

APPENDIX M - PUBLIC AND STAKEHOLDER COMMENTS

Andrea LaPlante

From: Andrea LaPlante
Sent: Wednesday, September 11, 2019 12:27 PM
To: eanotification.wcregion@ontario.ca
Cc: Christian Concolino; Tomascik, Melissa
Subject: Regional Road 50 (Niagara Street) Bridge Reconstruction, MEA Class EA, Niagara Region (City of Welland)
Attachments: streamlined_ea_project_information_form_Niagara St.xlsx; 2019-09-09 Notice of Study Commencement Newspaper Ad.pdf

Associated Engineering (AE) has been retained by the Regional Municipality of Niagara to assist with the completion of a Municipal Class Environmental Assessment (EA) to assess alternative solutions for the reconstruction of Niagara Street (Regional Road 50) bridge in the City of Welland.

Further information on this Study is provided in the attached Notice of Commencement. In addition to providing the Notice of Commencement, I am requesting a list of potentially affected Indigenous/First Nation communities to be consulted for this study.

Please contact me if you have any questions.

Regards

Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator
Associated Engineering (Ont.) Ltd.
Suite 300 – 509 Glendale Ave East, Niagara-on-the-Lake, ON L0S 1J0
Tel: 905.346.0990 | Dir: 289-434-4804



Associated
Engineering

GLOBAL PERSPECTIVE.
LOCAL FOCUS.



Platinum
member

Ministry of the Environment,
Conservation and Parks
Drinking Water and Environmental
Compliance Division
West Central Region

119 King Street West, 12th Floor
Hamilton, Ontario L8P 4Y7
Tel.: 905 521-7640
Fax: 905 521-7820

Ministère de l'Environnement de la
Protection de la nature et des Parcs
Division de la conformité en matière
d'eau potable et d'environnement
Direction régionale du Centre-Ouest

119 rue King Ouest, 12^e étage
Hamilton (Ontario) L8P 4Y7
Tél.: 905 521-7640
Télééc.: 905 521-7820



September 12, 2019

Ms. Melissa Tomascik, Region of Niagara

Ms. Andrea LaPlante, Associated Engineering, Ltd.

Dear Ms. Tomascik and Ms. LaPlante:

RE: **Regional Road 50 (Niagara Street) Bridge Reconstruction, City of Welland
Niagara Region
Response to Notice of Commencement**

This letter is in response to the Notice of Commencement for the above noted project. The Ministry of the Environment, Conservation and Parks (MECP) acknowledges that Niagara Region has indicated that its study is following the Schedule C process as provided by the MEA Class EA to determine the optimal means of addressing improvements to this bridge to ensure that it is able to continue providing pedestrian and vehicular access. At the same time, the EA will examine how best to extend a watermain.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge, real or constructive, of the existence or potential existence of an Aboriginal or treaty right and contemplates conduct that may adversely impact that right. Before Ponderosa Nature Resort may proceed with this project, the Crown must ensure that its duty to consult has been fulfilled, where such a duty is triggered. Although the duty to consult with Aboriginal peoples is a duty of the Crown, the Crown may delegate procedural aspects of consultation to project proponents while retaining oversight of the process.

Your proposed project may have the potential to affect Aboriginal or treaty rights protected under section 35 of Canada's *Constitution Act 1982*. Where the Crown's duty to consult is triggered in relation to your proposed project, **the MECP is delegating the procedural aspects of rights-based consultation to you through this letter.** The Crown intends to rely on the delegated consultation process in discharging its duty to consult and maintains the right to participate in the consultation process as it sees fit.

Based on information you have provided to date and the Crown's preliminary assessment you are required to consult with the following communities who have been identified as potentially affected by your proposed project.

Six Nations of the Grand River Territory
1695 Chiefswood Road
P.O. Box 5000
Ohsweken, ON N0A 1M0

Chief Ava Hill
Tel: (519)445-2201 or avahill@sixnations.ca

Email: arleenma@sixnations.ca and Lonny Bomberry, Lands and Resources Director at lonnybomberry@sixnations.ca

Haudenosaunee Confederacy Chiefs Council
2634 6th Line Road
R.R. #2
Ohsweken, ON N0A 1M0

Hohahe Leroy Hill, Secretary
jocko@sixnations.ca

Mississaugas of the New Credit
2789 Mississauga Road
RR #6
Hagersville, ON N0A 1H0

Fawn Sault
Consultation Manager
Email: Fawn.Sault@newcreditfirstnation.com

Steps that you may need to take in relation to Aboriginal consultation for your proposed project are outlined in the “Code of Practice for Consultation in Ontario’s Environmental Assessment Process” which can be found at the following link: <https://www.ontario.ca/document/consultation-ontarios-environmental-assessment-process>

Additional information related to Ontario’s *Environmental Assessment Act* is available online at: www.ontario.ca/environmentalassessments

You must contact the Director of Environmental Assessment and Permissions Branch (Director) under the following circumstances subsequent initial discussions with the communities identified by MECP:

- Aboriginal or treaty rights impacts are identified to you by the communities;
- You have reason to believe that your proposed project may adversely affect an Aboriginal or treaty right;
- Consultation has reached an impasse;
- A Part II Order request or elevation request is expected.

