Ministry of Natural Resources and Forestry

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January 4, 2019

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Re: MNRF Letter of Advice GU-L-001-19
Ontario Ministry of Transportation (MTO)
Replacement of Twin Bridges over the CN and CP Rails and Realignment of the QEW
Town of Fort Erie, ON

Dear Ms. Ellis,

The Ministry of Natural Resources and Forestry (MNRF) has reviewed the information submitted by AECOM on December 7th and December 20th in support of the above noted project to assess the potential impacts of the proposal on Species at Risk Bats protected under the *Endangered Species Act, 2007 (ESA 2007)*. Based on the information provided, it is MNRF's understanding that the proposed project falls within the following parameters:

a) The proposed works entail the replacement of the Twin Bridges over the CN and CP Rails with two new bridges along with a slight realignment of the QEW to the west;
b) Works also include the reconstruction of the Toronto bound and Fort Erie bound ramps at the QEW/ Bowman Road Interchange, replacement of two 800mm CSP culverts and installation of wildlife exclusion fencing;
c) The project will require the removal of 1.454 ha of potentially suitable SAR bat habitat as per the Construction Disturbance Areas illustrated in Figures 1-a and 1-b; and
d) 39 suitable maternity roost trees for Little Brown Myotis, Northern Myotis and Eastern Small-footed Myotis, as well as, 18 suitable maternity roost trees for Tri-colored Bat are anticipated to be impacted by the project.

Based on a review of the information provided, MNRF staff have determined that the proposed project **will not adversely affect Little Brown Myotis, Northern Myotis, Eastern Small-footed Myotis, Tri-colored Bat or their habitat provided the following conditions are implemented:**

1. Vegetation removal shall be restricted to the proposed expansion footprint only;
2. Areas of vegetation removal shall be clearly marked in the field and disturbance beyond the marked limits will not be permitted;
3. No tree removal shall occur between March 31st and October 1st, to avoid direct impacts to SAR bats;
4. During the maternity roosting season for SAR bats, construction activities within 30m of suitable maternity roost trees are to be restricted to daylight hours when possible;

5. If construction at night during the active season for bats cannot be avoided, the following mitigation measures will be implemented with respect to lighting work sites after dusk:
    - Work lights should be hooded (i.e. shielded) and directed downward toward the immediate work area to minimize horizontal and skyward illumination; and
    - Height of light units should be as low to the ground as possible while maintaining roadside and worker's safety.
6. MNRF shall be notified immediately if mortalities of SAR bats are observed; and
7. If any Species at Risk are observed within the work area at any time, construction shall halt and MNRF will be contacted immediately.

Please be advised that it is your responsibility to comply with all other relevant provincial or federal legislation, municipal by-laws or other required approvals.

Should any of the project parameters change, please notify the MNRF Vineland Field Office immediately to obtain advice on whether the changes may require authorization under the *ESA 2007*. Failure to carry out these projects as described above could result in contravention of the *ESA 2007*.

If you have any questions, please contact me at 905-562-1196 or at david.denyes@ontario.ca.

Sincerely,



David Denyes
Management Biologist

AECOM Imagine It Delivered

December 7, 2018

Figure 1: Construction Disturbance Area and Bat Maternity Roost Trees for the Study Area

