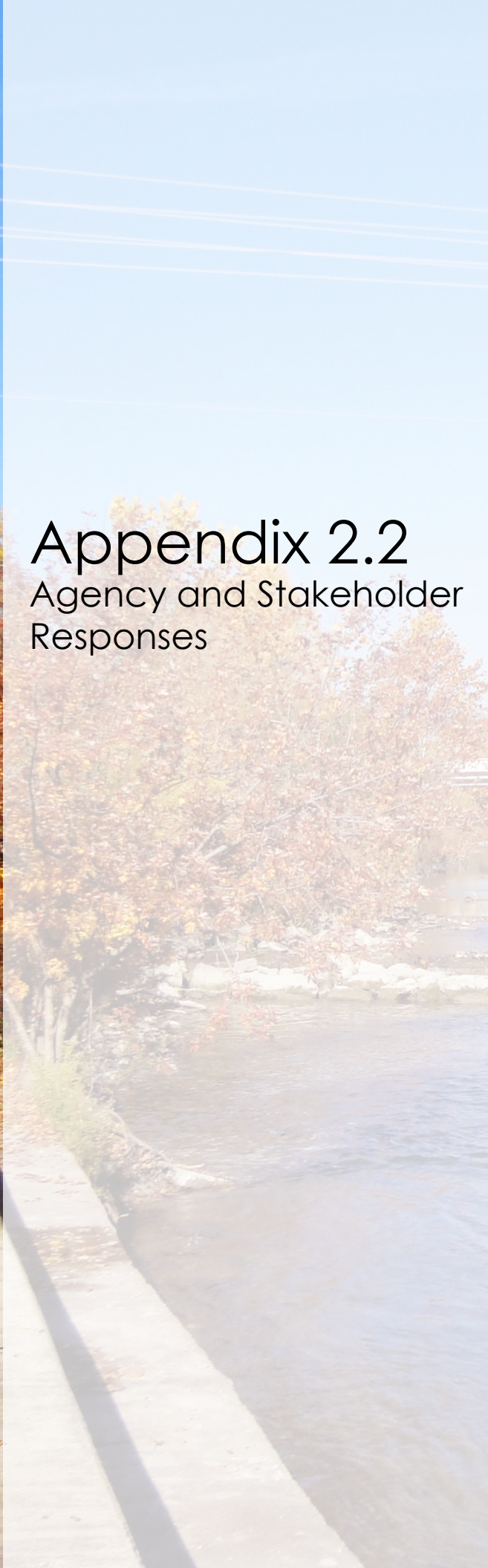




Appendix 2.2

Agency and Stakeholder
Responses



Oxlade, Michele

From: EnviroOnt [EnviroOnt@tc.gc.ca]
Sent: Wednesday, June 23, 2010 9:18 AM
To: Oxlade, Michele
Subject: West London Dyke Master Repair Plan, Class EA, NEATS 24264
Attachments: NWP_App_Guide_EN.pdf

Thank you for your letter regarding the above referenced environmental assessment. Please in future forward correspondence on this environmental assessment to the undersigned.

We have reviewed the information, and note the following:

Transport Canada is responsible for the administration of the *Navigable Waters Protection Act*, which prohibits the construction or placement of any “works” in navigable waters without first obtaining approval. If any of the related project elements or activities related may cross or affect a potentially navigable waterway, you are requested to prepare and submit an application in accordance with the requirements as outlined in the attached Application Guide. Any questions about the NWPA application process should be directed to the Navigable Waters Protection Program at 1-866-821-6631 or NWPontario-PENontario@tc.gc.ca.

<<NWP_App_Guide_EN.pdf>>

Transport Canada is also responsible for the administration of the *Railway Safety Act* to ensure the safe operation of railways. The Act addresses the construction and alteration of railway works, the operation and maintenance of railway equipment and certain non-railway operations affecting railway safety. Pursuant to the Notice of *Railway Works Regulations*, the project proponent will be required to give notice of the proposed project to the following persons: the railway whose line is to be crossed, the municipality in which the crossing works are to be located and the authority having responsibility for the road in question. An approval may be required for certain railway works that depart from engineering standards set under the regulations or where an objection has been filed against the work. Any questions about the *Railway Safety Act* and the Notice of *Railway Works Regulations* should be directed to Luciano Martin, Manager of Engineering, at (416) 973-2326.

You may also wish to review the Act and Regulations by accessing the following Internet sites:

Railway Safety Act: <http://www.tc.gc.ca/acts-regulations/acts/1985s4-32/menu.htm>

Notice of Railway Works Regulations: <http://laws.justice.gc.ca/en/SOR-91-103/>

Please note that certain approvals under the *Navigable Waters Protection Act* or *Railway Safety Act* trigger the requirement for a federal environmental assessment under the Canadian Environmental Assessment Act. You may therefore wish to consider incorporating CEAA requirements into your provincial environmental assessment.