The Director can be notified either by email, fax or mail using the information provided below:

Email:	enviropemissions@ontario.ca Subject: Potential Duty to Consult
Fax:	416-314-8452
Address:	Environmental Assessment and Permissions Branch 135 St. Clair Avenue West, 1 st Floor

	Toronto, ON, M4V 1P5
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The MECP will then assess the extent of any Crown duty to consult for the circumstances and will consider whether additional steps should be taken, including what role the Region of Waterloo will be asked to play should additional steps and activities be required.

As of July 1st 2018, a standardized form is to be used by anyone who believes that the environmental assessment process was incomplete, incorrect or that it failed to follow the required process. The required form can be found on the Forms Repository website (<http://www.forms.ssb.gov.on.ca/>) by searching "Part II Order" or "012-2206E (the form ID number). Once completed, the form is then to be sent to both the Minister and Director of the Environmental Assessment and Permissions Branch. Their addresses are:

Minister
Ministry of the Environment, Conservation and Parks
777 Bay Street, 5th floor
Toronto, ON M7A 2J3
Minister.mecp@ontario.ca

Director, Environmental Assessment and Permissions Branch
Ministry of the Environment, Conservation and Parks
135 St. Clair Ave. West, 1st Floor
Toronto, ON M4V 1P5
enviropemissions@ontario.ca

The new process for making Part II Order requests must be included in the Notice of Completion.

Given the nature of this EA and the ministry's regulatory role, please send a draft copy of the Environmental Study Report (ESR) to me, allowing for a minimum of 30 days for our technical review and continue to provide all Notices using the new email address: eanotification.wcregion@ontario.ca Should you have any questions or require clarification or wish to discuss any aspect of the project, please contact me either at (905) 521-7864 or at Barbara.slattery@ontario.ca

With best regards,



EA/Planning Coordinator
Encl.

Encl.

A PROPONENT'S INTRODUCTION TO THE DELEGATION OF PROCEDURAL ASPECTS OF CONSULTATION WITH ABORIGINAL COMMUNITIES

DEFINITIONS

The following definitions are specific to this document and may not apply in other contexts:

Aboriginal communities – the First Nation or Métis communities identified by the Crown for the purpose of consultation.

Consultation – the Crown's legal obligation to consult when the Crown has knowledge of an established or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. This is the type of consultation required pursuant to s. 35 of the *Constitution Act, 1982*. Note that this definition does not include consultation with Aboriginal communities for other reasons, such as regulatory requirements.

Crown – the Ontario Crown, acting through a particular ministry or ministries.

Procedural aspects of consultation – those portions of consultation related to the process of consultation, such as notifying an Aboriginal community about a project, providing information about the potential impacts of a project, responding to concerns raised by an Aboriginal community and proposing changes to the project to avoid negative impacts.

Proponent – the person or entity that wants to undertake a project and requires an Ontario Crown decision or approval for the project.

I. PURPOSE

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that may adversely impact that right. In outlining a framework for the duty to consult, the Supreme Court of Canada has stated that the Crown may delegate procedural aspects of consultation to third parties. This document provides general information about the Ontario Crown's approach to delegation of the procedural aspects of consultation to proponents.

This document is not intended to instruct a proponent about an individual project, and it does not constitute legal advice.

II. WHY IS IT NECESSARY TO CONSULT WITH ABORIGINAL COMMUNITIES?

The objective of the modern law of Aboriginal and treaty rights is the *reconciliation* of Aboriginal peoples and non-Aboriginal peoples and their respective rights, claims and interests. Consultation is an important component of the reconciliation process.

The Crown has a legal duty to consult Aboriginal communities when it has knowledge of an existing or asserted Aboriginal or treaty right and contemplates conduct that might adversely impact that right. For example, the Crown's duty to consult is triggered when it considers issuing a permit, authorization or approval for a project which has the potential to adversely impact an Aboriginal right, such as the right to hunt, fish, or trap in a particular area.

The scope of consultation required in particular circumstances ranges across a spectrum depending on both the nature of the asserted or established right and the seriousness of the potential adverse impacts on that right.

Depending on the particular circumstances, the Crown may also need to take steps to accommodate the potentially impacted Aboriginal or treaty right. For example, the Crown may be required to avoid or minimize the potential adverse impacts of the project.

III. THE CROWN'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

The Crown has the responsibility for ensuring that the duty to consult, and accommodate where appropriate, is met. However, the Crown may delegate the procedural aspects of consultation to a proponent.

There are different ways in which the Crown may delegate the procedural aspects of consultation to a proponent, including through a letter, a memorandum of understanding, legislation, regulation, policy and codes of practice.