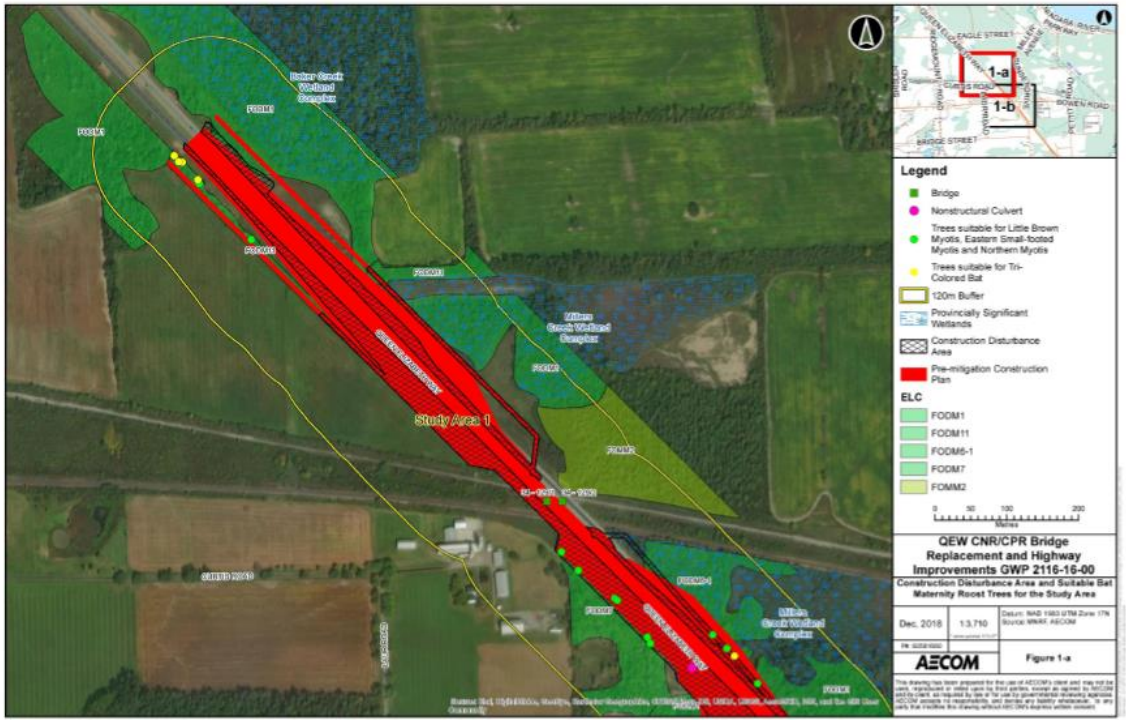


Figure 1-a

AECOM Imagine It Delivered

December 7, 2018

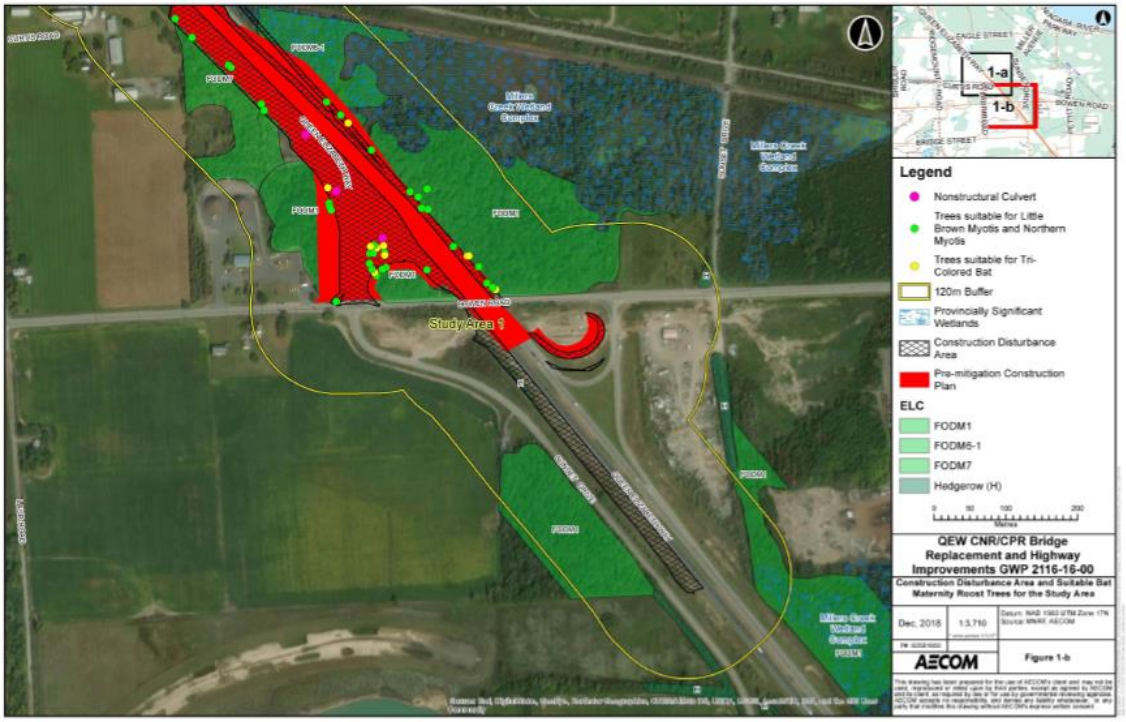


Figure 1-b