



Stantec Consulting Ltd.
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November 4, 2020
File: 160961299

Attention: Scott Peck, B.A., DPA, MCIP, RPP, CMMIII
**Deputy Chief Administrative Officer/
Director, Watershed Planning & Engineering
Hamilton Conservation Authority**

Dear Mr. Peck,

**Reference: Enbridge Dawn-Parkway System Expansion, Kirkwall to Hamilton Pipeline Section
Environmental Impact Study Peer Review**

Thank you for providing the Peer Review of our Environmental Impact Study (EIS) for the proposed Enbridge Dawn-Parkway System Expansion, Kirkwall to Hamilton, in Flamborough, Ontario (Savanta Inc., Oct 2020). We understand that Savanta Inc. was retained by the Hamilton Region Conservation Authority (HCA) to conduct the Peer Review, the intent of which was to examine the accuracy in the classification of significant features and confirm that easement limits and ecological constraints have been appropriately assessed.

Stantec has studied the Peer Review in detail, which provides a comprehensive and accurate assessment of the EIS. The Peer Review found that *with the implementation of the recommendations described in the Scoped EIS, it is expected that potential impacts can be avoided or reduced such that the existing features and functions will remain intact*. Furthermore, the Peer Review provides several recommended revisions to the EIS; areas where more discussion on policy, provincial guidance and impacts could be provided, as well as recommendations for additional or modified mitigation. The Peer Review concludes that *pending the aforementioned revisions to the Scoped EIS, Savanta is satisfied that the data collection methods, proposed timing windows, biophysical characterization of the Study Area, significance assessment, impact evaluation and mitigation measures have been adequately assessed*.

The recommended revisions in the Peer Review are reasonable and feasible to implement. The revisions are in line with the discussion and conclusions already provided in the EIS. **Table 1** provides a summary of how each Peer Review comment will be address, including, for example, clarification on the extensive Blanding's Turtle surveys completed in accordance with the HCA Terms of Reference for the Kirkwall to Hamilton expansion. We trust that with these revisions, the EIS will satisfy the Peer Review and that potential impacts and mitigation for natural heritage features have been comprehensively addressed.

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Regards,

Stantec Consulting Ltd.

Andrew Taylor

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Attachment: Attachment

c. Ryan Park, Sr. Environment Advisor, Enbridge

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Table 1: Proposed revisions to EIS to address Peer Review comments

Section	Peer Review Comment	Proposed revisions to EIS to address comment
Section 1.2	The proposed access route is located adjacent to a tributary of Spencer Creek, immediately east of the eastern limit of the HCA lands. Heavy equipment will not use the proposed access route (as per Section 7.2.3). If heavy equipment use is required, an alternative access route should be provided for HCA review.	Section 7.2.3 of the EIS will be updated to include the recommendation to consult with HCA on access options, should heavy equipment be required on the route adjacent to the tributary.
Section 2.1	Given that the completion of Blanding's Turtle Surveys was requested by HCA, Savanta recommends that the Scoped EIS report (Stantec 2020) be revised to provide additional context regarding the exclusion of these surveys. The report should indicate if consultation with MECP was undertaken with respect to Blanding's Turtle.	The HCA Terms of Reference was prepared for the entire Kirkwall to Hamilton expansion, and not just for HCA lands. Blanding's Turtle surveys were completed in the spring of 2020 in accordance with the Terms of Reference. The surveys focused on wetlands with standing water; areas that would be considered Category 1 or 2 habitat, under the Blanding's Turtle General Habitat Description (MNR 2017). No Blanding's Turtle monitoring stations fell within the Study Area for the HCA Scoped EIS, as suitable wetlands with standing water were not present. Regardless, the EIS accurately identifies the potential for Blanding's Turtle to occur on HCA lands (in particular during overland movements between wetlands) and provides mitigation measures. Consultation with the Ministry of Environment, Conservation and Parks (MECP), with respect to Blanding's Turtle, as well as other species at risk, is ongoing. Section 7.2.7 of the EIS will be revised to clarify that MECP approval will be obtained for species at risk and that additional mitigation requirements from MECP, if any, will be adopted.
Section 3.1	Overall, although Savanta appreciates that Stantec has applied the most recent ELC codes (Lee 2008), given that provincial and technical guideline documents have not been brought into conformity with the updated ELC designations (Lee 2008), we recommend refining ELC in conformance with Lee et. al. (1998).	Section 4.4.1 of the EIS will be revised to use the 1998 ELC codes.
Section 3.2	Subsections of Section 5.0 (Significant Natural Features) should be revised to provide additional policy context in terms of potential constraints and implications to the proposed project.	A comprehensive discussion of natural heritage policy and regulatory considerations was provided in Section 2.0 of the EIS. Section 5.0 of the EIS will be revised to include additional policy/regulatory discussion, as they pertain to infrastructure projects, for each significant natural heritage feature identified within the Study Area.
Section 4.1	As part of the Scoped EIS (Stantec 2020), a Compensation and Replanting Plan should be developed in consultation with HCA... Final compensation areas should be confirmed with HCA prior to finalizing the Compensation and Replanting Plan.	Section 7.1.1. of the EIS will be revised to include details of woodland compensation and replanting, including a commitment to consult with HCA on final compensation areas.
Section 4.1.2	Tree removals should not occur between April 1 and October 1 to prevent disruption to bats during critical reproductive and juvenile growth periods.	Bat mitigation timing window in Section 7.1.2 of the EIS will be revised to April 1 to October 1.