If the Crown decides to delegate procedural aspects of consultation, the Crown will generally:

- Ensure that the delegation of procedural aspects of consultation and the responsibilities of the proponent are clearly communicated to the proponent;
- Identify which Aboriginal communities must be consulted;
- Provide contact information for the Aboriginal communities;
- Revise, as necessary, the list of Aboriginal communities to be consulted as new information becomes available and is assessed by the Crown;
- Assess the scope of consultation owed to the Aboriginal communities;

- Maintain appropriate oversight of the actions taken by the proponent in fulfilling the procedural aspects of consultation;
- Assess the adequacy of consultation that is undertaken and any accommodation that may be required;
- Provide a contact within any responsible ministry in case issues arise that require direction from the Crown; and
- Participate in the consultation process as necessary and as determined by the Crown.

IV. THE PROPONENT'S ROLE AND RESPONSIBILITIES IN THE DELEGATED CONSULTATION PROCESS

Where aspects of the consultation process have been delegated to a proponent, the Crown, in meeting its duty to consult, will rely on the proponent's consultation activities and documentation of those activities. The consultation process informs the Crown's decision of whether or not to approve a proposed project or activity.

A proponent's role and responsibilities will vary depending on a variety of factors including the extent of consultation required in the circumstance and the procedural aspects of consultation the Crown has delegated to it. Proponents are often in a better position than the Crown to discuss a project and its potential impacts with Aboriginal communities and to determine ways to avoid or minimize the adverse impacts of a project.

A proponent can raise issues or questions with the Crown at any time during the consultation process. If issues or concerns arise during the consultation that cannot be addressed by the proponent, the proponent should contact the Crown.

a) What might a proponent be required to do in carrying out the procedural aspects of consultation?

Where the Crown delegates procedural aspects of consultation, it is often the proponent's responsibility to provide notice of the proposed project to the identified Aboriginal communities. The notice should indicate that the Crown has delegated the procedural aspects of consultation to the proponent and should include the following information:

- a description of the proposed project or activity;
- mapping;
- proposed timelines;
- details regarding anticipated environmental and other impacts;
- details regarding opportunities to comment; and
- any changes to the proposed project that have been made for seasonal conditions or other factors, where relevant.

Proponents should provide enough information and time to allow Aboriginal communities to provide meaningful feedback regarding the potential impacts of the project. Depending on the nature of consultation required for a project, a proponent also may be required to:

- provide the Crown with copies of any consultation plans prepared and an opportunity to review and comment;
- ensure that any necessary follow-up discussions with Aboriginal communities take place in a timely manner, including to confirm receipt of information, share and update information and to address questions or concerns that may arise;
- as appropriate, discuss with Aboriginal communities potential mitigation measures and/or changes to the project in response to concerns raised by Aboriginal communities;
- use language that is accessible and not overly technical, and translate material into Aboriginal languages where requested or appropriate;
- bear the reasonable costs associated with the consultation process such as, but not limited to, meeting hall rental, meal costs, document translation(s), or to address technical & capacity issues;
- provide the Crown with all the details about potential impacts on established or asserted Aboriginal or treaty rights, how these concerns have been considered and addressed by the proponent and the Aboriginal communities and any steps taken to mitigate the potential impacts;
- provide the Crown with complete and accurate documentation from these meetings and communications; and
- notify the Crown immediately if an Aboriginal community not identified by the Crown approaches the proponent seeking consultation opportunities.

b) What documentation and reporting does the Crown need from the proponent?

Proponents should keep records of all communications with the Aboriginal communities involved in the consultation process and any information provided to these Aboriginal communities.

As the Crown is required to assess the adequacy of consultation, it needs documentation to satisfy itself that the proponent has fulfilled the procedural aspects of consultation delegated to it. The documentation required would typically include:

- the date of meetings, the agendas, any materials distributed, those in attendance and copies of any minutes prepared;
- the description of the proposed project that was shared at the meeting;
- any and all concerns or other feedback provided by the communities;
- any information that was shared by a community in relation to its asserted or established Aboriginal or treaty rights and any potential adverse impacts of the proposed activity, approval or disposition on such rights;

- any proposed project changes or mitigation measures that were discussed, and feedback from Aboriginal communities about the proposed changes and measures;
- any commitments made by the proponent in response to any concerns raised, and feedback from Aboriginal communities on those commitments;
- copies of correspondence to or from Aboriginal communities, and any materials distributed electronically or by mail;
- information regarding any financial assistance provided by the proponent to enable participation by Aboriginal communities in the consultation;
- periodic consultation progress reports or copies of meeting notes if requested by the Crown;
- a summary of how the delegated aspects of consultation were carried out and the results; and
- a summary of issues raised by the Aboriginal communities, how the issues were addressed and any outstanding issues.

In certain circumstances, the Crown may share and discuss the proponent's consultation record with an Aboriginal community to ensure that it is an accurate reflection of the consultation process.

c) Will the Crown require a proponent to provide information about its commercial arrangements with Aboriginal communities?

The Crown may require a proponent to share information about aspects of commercial arrangements between the proponent and Aboriginal communities where the arrangements:

- include elements that are directed at mitigating or otherwise addressing impacts of the project;
- include securing an Aboriginal community's support for the project; or
- may potentially affect the obligations of the Crown to the Aboriginal communities.