Regards,

Environmental Assessment Coordinator

Transport Canada, Ontario Region
Environment & Engineering (PHE)
4900 Yonge St., 4th Fl., Toronto, ON M2N 6A5
Email: EnviroOnt@tc.gc.ca

 Please consider the environment before printing this email.

Oxlade, Michele

From: Tait, Maryjo (MNR) [Maryjo.Tait@ontario.ca]
Sent: Monday, July 05, 2010 9:30 AM
To: Oxlade, Michele
Subject: RE: West London Dyke Master Repair Plan - Notice of Study Commencement Environmental Assessment, City of London

Good morning Michele,

Please disregard the previous message (9:21 am, July 5 2010) and accept the below as MNR comments on the Notice of Study Commencement for the West London Dyke Master Repair Plan.

The Ministry of Natural Resources (MNR) has received the Notice of Study Commencement for the West London Dyke Master Repair Plan in the City of London. We would like to offer the following.

The MNR requests clarification on the following items:

- 1) How do the works associated with the Master Repair Plan relate to those proposed in the Schedule A West London Dyke Replacement Project in 2007?
- 2) Confirmation that all works are proposed within the original footprint of the existing dyke
- 3) Confirmation that the works as proposed will not result in an in-fill of the Thames River

The Endangered Species Act, 2007

The *Endangered Species Act* 2007 came into force on June 30, 2008 and offers greater protection to an increased number of species at risk. The Species At Risk in Ontario (SARO) List is Ontario Regulation 230/08.

The MNR has known occurrences for the following species within the study area:

- o Spiny Softshell (THR)
- o Wavy-rayed Lampmussel (END)
- o Green Dragon (SC)
- o Silver Chub (SC)
- o Northern Map Turtle (SC)
- o Eastern Green Violet
- o Greenside Darter

There is also potential for Kentucky Coffee Tree (THR) and Butternut (END) to occur along the Thames River.

The MNR recommends the environmental assessment includes surveys to identify the presence/absence of species at risk or habitat. While a species may not be directly within the area proposed for works, it may be adjacent and therefore the impacts to this should be assessed. The environmental assessment should include options that avoid species at risk and their habitat.

Additionally, DFO Aquatic Species at Risk Act (SARA) red lined mapping occurs on the subject lands. We recommend contacting DFO. The environmental assessment should consider impacts to fish and fish habitat.

Public Lands Act

Any in-water or shore lands works require the issuance of a Work Permit in accordance with Regulation 335/00, formerly Regulation 453/96 under the Public Lands Act.

The MNR requests to be keep informed of this project. We would like to review and provide comments on any draft plans or alternatives including wildlife and dyke naturalization plans.

Please let me know if you have any questions.

Thank you,
Maryjo

Maryjo Tait

Planning Intern – Aylmer District

Ministry of Natural Resources

615 John Street North

Aylmer, ON N5H 2S8

Phone: (519) 773-4786

email: maryjo.tait@ontario.ca

Oxlade, Michele

From: Hatcher, Laura (MTC) [Laura.Hatcher2@ontario.ca]
Sent: Tuesday, July 20, 2010 4:26 PM
To: Oxlade, Michele
Subject: West London Dyke Repair Plan -- MTC comments
Attachments: West London Dyke Repair Plan Comments July 20 2010.pdf

Dear Ms. Oxlade,

Thank you for your letter regarding the West London Dyke Master Repair Plan. The Ministry of Tourism and Culture was not able to attend the PIC in June, but while the project is in its initial stages, we would like to share some comments on the project. Please find attached a letter with MTC's comments.

Best regards,

Laura

Laura Hatcher
Heritage Planner
Ministry of Tourism and Culture - Culture Services Unit
400 University Avenue, 4th Floor
Toronto, Ontario
M7A 2R9

Telephone: 416-314-3108
Fax: 416-212-8102
Email: laura.hatcher2@ontario.ca

Ministry of Tourism and Culture
Cultural Services Unit, 4th Fl.
400 University Ave
Toronto, ON M7A 2R9

Ministre du Tourisme et de la Culture
400, avenue University
Toronto, ON M7A 2R9



Ms. Michele Oxlade
Environmental Coordinator
Stantec Consulting Ltd.
800 - 171 Queens Avenue
London ON N6A 5J7

Subject/Project: West London Dyke Master Repair Plan – Notice of Study Commencement
Location: City of London, Ontario

Dear Ms. Oxlade,

Thank you for your letter with respect to the Municipal Class Environmental Assessment for the West London Dyke Master Repair Plan, City of London. From your letter, it is my understanding that the project is at an early stage within the Class EA process, however I would like to flag some important information that may or may not apply to this specific project:

As part of the Class Environmental Assessment process, the Ministry of Culture has an interest in the conservation of cultural heritage resources including:

- Archaeological resources;
- Built heritage resources; and
- Cultural heritage landscapes.

The Provincial Policy Statement, 2005 issued under the authority of the Planning Act defines “conserved” as “the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.”