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Section 4.1.2	The installation of one artificial roosting structure for every four suitable roost trees removed within areas identified as candidate SWH is recommended to provide mitigation for the loss of woodland edge habitat.	Commitment to install artificial roosting structure for bats will be added to Section 7.1.2 of the EIS.
Section 4.1.2	Mitigation should also be provided for the direct removal of areas supporting Habitat of Species of Conservation Concern (i.e., Wood Thrush - <i>Hylocichla mustelina</i> ; and Eastern Wood-Pewee - <i>Contopus virens</i>).	Wood Thrush and Eastern Wood-Pewee are discussed in Section 7.2.5.3 of the EIS. Further clarification on mitigation for retained woodland habitat will be provided.
Section 4.1.2	For Monarch... the vegetation clearing window defined within the Scoped EIS (i.e., April 1 to September 30) may be refined (i.e., late May to September 30).	Monarch mitigation timing window in Section 7.1.2 of the EIS will be revised to late May to September 30.
Section 4.2.1	Appropriate timing windows for Spencer Creek shall be applied once approval under the Endangered Species Act (2007) has been obtained from MECP through the permitting process. It is recommended that these details be provided under Section 7.2.3 (Significant Wetlands) of the Scoped EIS report (Stantec 2020) for additional clarity.	Consultation with MECP, with regard to Endangered Species Act requirements, is ongoing. The EIS will be revised to clarify that MECP approval will be obtained for species at risk and that additional mitigation requirements from MECP, including timing windows for Spencer Creek, will be adopted.
Section 4.2.2	Direct and indirect impacts of further habitat fragmentation should be reviewed as part of the Scoped EIS, particularly as it relates SWH, and mitigation opportunities should be discussed in Section 7.2 (Potential Indirect Impacts).	Section 5.2 of the EIS will be revised to include a discussion of potential significant woodland fragmentation, including guidance from the Natural Heritage Reference Manual (MNR 2010). The existing easement is more than 20m wide, with separate woodlands on the north and south sides. While the proposed expansion will widen the easement in some areas, it is not anticipated to result in additional fragmentation of existing woodlands.
Section 4.2.3	Within Section 7.2.5.1, it is noted that no direct impacts to bat maternity roosts are anticipated. However, the intention of Section 7.2.5 is to address indirect impacts to SWH; direct impacts should be discussed in Section 7.1.2.	Section 7.1.2 of the EIS will be revised to include further discussion on direct impacts to candidate bat roost trees. A commitment for bat roost compensation, in the form of installing artificial roosting structure for bats, will be added to the EIS
Section 4.3	It should be noted that straw bales used for maintenance and contingency purposes should be locally sourced to prevent the introduction of invasive species.	Commitment to locally source straw bales will be added to Section 7.1.1 of the EIS.
Section 4.3	Stantec addressed dewatering and groundwater seepage concerns through technical correspondence with HCA on September 6, 2019 (Appendix B; Stantec 2020). It is recommended that this information be referenced in the Scoped EIS (Stantec 2020) for added clarity.	Dewatering and groundwater seepage information from the September 6, 2019 correspondence will be added to Section 7.2.1 of the EIS.
Section 4.3	Potential impacts to this feature [groundwater aquifer] and mitigation strategies should be identified within the Scoped EIS (Stantec 2020).	Section 7.2.1 of the EIS will be revised to discuss potential impacts and mitigation for groundwater aquifers. This discussion will rely on information from the Dewatering Plan, which has been prepared for the project.
Section 4.3	Although it is not expected that the additional disturbance generated from construction would have a measurable effect on the local distribution of wildlife, Savanta recommends	The commitment to restrict construction to daylight hours, during the breeding season for amphibian and birds (April 1 to July 31), will be added to Section 7.2.5 of the EIS. However,

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	that construction occur during the day to prevent interference with evening wildlife behaviours (e.g., amphibian calling periods).	should extended construction hours be required during the amphibian and bird breeding season it will be completed in consultation with HCA and with appropriate mitigation.
Section 4.3	In order to restrict the distribution of invasive species during construction, implementation of the Cleaning Equipment Protocol for Industry (Halloran et al. 2013) during staging and construction phasing is also recommended and acknowledged by Stantec in correspondence dated September 6, 2020 (Appendix B; Stantec 2020).	Further discussion on invasive species mitigation will be added to Section 7.1.1. of the EIS.
Section 4.3	Where possible, areas adjacent to woodland edges should remain intact and should not be used for the temporary storage of fill, topsoil, building materials, equipment storage, washing of equipment, or dumping of any construction debris.	Section 7.1.1 of the EIS will be revised to include the recommendation to limit activity where possible in areas adjacent to woodland edges.
Section 5.0	Section 8.1.1 (Exposed Soils) identifies potential effects of soils exposed by construction activities. These potential effects should be revised to include the establishment of non-native and invasive species as soil disturbance will stimulate seed bank germination.	Section 8.1.1 of the EIS will be revised to include monitoring commitments for invasive species. Contingency measures, in the event of invasive species establishment, will be added to Section 8.2 of the EIS.