The proponent should make every reasonable effort to exempt the Crown from confidentiality provisions in commercial arrangements with Aboriginal communities to the extent necessary to allow this information to be shared with the Crown.

The Crown cannot guarantee that information shared with the Crown will remain confidential. Confidential commercial information should not be provided to the Crown as part of the consultation record if it is not relevant to the duty to consult or otherwise required to be submitted to the Crown as part of the regulatory process.

V. WHAT ARE THE ROLES AND RESPONSIBILITIES OF ABORIGINAL COMMUNITIES' IN THE CONSULTATION PROCESS?

Like the Crown, Aboriginal communities are expected to engage in consultation in good faith. This includes:

- responding to the consultation notice;
- engaging in the proposed consultation process;
- providing relevant information;
- clearly articulating the potential impacts of the proposed project on Aboriginal or treaty rights; and
- discussing ways to mitigate any adverse impacts.

Some Aboriginal communities have developed tools, such as consultation protocols, policies or processes that provide guidance on how they would prefer to be consulted. Although not legally binding, proponents are encouraged to respect these community processes where it is reasonable to do so. Please note that there is no obligation for a proponent to pay a fee to an Aboriginal community in order to enter into a consultation process.

To ensure that the Crown is aware of existing community consultation protocols, proponents should contact the relevant Crown ministry when presented with a consultation protocol by an Aboriginal community or anyone purporting to be a representative of an Aboriginal community.

VI. WHAT IF MORE THAN ONE PROVINCIAL CROWN MINISTRY IS INVOLVED IN APPROVING A PROPONENT'S PROJECT?

Depending on the project and the required permits or approvals, one or more ministries may delegate procedural aspects of the Crown's duty to consult to the proponent. The proponent may contact individual ministries for guidance related to the delegation of procedural aspects of consultation for ministry-specific permits/approvals required for the project in question. Proponents are encouraged to seek input from all involved Crown ministries sooner rather than later.

Andrea LaPlante

From: Harvey, Joseph (MHSTCI) <Joseph.Harvey@ontario.ca>
Sent: Friday, March 19, 2021 5:15 PM
To: Andrea LaPlante
Subject: RE: File 0012014: Niagara Street Bridge Class EA, Welland - Notice of Public Information Centre

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Andrea,

Thank you for providing us with the update on the status of technical cultural heritage resource studies for the above referenced undertaking.

Have a great weekend,

Joseph Harvey | Heritage Planner (A)

Heritage, Tourism and Culture Division | Programs and Services Branch | Heritage Planning Unit

Ministry of Heritage, Sport, Tourism and Culture Industries

401 Bay Street

17th Floor, Suite 1700

Toronto, ON M7A 0A7

613.242.3743

Joseph.Harvey@ontario.ca

From: Andrea LaPlante <laplantea@ae.ca>
Sent: March 15, 2021 12:06 PM
To: Harvey, Joseph (MHSTCI) <Joseph.Harvey@ontario.ca>
Cc: Barboza, Karla (MHSTCI) <Karla.Barboza@ontario.ca>; Hatcher, Laura (MHSTCI) <Laura.E.Hatcher@ontario.ca>; melissa.tomascik@niagararegion.ca
Subject: RE: File 0012014: Niagara Street Bridge Class EA, Welland - Notice of Public Information Centre

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good morning Joseph,

Thank you for the letter, dated March 11, 2021, regarding the Niagara Street Bridge Class EA in the City of Welland. I can confirm that the Stage 1 Archaeological Assessment Report, completed by ASI, was submitted to the Ministry in July 2020. The status of the report currently notes it is entered into the register without technical review. We will be following up with a request to expedite the review in order to complete this task.

The Cultural Heritage Resource Assessment (CHRA) and Cultural Heritage Evaluation Report (CHER), completed by ASI, are currently in their draft form. Once a preferred design for the study is determined the CHRA will be update with an impact assessment and recommendations on appropriate mitigation measures. Once finalized, these reports will be provided to the Ministry for your review and retention.

As we prepare the Environmental Study Report (ESR) for the Class EA study, we confirm all archaeological and cultural heritage studies and their recommendations will be addressed and incorporated. We will continue to provide the

Ministry with updates on the study, including the scheduling of future Public Information Centers and the completion of the ESR for public review.

Feel free to contact me with any questions.

Regards,

Andrea LaPlante, P.Eng.

Environmental Assessment Coordinator

Associated Engineering (Ont.) Ltd.

Suite 300 – 509 Glendale Ave East, Niagara-on-the-Lake, ON L0S 1J0

Tel: 905.346.0990 | Dir: 289-434-4804



From: Harvey, Joseph (MHSTCI) <Joseph.Harvey@ontario.ca>

Sent: Thursday, March 11, 2021 6:10 PM

To: Andrea LaPlante <laplantea@ae.ca>

Cc: Barboza, Karla (MHSTCI) <Karla.Barboza@ontario.ca>; Hatcher, Laura (MHSTCI) <Laura.E.Hatcher@ontario.ca>; melissa.tomascik@niagararegion.ca

Subject: File 0012014: Niagara Street Bridge Class EA, Welland - Notice of Public Information Centre

Andrea LaPlante,

Please find attached MHSTCI's comments on the above referenced project notice. Contact me with any questions or concerns.