Archaeology:

The site in question has archaeological potential for the following reasons:

- a known archaeological site or within 250 meters of a known site
- within 300 meters of a primary water source (lakeshore, river, large creek)

If it is determined any ground disturbances are to take place outside the footprint of the dyke, an archaeological assessment that conforms to the Ministry of Culture’s *Standards and Guidelines for Consultant Archaeologists* is required.

Built Heritage / Cultural Heritage Landscapes:

If the site in question contains buildings/structures over 40 years old, a Heritage Impact Assessment should be undertaken. The Assessment should include the following:

1. Historical research, site analysis and evaluation
2. Identification of the significance and heritage attributes of the property
3. Description of the proposed development / site alteration
4. Measurement of impacts
5. Consideration of alternatives, mitigation and conservation methods
6. Implementation and monitoring schedules
7. Summary statement and conservation recommendations

For more information, refer to Ministry of Culture *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* in the Ontario Heritage Tool Kit at http://www.culture.gov.on.ca/english/heritage/Toolkit/Heritage_PPS_infoSheet.pdf

Please do not hesitate to contact me if you have any questions.

Sincerely,

Laura Hatcher
Heritage Planner
416-314-3108

Oxlade, Michele

From: Tait, Maryjo (MNR) [Maryjo.Tait@ontario.ca]
Sent: Tuesday, July 27, 2010 8:45 AM
To: Oxlade, Michele
Subject: RE: West London Dyke Master Repair Plan - Notice of Study Commencement Environmental Assessment, City of London

Good morning Michele,

The MNR would like to offer the following additional comments for this Municipal Class EA.

The environmental assessment should consider options for the potential naturalization of the shoreline, slope and top of slope.

Fisheries

It is recommended that the proponent assess the potential impacts of the project on fish resources: species, migrations, timing, etc. DFO/UTRCA is the delegated authority for the review of fish habitat.

Wildlife

It is recommended that the proponent assess the impacts of the project on the wildlife resources: wildlife, wildlife of concerns, birds and endangered-threatened species. Additionally, it is recommended that the proponent assess the naturalization and enhancement of the wildlife resource.

Thank you,

Maryjo

From: Tait, Maryjo (MNR)
Sent: July 5, 2010 9:30 AM
To: 'Oxlade, Michele'
Subject: RE: West London Dyke Master Repair Plan - Notice of Study Commencement Environmental Assessment, City of London

Good morning Michele,

Please disregard the previous message (9:21 am, July 5 2010) and accept the below as MNR comments on the Notice of Study Commencement for the West London Dyke Master Repair Plan.

The Ministry of Natural Resources (MNR) has received the Notice of Study Commencement for the West London Dyke Master Repair Plan in the City of London. We would like to offer the following.

The MNR requests clarification on the following items:

- 1) How do the works associated with the Master Repair Plan relate to those proposed in the Schedule A West London Dyke Replacement Project in 2007?
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The MNR has known occurrences for the following species within the study area:

- o Spiny Softshell (THR)

- Wavy-rayed Lampmussel (END)
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- Northern Map Turtle (SC)
- Eastern Green Violet
- Greenside Darter

There is also potential for Kentucky Coffee Tree (THR) and Butternut (END) to occur along the Thames River.

The MNR recommends the environmental assessment includes surveys to identify the presence/absence of species at risk or habitat. While a species may not be directly within the area proposed for works, it may be adjacent and therefore the impacts to this should be assessed. The environmental assessment should include options that avoid species at risk and their habitat.

Additionally, DFO Aquatic Species at Risk Act (SARA) red lined mapping occurs on the subject lands. We recommend contacting DFO. The environmental assessment should consider impacts to fish and fish habitat.

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The MNR requests to be keep informed of this project. We would like to review and provide comments on any draft plans or alternatives including wildlife and dyke naturalization plans.

Please let me know if you have any questions.

Thank you,
Maryjo

Maryjo Tait

Planning Intern – Aylmer District
Ministry of Natural Resources
615 John Street North
Aylmer, ON N5H 2S8
Phone: (519) 773-4786
email: maryjo.tait@ontario.ca



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

London
CANADA

RECEIVED
JUL 22 2010

STANTEC CONSULTING LTD.

July 9, 2010

M. Oxlade
Environmental Coordinator
Stantec Consulting Ltd.
800 – 171 Queens Avenue
London ON N6A 5J7

Re: West London Dyke Master Repair Plan

At its meeting held on July 7, 2010, the Advisory Committee on the Environment (ACE) received your communication dated June 4, 2010 with respect to a Notice of Study Commencement relating to the West London Dyke Master Repair Plan.

The ACE postponed consideration of this matter to its next meeting and asked you to provide copies of the West London Dyke Master Repair Plan Study to the ACE members. (6/8/ACE)

Heather Lysynski
Committee Secretary



Chris Bentley, MPP
London West

RECEIVED
AUG 18 2010

STANTEC CONSULTING LTD.

