

Project:	Detroit River International Crossing Study	Date:	May 11, 2009
Location:	MTO London Office 659 Exeter Road		
Purpose:	DRIC Study Team response to MNR Comments on DRIC EA		
Present:	Joel Foster Roger Ward Daraleigh Irving Mitch Wilson	Ministry of Transportation (MTO) Ministry of Transportation (MTO) Ministry of Natural Resources (MNR) Ministry of Natural Resources (MNR)	

A meeting was held to discuss the comment/response table provided by MTO relating to comments provided by MNR on the DRIC EA. This table has been provided to the MNR for their review. A general discussion occurred which centered on 6 major themes as outlined below. The proposed methods of addressing the concerns of MNR follow the major themes.

Theme 1: Landscape Plan – MNR has concerns regarding a lack of commitment to specific measures to be undertaken regarding rare plant communities. MNR noted that the mitigation measures identified in the mitigation plans for the ESA permit must be embedded into the landscape plan. MNR suggested that clear end results / expectations be established to determine when MTO has successfully met the mitigation measures and / or determine that adaptive management is required.

Response: MTO is committed to consultation with agencies, including MNR, in future design stages. MTO will ensure that the successful proponent designing and implementing the detailed Landscape Plan will consult with MNR in the design of the Landscape Plan. MTO commits to providing language to this extent in the Request for Proposals to be issued for implementation and MTO further commits to work with MNR for appropriate language to be used in the RFP.

Theme 2: ESA Permit – Considering the different processes being undertaken simultaneously, MNR would like assurances at this stage that any requirements of the ESA permit will be tied to approval of the Environmental Assessment (EA). MNR is also concerned that commitments made in one process (e.g. EA) may conflict with commitments in the other process (e.g. ESA permit).

Response: MTO considers both the commitments of the EA and of the ESA Permit to be binding to MTO. If either the MOE or the MNR chose to tie the processes together as conditions of approval, it would be at their discretion.

Theme 3: Permit to Take Water (PTTW) – MNR has concerns about the effect that potential ground water drawdown will have on the sensitive adjacent ecological systems. MNR identified that the PTTW may be a potential tool to assist in the determination of impact to rare ecological communities from groundwater drawdown. Through discussion, MNR noted that the PTTW process may not be able to assist in determining if there is an impact to rare ecological communities.

Response: Initial subsurface investigations conducted by the DRIC study team conclude that ground water drawdown is unlikely due to the low permeability of the native soils. A monitoring program will be established prior to construction, to confirm existing groundwater levels in sensitive natural areas adjacent to the right-of-way. If problems are encountered during construction, suitable mitigating measures will be developed. Mitigation actions can be regulated through the Permit to Take Water approval.

Theme 4: Restoration Strategies – MNR would prefer stronger statements/language regarding commitment to future restoration of lands, and that the restoration strategies will be considered in descending order as identified in the EA..

Response: MTO is committed to consultation with agencies, including MNR, in future design stages. MTO commits to using end result specifications for restoration strategies, which will conform to the strategy as identified in the EA. MTO further commits to work with MNR for appropriate language to be used in the RFP.

Theme 5: MNR Class EA requirements – MNR will require written confirmation from MTO that they had complied with the requirements under the Environmental Assessment Act, including any provisions of an approval, order or regulation for the project.

Response: MTO will provide written confirmation to MNR, following approval of the DRIC EA.

Theme 6: Cumulative Effects- MNR requires a review of the cumulative effects relative to ESA 2007 in their EA review.

Response: MTO will provide the CEAA documentation regarding cumulative effects for their review.

Next Steps – MNR to review meeting notes and discuss any outstanding matters of concern with MTO prior to May 27, 2009

Notes updated June 26, 2009, to reflect MNR Comments.

Submitted by: R. Ward

Distribution: Attendees