Regards

Joseph Harvey

On behalf of

Laura Hatcher

Heritage Planner

Heritage Planning Unit

laura.e.hatcher@ontario.ca

You may [unsubscribe from Associated's electronic communications](#) at any time.

**Ministry of Heritage, Sport,
Tourism and Culture Industries**

Programs and Services Branch
401 Bay Street, Suite 1700
Toronto, ON M7A 0A7
Tel: 437.239.3404

**Ministère des Industries du Patrimoine,
du Sport, du Tourisme et de la Culture**

Direction des programmes et des services
401, rue Bay, Bureau 1700
Toronto, ON M7A 0A7
Tél: 437.239.3404



March 11, 2021

EMAIL ONLY

Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator
Associated Engineering (Ont.) Ltd.
509 Glendale Ave E. Suite 300
Niagara-on-the-Lake, ON L0S 1J0
laplantea@ae.ca

MHSTCI File : 0012014
Proponent : The Regional Municipality of Niagara
Subject : Notice of Public Information Centre – Schedule C – MCEA
Project : Niagara Street (Regional Road 50) Bridge Reconstruction City of Welland
Location : City of Welland, The Regional Municipality of Niagara

Dear Andrea LaPlante:

Thank you for providing the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) with the for the Notice of Public Information Centre above-referenced project. MHSTCI's interest in this environmental assessment (EA) project relates to its mandate of conserving Ontario's cultural heritage.

Project Summary

The Regional Municipality of Niagara (Region), and through their consultant Associated Engineering (Ont.) Ltd., has initiated a Municipal Class Environmental Assessment (Class EA) for the reconstruction of the Niagara Street (Regional Road 50) bridge, in the City of Welland. In accordance with the Municipal Engineers Association's (MEA) Municipal Class Environmental Assessment, this Study is being planned as a Schedule C.

MHSTCI has reviewed the above referenced notice and Regional Road 50 (Niagara Street) Bridge Reconstruction Virtual Public Information Centre (March 4th, 2021) and has the following comments:

Archaeological Resources

Slide 9 of the Public Information Centre, *Existing Conditions: Archaeological*, notes that a Stage 1 Archaeological Assessment was completed for the Study Area.

Our records indicate that a Stage 1 archaeological assessment has been submitted under Project Information Form (PIF) P383-0196-2020, which is awaiting review.

Archaeological concerns have not been addressed until reports have been entered into the Ontario Public Register of Archaeological Reports where those reports recommend that:

1. the archaeological assessment of the project area is complete and
2. all archaeological sites identified by the assessment are either of no further cultural heritage value or interest (as per Section 48(3) of the Ontario Heritage Act) or that mitigation of impacts has been accomplished through an avoidance and protection strategy.

Built Heritage Resources and Cultural Heritage Landscapes

Slide 8 of the Public Information Centre, *Existing Conditions: Cultural Heritage* notes that a Cultural Heritage Resource Assessment (CHRA) and Cultural Heritage Evaluation Report (CHER) were completed for the Study Area. Please forward the report to MHSTCI for our review and retention.

Environmental Assessment Reporting

All technical cultural heritage studies and their recommendations are to be addressed and incorporated into EA projects.

Thank you for consulting MHSTCI on this project. Please continue to do so through the EA process, and contact me for any questions or clarification.

Sincerely,

Joseph Harvey
On behalf of

Laura Hatcher
Heritage Planner
Heritage Planning Unit
laura.e.hatcher@ontario.ca

Copied to: Melissa Tomascik, Project Manager, Niagara Region – Public Works

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. MHSTCI 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 MHSTCI 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 MHSTCI 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 Registrar, Burials of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI 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*.

February 18, 2021

File: 20195369.A.04.00

Hohahe Leroy Hill, Secretary
Haudenosaunee Confederacy Chiefs Council
2634 6th Line Road, RR #2
Ohsweken, ON N0A 1M0

**Re: CLASS ENVIRONMENTAL ASSESSMENT (SCHEDULE C) FOR NIAGARA STREET (RR 50)
BRIDGE RECONSTRUCTION, CITY OF WELLAND**

Mr. Hill:

Associated Engineering (AE) has been retained by the Regional Municipality of Niagara (Niagara Region) to assist with the completion of a Municipal Class Environmental Assessment (EA) for the reconstruction of the Niagara Street (Regional Road 50) bridge, in the City of St. Catharines. In addition to the bridge replacement, a transmission watermain extension is required to meet the demands in the area. The Study will develop and evaluate alternatives for the bridge replacement as well as the watermain extension.