July 26, 2010

Michele Oxlade
Environmental Assessment Coordinator
Stantec Consulting Ltd.
800 – 171 Queens Avenue
London, ON
N6A 5J7

Dear Mr. Oxlade:

Thank you for your letter regarding the West London Dyke Master Repair Plan.

I look forward to working with the Upper Thames River Conservation Authority, the City of London and Stantec Consulting in the efforts to fix the West London Dyke. Please continue to keep me informed on the development of this project.

Thank you again for contacting my office.

Yours truly,

A handwritten signature in black ink, appearing to be "Chris Bentley".

Chris Bentley, MPP
London West

CB/jk



**Canadian Environmental
Assessment Agency**

55 St-Clair Avenue East
9th Floor, Room 907
Toronto, Ontario
M4T 1M2

**Agence canadienne
d'évaluation environnementale**

55 Avenue St-Clair Est
9ième étage, pièce 907
Toronto, Ontario
M4T 1M2

RECEIVED
AUG 24 2010

STANTEC CONSULTING LTD.

August 16, 2010

Michele Oxlade B.Sc., EMX
Environmental Coordinator
Stantec Consulting Ltd.
800-171 Queens Avenue
London ON N6A 5J7

Dear Michele Oxlade,

**Re: West London Dyke Master Repair Plan – Notice of Study
Commencement**

Thank you for your letter dated June 4, related to the above-noted project.

The *Canadian Environmental Assessment Act* (the Act) may apply to federal authorities when they contemplate certain actions or decisions in relation to a project that would enable it to proceed in whole or in part. A federal environmental assessment may be required when a federal authority: is the proponent of a project; provides financial assistance to the proponent; makes federal lands available for the project, or issues a permit, license or any other approval as prescribed in the *Law List Regulations*.

In the case of projects that are subject to the Ontario *Environmental Assessment Act*, if there is uncertainty as to whether the Act may also apply, the Agency can help proponents answer this question. For projects that are subject to the Act, the Agency will act as the federal environmental assessment coordinator and facilitate the involvement of the federal authorities in a co-ordinated assessment aimed at meeting all agencies' needs simultaneously.

In order for the Agency to undertake either of these roles, it must have a project description that can be distributed to various federal authorities to determine their interest in the project. It is recognized that at the early stages of the planning process, there may not be much detailed information to provide. However, proponents should try to provide some information on:

- the nature of the project and its location;
- federal decisions which may be made in relation to the project;
- whether federal funding is being contemplated or federal lands are required.

.../2



To better assist proponents, the Agency has developed an Operational Policy Statement, which provides guidance in preparing project descriptions. This is available on the Agency's website at:

http://www.ceaa-acee.gc.ca/013/0002/ops_ppd_e.htm

If your purpose in sending us notification of your project is to determine whether the *Canadian Environmental Assessment Act* applies, please be aware that simple notification will not be sufficient. A project description for the preferred alternative will be required.

Important Note: Please be aware that release of documents to the public may be part of the EA process. Information provided by you related to the EA for this project will be part of the Canadian Environmental Assessment Registry and will be made available to members of the public, if requested. A package with additional information will be provided to you upon submission of the project description. Should you provide any documents that contain confidential or sensitive information that you believe should be protected from release to the public, please contact the undersigned to obtain an Exclusion Form. This Form can be used to identify the information to be considered for exclusion from the Canadian Environmental Assessment Registry and the rationale for the exclusion.

If you have any questions regarding any of the above, please contact the undersigned at 416-954-7334.

Sincerely,

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

Linda Boeheim, Project Manager
Canadian Environmental Assessment Agency, Ontario Region

LB/jr

Oxlade, Michele

From: Doyle, Rod [doyle@LondonHydro.com]
Sent: Friday, September 10, 2010 4:18 PM
To: Oxlade, Michele
Subject: West London Dyke Mater Repair Plan

Michele:

London Hydro's comments and concerns are the following with respect the Environmental Assessment of the West London Dyke Plan:

1. London Hydro has existing pole line circuits crossing St. James St. to Beaufort St. and running south along the west side of the river to Saunby St. These circuits are critical.
2. London Hydro has existing pole line circuits crossing Ann St. to Patrick St. These circuits are critical and London Hydro has plans to cross the Thames at this same location with two more circuits. These two future circuits are planned to run along the west side of the river heading north to Oxford St.
3. London Hydro has existing underground duct structure and underground cables along the north side of the Thames (south side of Riverside Dr), east of Wharncliffe Rd. to the fork of the Thames.

We request that London Hydro's existing infrastructure remain unaffected and remain accessible and we will work with the consultant, City of London and the Upper Thames Conservation Authority towards a common plan to incorporate our future works together.

Rod Doyle, P.Eng.

Distribution Engineer

London Hydro Inc.

Office: 519-661-5800 ext. 4515

Mobile: 519-860-0390

Email: doyle@londonhydro.com



JAN 12 2010

Michele Oxlade
Environmental Assessment Coordinator
Stantac Consulting Ltd.
800 – 171 Queens Ave.
London ON, N6A 5J7

RECEIVED
JAN 15 2010

Reference: 455

STANTEC CONSULTING LTD.

