 to January 1, 2024

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