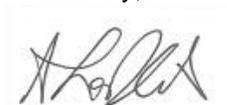
Through the Duty to Consult, we are providing the Haudenosaunee Confederacy Chiefs Council a study update with notification of a virtual Public Information Centre scheduled for this project. A virtual Public Information Centre (PIC) is scheduled for:

**Thursday March 4, 2021
6:00p.m. to 7:00p.m.**

To attend the virtual PIC, visit the project website at <https://www.niagararegion.ca/projects/regional-road-50-bridge/default.aspx> to register.

As part of the consultation process, we invite you to attend the scheduled PIC. In the event that you are unable to attend but have interest in viewing the study information presented please visit the project website after March 4, 2021 or contact the undersigned by telephone at 289-434-4804 or via email at laplantea@ae.ca.

Yours truly,



Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator

Encl: Notice of Public Information Centre

February 18, 2021

File: 20195369.A.04.00

Chief Mark Hill
Six Nations of the Grand River Territory
PO Box 5000
Ohsweken, ON N0A 1M0

**Re: CLASS ENVIRONMENTAL ASSESSMENT (SCHEDULE C) FOR NIAGARA STREET (RR 50)
BRIDGE RECONSTRUCTION, CITY OF WELLAND**

Chief Hill:

Associated Engineering (AE) has been retained by the Regional Municipality of Niagara (Niagara Region) to assist with the completion of a Municipal Class Environmental Assessment (EA) for the reconstruction of the Niagara Street (Regional Road 50) bridge, in the City of St. Catharines. In addition to the bridge replacement, a transmission watermain extension is required to meet the demands in the area. The Study will develop and evaluate alternatives for the bridge replacement as well as the watermain extension.

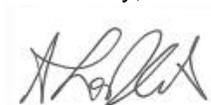
Through the Duty to Consult, we are providing the Six Nations of the Grand River Territory a study update with notification of a virtual Public Information Centre scheduled for this project. A virtual Public Information Centre (PIC) is scheduled for:

**Thursday March 4, 2021
6:00p.m. to 7:00p.m.**

To attend the virtual PIC, visit the project website at <https://www.niagararegion.ca/projects/regional-road-50-bridge/default.aspx> to register.

As part of the consultation process, we invite you to attend the scheduled PIC. In the event that you are unable to attend but have interest in viewing the study information presented please visit the project website after March 4, 2021 or contact the undersigned by telephone at 289-434-4804 or via email at laplantea@ae.ca.

Yours truly,



Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator

cc: Lonny Bomberry
Encl: Notice of Public Information Centre

February 18, 2021

File: 20195369.A.04.00

Fawn Sault, Consultation Manager
Mississaugas of the New Credit First Nation
4065 Hwy 6 North
Hagersville, ON N0A 1H0

**Re: CLASS ENVIRONMENTAL ASSESSMENT (SCHEDULE C) FOR NIAGARA STREET (RR 50)
BRIDGE RECONSTRUCTION, CITY OF WELLAND**

Ms. Sault:

Associated Engineering (AE) has been retained by the Regional Municipality of Niagara (Niagara Region) to assist with the completion of a Municipal Class Environmental Assessment (EA) for the reconstruction of the Niagara Street (Regional Road 50) bridge, in the City of St. Catharines. In addition to the bridge replacement, a transmission watermain extension is required to meet the demands in the area. The Study will develop and evaluate alternatives for the bridge replacement as well as the watermain extension.

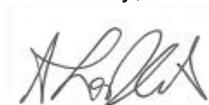
As requested in your letter, dated Oct 2, 2019, we are continuing to provide study updates through the notification of a virtual Public Information Centre scheduled for this project. A virtual Public Information Centre (PIC) is scheduled for:

**Thursday March 4, 2021
6:00p.m. to 7:00p.m.**

To attend the virtual PIC, visit the project website at <https://www.niagararegion.ca/projects/regional-road-50-bridge/default.aspx> to register.

As part of the consultation process, we invite you to attend the scheduled PIC. In the event that you are unable to attend but have interest in viewing the study information presented please visit the project website after March 4, 2021 or contact the undersigned by telephone at 289-434-4804 or via email at laplantea@ae.ca.

Yours truly,



Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator

cc: Mark LaForme

Encl: Notice of Public Information Centre

June 10, 2021

File: 20195369.A.04.00

**Re: CLASS ENVIRONMENTAL ASSESSMENT (SCHEDULE C) FOR NIAGARA STREET (RR 50)
BRIDGE RECONSTRUCTION, CITY OF WELLAND**

Dear Mr. Hill:

Associated Engineering (AE) has been retained by the Regional Municipality of Niagara (Niagara Region) to assist with the completion of a Municipal Class Environmental Assessment (EA) for the replacement of the Niagara Street (Regional Road 50) bridge, in the City of Welland. In addition to the bridge replacement, a transmission watermain extension is required to meet the demands in the area. The Study will develop and evaluate alternatives for the bridge replacement as well as the watermain extension.