Re: West London Dyke Master Plan Repair - Notice of Study Commencement

Dear Mr. Oxlade:

Thank you for your inquiry dated June 4, 2010 regarding the above noted project.

The responsibilities of the Ministry of Aboriginal Affairs (MAA) include conducting land claim and related negotiations on behalf of the Province. MAA can provide you with information about land claims that have been submitted to the Ministry, are currently in active negotiations, or are being implemented. We can also advise as to whether there is any litigation with an Aboriginal community that may be relevant to your project.

You should also be aware that many First Nations and Métis communities either have or assert rights to hunt and fish in their traditional territories. These territories often include lands and waters outside of a First Nation reserve. As well, in some instances project work may affect archaeological and burial sites. Aboriginal communities with an interest in such sites may include communities other than those in the vicinity of the proposed project.

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

<p>Oneida Nation of the Thames 2212 Elm Avenue SOUTHWOLD, Ontario NOL 2G0</p>	<p>Chief Joel Abram (519) 652-3244 (Fax) 652-9287 Joel.abram@oneida.on.ca Laura.phillips@oneida.on.ca Holly.elijah@oneida.on.ca</p>
<p>Chippewas of the Thames 320 Chippewa Road R.R. #1 MUNCEY, Ontario NOL 1Y0</p>	<p>Chief Vaughan Albert Sr. (519) 289-5555 (Fax) 289-2230 chief@cottfn.ca</p>

For your information, MAA notes that the following First Nation may be interested in your project given the potential impacts of your project on the environment: and the location of their reserve lands or areas of interest:

Munsee-Delaware Nation R. R. #1 MUNCEY, Ontario NOL 1Y0	Chief Patrick Waddilove (519) 289-5396 (Fax) 289-5156 pwaddilove@munsee.on.ca
--	---

MAA is not the approval or regulatory authority for this project. To determine what consultation with Aboriginal communities may be required, please consider the information provided in this letter in light of the legislative, regulatory and policy framework for your project. Should you have any questions, please contact the appropriate ministry.

The Government of Canada sometimes receives claims that Ontario does not receive, or with which Ontario does not become involved. For information about possible claims in the area, MAA recommends the proponent contact the following federal contacts:

Ms. Janet Townson
Claims Analyst, Ontario Team
Specific Claims Branch
Indian and Northern Affairs Canada
1310-10 Wellington St.
Gatineau, QC K1A 0H4
Tel: (819) 953-4667
Fax: (819) 997-9873

Mr. Sean Darcy
Manager
Assessment and Historical Research
Indian and Northern Affairs Canada
10 Wellington St.
Gatineau, QC K1A 0H4
Tel: (819) 997-8155
Fax: (819) 997-1366

For federal information on litigation contact:

Mr. Marc-André Millaire
Litigation Team Leader for Ontario
Litigation Management and Resolutions Branch
Indian and Northern Affairs Canada
10 Wellington St.
Gatineau, QC K1A 0H4
Tel: (819) 994-1947
Fax: (819) 953-1139

Additional details about your project or changes to it that suggest impacts beyond what you have provided to date may necessitate further consideration of which Aboriginal communities should be contacted. If you think that further consideration may be required, please bring your inquiry to whatever government body oversees the regulatory process for your project.

You should also be aware that information upon which the above comments are based is subject to change. First Nation or Métis communities can make assertions at any time, and other developments can occur that might require additional communities to be notified.

Yours truly,

A handwritten signature in black ink, appearing to read "H. Levecque". The signature is fluid and cursive, with a long horizontal stroke at the end.

Heather Levecque
Manager, Consultation Unit
Aboriginal Relations and Ministry Partnerships Division



Introduction

The ***Navigable Waters Protection Act (Act)*** protects the public right to boat freely on waterways in Canada. The Act and its regulations:

- Require the pre-approval of structures (known as **works**) to be placed in, on, over, under, through, or across any navigable waters; and
- Provide a legal framework for dealing with obstacles and obstructions to navigation.

The Act was updated on March 12, 2009. You can find the Act and its regulations online at:

<http://laws.justice.gc.ca/en/N-22/>

Transport Canada's (TC) **Marine Safety, Navigable Waters Protection Program** works to:

- Protect the public right of navigation
- Ensure safety for the shared use of Canada's waterways; and
- Consider any impacts proposed works might have on the environment.

Navigable Waterways are any natural or man-made bodies of water (rivers, lakes, canals, etc.) that can be used by vessels to work, move freight, travel or enjoy pleasure activities – even if they were created for purposes other than navigation.

Get the Facts

What is a Minor Water?

Before starting construction, repairs or changes, owners should find out if their work is on a minor water or a navigable waterway. To determine if the waterway is minor you may refer to the *Minor Works and Waters (Navigable Waters Protection Act) Order* at <http://www.tc.gc.ca/marinesafety/oep/nwpp/minorworks/menu.htm>.

What is a work?

A work includes:

- Any man-made structure, device or thing, temporary or permanent, that may limit or prevent boating; and
- Any fill dumped into, or materials being dug from, the bed of navigable water that may limit or prevent boating.

What is a minor work?

Some works, called minor works, that **will not limit or prevent boating**, do not require TC approval. However, they must be placed, built and maintained according to the Minor Works and Waters (NWPA) Order. If they aren't, owners may be fined.

Minor works include:

- Winter Crossings
- Water Intakes
- Pipeline Crossings
- Docks & Boathouses
- Submarine (underwater) Cables
- Aerial Cables
- Erosion Protection Works
- Dredging



Get Your Project Approved

All works, except those listed as minor works under the *Order*, must be approved by Transport Canada. TC approval is proof that your planned work will not limit or prevent boating.

Contact TC for approval **well before your desired start date**. This will give us time to review your project and respond.

Remember: You must request and get any local building or other permits you may need **before** you begin your work.

Approval process

Step One: Apply.

1. Prepare a letter or application form that includes the information set out in Table 1, below;
2. Include a map and directions indicating the exact location of the worksite;
3. Include onsite, upstream and downstream photos of the waterway.
4. Mail your letter and supporting documents to:

Transport Canada, Navigable Waters Protection Office
100 Front Street South,
Sarnia, Ontario N7T 2M4



Table 1 - Information and Application Requirements

Please provide as much of the following information as possible as missing information may delay your review. Pay particular attention to the mandatory information listed in Section D - Summary of Supporting Documents.

<p>Application Section A:</p>	<ul style="list-style-type: none"> Your name and address, phone, number, fax and email address. Contractor/consultant/agent (if any) address, phone, number, fax and email addresses
<p>Application Section B</p> <p>Work Site Location and Description:</p>	<ul style="list-style-type: none"> Legal site description (lot, concession, county/township or city/town, etc) and 911 address (if any). Name of the owner(s) of property immediately upland to the work site (note that you may require written consent to do the work). <u>Six copies</u> of a key map showing the exact location of the work site. <u>One copy</u> of written directions to the site. The latitude and longitude of the work site, if known. Legal and/or local name of waterway. Photos taken at, upstream and downstream of the work site. Canadian Hydrographic Service (CHS) navigation chart number (if known). National Traffic System (NTS) topographic map numbers (if known). A photocopy of your water lot lease or permit. The ordinary high water mark, the normal summer water elevation or chart datum at the work site (if known). Average width and depth of the waterway at the work site. Known boating uses of the waterway, i.e. traveling, moving freight, work or pleasure.
<p>Application Section C</p> <p>Description of Work:</p>	<ul style="list-style-type: none"> A detailed description of the work, including: <ul style="list-style-type: none"> method of construction; equipment and material used; operating plans; debris management plans; and any temporary works (berm, cofferdam, road, signage, portage, etc) required for the project. <u>Six copies</u> of drawings of the work (top-down plan view and side-on profile view) including: <ul style="list-style-type: none"> structure dimensions; shoreline shape; water depths; and near by structures. Any Environmental Assessment documents and information you have. Your proposed building or project schedule (with start and end dates). Status of the work at the time of application (existing, proposed, rebuilding, repairs, etc). Original date the existing work was constructed, if this is a repair or rebuild, and the date of any previous approvals. Name of any other agencies you have submitted these plans to.
<p>NOTE</p>	<p>Transport Canada must receive at minimum the following information to process your application. Missing information may lead to delays.</p>

(Continued)



Table 1 - Information and Application Requirements

<p>Application Section D</p> <p>Summary of Supporting Documents:</p>	<ul style="list-style-type: none"> ❑ Your name, address, phone, number, fax and email address. ❑ If an agency is acting on your behalf, provide Agency Applicant and name, address, phone, number, fax and email address. ❑ Legal site description (lot, concession, county/township or city/town, etc). If the work site has been assigned a 911 address, provide this as well. ❑ <u>Six copies</u> of a key map showing the exact location of the work site. ❑ A photocopy of your water lot lease or permit. ❑ Photos taken at, upstream and downstream of the work site. ❑ The ordinary high water mark, the normal summer water elevation or chart datum at the work site. ❑ A detailed description of the work, including method of construction, equipment and material used, operating plans, debris management plans and any temporary works (berm, cofferdam, road, signage, portage, etc) required for the project. ❑ <u>Six copies</u> of drawings of the work (top-down plan view and side-on profile view) including structure dimensions, shoreline shape, water depths and near by structures.
--	---



Step Two: Wait for a response.

Transport Canada reviews proposed works based on information you provide, on-site assessment of the waterway and potential impacts to navigation. Once its review is complete, TC may issue an approval if the impacts to navigation can be lessened. The approval may include conditions you must meet.