Public and agency consultation is a key element of the Municipal Class EA process and input is invited for incorporation into the planning and design of this project. Two online Public Information Centres (PIC) are required for this project. The first PIC took place on March 4, 2021 to present the developed alternative solutions for the bridge replacement and watermain crossing. The second PIC will be conducted through the Niagara Region's project website starting **Monday June 21, 2021**.

This second PIC will present the alternative design concepts to the preferred bridge replacement solution identified in the first PIC as well as the preferred design solution to be carried forward to design and construction. As part of the consultation process, we invite you to participate in the online PIC. To do so, please visit the project website at <https://www.niagararegion.ca/projects/regional-road-50-bridge/default.aspx> between Monday June 21 and Friday July 2, 2021. We invite you to provide feedback through the online comment form or by contacting the project team members identified on the attached Notice of Online Public Information Centre.

Should you have any questions, please contact the undersigned by telephone at 289-434-4804 or via email at laplantea@ae.ca.

Yours truly,



Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator

Encl: Notice of Online Public Information Centre

June 10, 2021

File: 20195369.A.04.00

Fawn Sault, Consultation Manager
Mississaugas of the New Credit First Nation
4065 Hwy 6 North
Hagersville, ON N0A 1H0

**Re: CLASS ENVIRONMENTAL ASSESSMENT (SCHEDULE C) FOR NIAGARA STREET (RR 50)
BRIDGE RECONSTRUCTION, CITY OF WELLAND**

Dear Ms. Sault:

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Should you have any questions, please contact the undersigned by telephone at 289-434-4804 or via email at laplantea@ae.ca.

Yours truly,



Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator
Encl: Notice of Online Public Information Centre

June 10, 2021

File: 20195369.A.04.00

Chief Mark Hill
Six Nations of Grand River Territory
PO Box 5000
Ohsweken, ON N0A 1M0

**Re: CLASS ENVIRONMENTAL ASSESSMENT (SCHEDULE C) FOR NIAGARA STREET (RR 50)
BRIDGE RECONSTRUCTION, CITY OF WELLAND**

Dear Chief Hill:

Associated Engineering (AE) has been retained by the Regional Municipality of Niagara (Niagara Region) to assist with the completion of a Municipal Class Environmental Assessment (EA) for the replacement of the Niagara Street (Regional Road 50) bridge, in the City of Welland. In addition to the bridge replacement, a transmission watermain extension is required to meet the demands in the area. The Study will develop and evaluate alternatives for the bridge replacement as well as the watermain extension.

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Should you have any questions, please contact the undersigned by telephone at 289-434-4804 or via email at laplantea@ae.ca.

Yours truly,



Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator
Encl: Notice of Online Public Information Centre



Department of
Consultation & Accommodation

November 12, 2021

Tara Clayton
Project Manager
Water and Wasterwater Engineering, Public Works
Niagara Region
Tara.clayton@niagararegion.ca

Dear Tara,

We are the Mississaugas of the New Credit First Nation (MNCFN), the descendants of the Mississaugas of the River Credit. Our traditional territory extends from the Rouge River Valley in the east, across to the headwaters of the Thames River, down to Long Point on Lake Erie, and back along the shores of Lake Erie, the Niagara River, and Lake Ontario to the Rouge River Valley. It encompasses present-day London, Hamilton, and Toronto, as well as our communal lands. Our traditional territory has defined and sustained us as a First Nation for countless generations, and must continue to do so for all our generations to come.

Thank you for your notification on *the Pelham Elevated Tank Municipal Class EA and Enhanced Conceptual Design, Municipal Class EA for the Woodsvie Sewage Pumping Station Combined Sewer Overflow Storage and Forcemain Replacement in the Town of Grimsby, Notice of Commencement Municipal Class EA Regional Road 50 Bridge Reconstruction City of Welland, Notice of Study Commencement Fort Erie Elevated Tank Municipal Class EA and Enhanced Conceptual Design* dated May and September of 2019. The Mississaugas of the New Credit First Nation (MNCFN) has various treaty rights across its traditional territory, including the area contemplated by your project. For further information, please see our website, <http://www.newcreditfirstnation.com/>. MNCFN continues to exercise treaty rights which include, but are not limited to, rights to harvest, fish, trap and gather species of plants, animals and insects for any purpose including food, social, ceremonial, trade and exchange purposes. The



Department of Consultation and Accommodation
Mississaugas of the New Credit First Nation
4065 Hwy 6 North, Hagersville, Ontario N0A 1H0



Phone: (905) 768-4260



www.mncfn.ca

MNCFN also has the right to use the water and resources from the rivers, creeks and lands across the MCNCFN traditional territory.

At this time, MNCFN *does not* have a high level of concern regarding the proposed project and therefore, by way of this letter, approves the continuation of this project. However, MNCFN requests that you continue to notify us about the status of the project. **In addition, we respectfully ask you to immediately notify us if there are any changes to the project as they may impact MNCFN's interests and that you please provide us with a copy of all associated environmental and archaeology reports.** This includes, but is not limited to changes related to the scope of work and expected archaeological and environmental impacts.