The complete Transport Canada review can take some time because you may be asked to:

- Provide more information;
- Meet a Transport Canada official on site;
- Deposit plans after confirmation to proceed,
- Notify the public of the proposed work and allow one month for comments, and
- Support an environmental assessment of the work as per the under *Canadian Environmental Assessment Act (CEAA)*.

Step Three: Receive a response.

If / When you receive an Approval Document, you must:

- Read it carefully. It may include conditions that you must meet or time limits you must respect.
- Keep a copy of the Approval Document on the work site at all times.
- Meet all conditions of approval.
- Expect a TC official inspect your site to make sure you are meeting all conditions of approval.
- Write to TC when your work is done.



Table 2 – The Approval Process – Step by Step

1. Verify if the waterway is subject to the *Minor Works and Waters (Navigable Waters Protection Act) Order* or is a navigable waterway.
2. Verify if the work is subject to the *Minor Works and Waters (Navigable Waters Protection Act) Order* or is subject to application and review under the Act.
3. Complete and sign the application form and send it to Transport Canada with supporting documents listed in Table 1 (above) to the following address:

Transport Canada, Navigable Waters Protection Office
100 Front Street South, Sarnia, Ontario N7T 2M4

Include six copies of the drawings and key map showing location of the work site.

4. Be prepared to attend an on-site meeting with Transport Canada officials, or if asked, to provide more information.
5. If notified by Transport Canada, deposit one set of drawings and the supporting documents at the nearest Land Registry or Land Titles Office. Have one set of drawings certified by the Registrar and return it to Transport Canada with the Registrar's certificate, signature and deposit number.
6. If notified by Transport Canada, advertise your work project in the legal section, if possible. We will send you a sample ad, complete instructions and a blank Statutory Declaration of Advertising. When you have advertised your project:
 - Have the "Statutory Declaration of Advertising" witnessed by a Commissioner of Oaths and return it to Transport Canada with 1 copy of the advertisements.
 - Allow one month for comments from the public before starting to build.

NOTE: The advertising process may have to be repeated if done too soon, if information is missing or if project plans change.

7. If asked, provide Transport Canada with any additional information needed for the environmental assessment.
8. When you receive your Approval from Transport Canada, read it carefully and note any conditions of approval. Also, look for any time limits for starting and completing the work as well as how long the Approval Document is valid.
9. Build your work, fulfilling all conditions of the Approval Document. Keep a copy of the Approval on the work site at all times during construction. Transport Canada officials may conduct on-site inspection(s) to ensure conditions are being met.
10. Notify Transport Canada in writing when the work is completed.
11. TC officials may inspect your finished work to make sure that it is built according to plan and meets the conditions of approval. **You** must:
 - Meet all conditions of approval;
 - Take any measures required by the environmental assessment.
 - Make sure to keep the work up to the standard of its approved plans.

Notes: You are responsible to:

- a. Complete the work according to plans approved by Transport Canada;
- b. Fulfill conditions of approval, as set out in the Approval Document issued by Transport Canada;
- c. Implement any environmental protection measures identified under *Canadian Environmental Assessment Act*.

NOTE: This guide explains the Navigable Waters Protection Act application and approval process. If anything in this Guide differs from the Act, comply with the Act.

Navigable Waters Protection Act Request for Project Review

This is my first request for a NWPP review for this project.

Yes

No

Section A	Your Contact Information	
	Your full name:	
	Mailing Address:	
	Street Address (if not the same):	
	City/Town:	Province/Territory: Postal Code:
	Tel. No. (Home):	Tel. No. (Work): Tel. No.: (Other)
	Fax No:	E-mail Address:
	Name of Contractor/Consultant/Agent (if any):	
	Mailing Address:	
	Street Address (if not the same):	
City/Town:	Province/Territory: Postal Code:	
Tel. No. (Home)	Tel. No. (Work): Tel No. (Other)	
Fax No:	E-mail Address:	
Section B	Site location and description	
	Name of Nearest City, Town, Village:	Municipality / District / County:
	Legal site description (lot, concession, county/township, city/town, etc.) and 911 address, if any:	
	Access road or directions to Proposed Work Site (route number, highway series number or street name/number if urban area, etc.)	
	Legal and/or local name of waterway:	Description of waterway (Note: Enclose photographs):
	CHS navigation chart and NTS topographic map numbers (if available):	Water lot Lease or Permit (if any):
Average width and depth of waterway at or near the project site:	Known navigation and waterway use (recreational and commercial):	
Section C	Basic Project Description	
	What is the proposed project? (<i>dock, dam, bridge, aquaculture site, etc.</i>) Note: <u>You must attach detailed description and plans of work.</u>	
	Proposed project Start and End dates:	Status of the Project (circle <u>one</u>): New Existing Addition Repair Other (explain)
Building plans (describe methods, temporary works, etc.):		
Section D	Required Supporting Documents and Information	
	Documents:	Information:
	<ul style="list-style-type: none"> A detailed written description of your project A Map showing exactly where the project site is. Drawings – plan view (top down) and profile view (side on) including structure dimensions, shoreline shape and any nearby structures. Environmental Assessment documents and information. Onsite, upstream and downstream photos. 	<ul style="list-style-type: none"> Description of any temporary works related to the project (i.e. portage, signage, berms, cofferdams, roads, etc.). Original building date of an existing work and any previous approvals. Latitude and Longitude of the work site. Upland property owner's name (if you are not the upland property owner, you may need their written consent) Names of other agencies you have submitted plans to.
	Date:	Signature:
For NWPP Use only:		
NWPA #:		



**Ministry of Tourism,
Culture and Sport**

Culture Services Unit
Programs and Services Branch
401 Bay Street, Suite 1700
Toronto ON M7A 0A7
Tel: 416 314 7145
Fax: 416 212 1802

**Ministère du Tourisme,
de la Culture et du Sport**

Unité des services culturels
Direction des programmes et des services
401, rue Bay, Bureau 1700
Toronto ON M7A 0A7
Tél: 416 314 7145
Télé: 416 212 1802



September 24, 2015 (EMAIL ONLY)

Cameron Gorrie, P.Eng.
Stantec Consulting Ltd.
600-171 Queens Avenue
London, ON N6A 5J7
E: Cameron.Gorrie@stantec.com

RE: MTCS file #: 39WT142
Proponent: City of London/Upper Thames River Conservation Authority
Subject: Notice of Public Information Centre (PIC) #3
West London Dyke Master Repair Plan
Location: City of London, Ontario

Dear Cameron Gorrie:

Thank you for providing the Ministry of Tourism, Culture and Sport (MTCS) with the Notice of PIC #3 and presentation materials for your project. MTCS's interest in this EA project relates to its mandate of conserving Ontario's cultural heritage, which includes:

- Archaeological resources, including land-based and marine;
- Built heritage resources, including bridges and monuments; and,
- Cultural heritage landscapes.

Under the EA process, the proponent is required to determine a project's potential impact on cultural heritage resources. Realizing that this is in part a Master Plan, developing a preliminary inventory of known and potential cultural heritage resources within the study area can identify specific resources that may play a significant role in guiding the evaluation of alternatives for subsequent project-driven EAs. While the PIC #3 materials state that this project is anticipated to be a Schedule B Municipal Class EA project, 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 MTCS.

Please note that the [Standards and Guidelines for Conservation of Provincial Heritage Properties](#) (S&G), prepared pursuant to Section 25.2 of the *Ontario Heritage Act (OHA)*, came into effect on July 1, 2010. All Ontario government ministries and public bodies that are prescribed under Ontario Regulation 157/10 must comply with the S&Gs. They apply to property that is owned or controlled by the Crown in right of Ontario or by a prescribed public body.

While some cultural heritage resources may have already been formally identified, others may be identified through screening and evaluation. Aboriginal communities may have knowledge that can contribute to the identification of cultural heritage resources, and we suggest that any engagement with Aboriginal 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

Your EA project may impact archaeological resources and you should screen the project with the MTCS [Criteria for Evaluating Archaeological Potential](#) to determine if an archaeological assessment is needed. MTCS archaeological sites data are available at archaeologicalsites@ontario.ca. If your EA project area exhibits archaeological potential, then an archaeological assessment (AA) should be undertaken by an archaeologist licenced under the *OHA*, who is responsible for submitting the report directly to MTCS for review.

Built Heritage and Cultural Heritage Landscapes

The MTCS [Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes](#) should be completed to help determine whether your EA project may impact cultural heritage resources. The Clerk for the City of London can provide information on property registered or designated under the *Ontario Heritage Act*. Municipal Heritage Planners can also provide information that will assist you in completing the checklist.

If potential or known heritage resources exist, MTCS recommends that a Heritage Impact Assessment (HIA), prepared by a qualified consultant, should be completed to assess potential project impacts. Our Ministry's [Info Sheet #5: Heritage Impact Assessments and Conservation Plans](#) outlines the scope of HIAs. Please send the HIA to MTCS for review, and make it available to local organizations or individuals who have expressed interest in heritage.

Environmental Assessment Reporting

All technical heritage studies and their recommendations are to be addressed and incorporated into EA projects. Please advise MTCS whether any technical heritage studies will be completed for your EA project, and provide them to MTCS before issuing a Notice of Completion. If your 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 MTCS on this project: please continue to do so through the EA process, and contact me for any questions or clarification.

Sincerely,

Joseph Muller, RPP/MCIP
Heritage Planner
Joseph.Muller@Ontario.ca

Copied to: Rick Goldt, Supervisor, Water Control Structures, UTRCA
Chris McIntosh, Environmental Services Engineer, City of London

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. MTCS 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 MTCS 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 MTCS 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 Cemeteries Regulation Unit of the Ministry of Government and Consumer Services must be contacted. In situations where human remains are associated with archaeological resources, MTCS 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.