Additionally, MNCFN employs Field Liaison Representatives (“FLRs”) to act as official representatives of the community and who are answerable to MNCFN Chief and Council through the Department of Consultation and Accommodation. The FLRs’ mandate is to ensure that MNCFN’s perspectives and priorities are considered in the field and to enable MNCFN to provide timely, relevant, and meaningful comment on the Project. Therefore, **it is MNCFN policy that FLRs are on location whenever any fieldwork for environmental and/or archaeological assessments are undertaken.** It is expected that the proponent will cover the costs of this FLR participation in the fieldwork. Please also provide the contact information of the person, or consultant, in charge of organizing this work so they may facilitate the participation of the MNCFN FLRs.

Nothing in this letter shall be construed as to affect the Aboriginal or Treaty rights and hence shall not limit any consultation and accommodation owed to MNCFN by the Crown or any proponent, as recognized by section 35 of the Constitution Act, 1982.

MNCFN reserves the right in relation to any development project or decision, to decide whether it supports a project and to: comment to regulators, participate in regulatory processes and hearings, seek intervener funding or status, or to challenge and seek remedies through the courts.

MNCFN expects all proponents to act according to the following best practices:

- Engage early in the planning process, before decisions are made
- Provide information in meaningful and understandable formats.
- Convey willingness to transparently describe the project and consider any MNCFN concerns.
- Recognize the significance of cultural activities and traditional practices of the MNCFN
- Demonstrate a respect for MNCFN knowledge and uses of land and resources.



- Understand the importance of youth and elders in First Nation communities.
- Act with honour, openness, transparency and respect.
- Be prepared to listen and allow time for meaningful discussion.

Sincerely,

Fawn D. Sault

Consultation Manager

MNCFN Department of Consultation and Accommodation

cc – Mark LaForme; Director, Department of Consultation and Accommodation



Department of Consultation and Accommodation

Mississaugas of the New Credit First Nation
4065 Hwy 6 North, Hagersville, Ontario N0A 1H0



Phone: (905) 768-4260



www.mncfn.ca



Hydro One Networks Inc
483 Bay St
Toronto, ON

October 08, 2019

Re: NIAGARA STREET (REGIONAL ROAD 50) BRIDGE RECONSTRUCTION

Attention:
Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator
Associated Engineering (Ont.) Ltd.

Following our preliminary assessment, we confirm there are no existing Hydro One Transmission assets in the subject area. Please be advised that this is only a preliminary assessment based on current information. we confirm there are no existing Hydro One Transmission assets in the subject area. to the current information.

However, if plans for the undertaking change or the study area expands beyond that shown, please contact Hydro One to assess impacts of existing or future planned electricity infrastructure.

Any future communications are sent to Secondarylanduse@hydroone.com.

Sent on behalf of,

***Secondary Land Use
Asset Optimization
Strategy & Integrated Planning
Hydro One Networks Inc.***

Markup Response Form

Application Date	October 1, 2019	Applicant:	Associated Engineering Ltd
Date Returned:	November 15, 2019		
Rogers Ref. No.:	G196132	Applicant Job No.:	N/A
Location:	Niagara St		

Rogers Communications has reviewed your drawing(s) as requested and returns one marked-up copy. Our comments follow below with an "X" indicating Rogers' stance on your proposed plan.

Comments:

- No Conflict** Rogers Communications currently does not possess existing plant in the area indicated on your attached plans.
- No Conflict For your Reference** Rogers Communications currently has existing plant as marked on your drawing. Our standard depth in this municipality is: 1m. Please ensure you maintain clearances of 0.3m vertically and 0.6m horizontally.
- EXTREME CAUTION** Use vactruck and expose ducts, maintain minimum of 0.6m clearance.
- CONFLICT** Your proposed construction appears to encroach within existing Rogers Communications plant. Please relocate your proposed construction to allow adequate clearance of 0.3 m vertically and 1 m horizontally.
- CAUTION** Rogers Communications has aerial plant in this area, as it is indicated on the attached plans.
- CAUTION** Fiber Optic Cable is present in the area of your proposed construction.
- Note** Proposed Fiber Optic Cable in a joint use duct structure .
- Note** Plant currently under construction.
- Note** Please inform Rogers Communications well in advance of the proposed construction schedule in order to coordinate our plant relocation.
- Note** Locates are still required. Call for locates at 1-800-738-7893
- Note** Hand dig when crossing, or within 1.0m of existing Rogers plant.
- Note** Plant is to Approximation.



Date:	June 16, 2021	File No.:	
Time:	1:30pm	Location:	Microsoft Teams Meeting
Client:	Region of Niagara	Project Name:	RR 50 (Niagara Street) Bridge EA
Subject:	Meeting with Bell	Project Number:	2019-5369
Attendees:	Melissa Tomascik (Region)	[REDACTED]	Andrea LaPlante (AE)
		[REDACTED]	Pierre Burton (AE)
			Lindsay Mooradian (AE)
Distribution:	Those Present		

This Record of Meeting is considered to be complete and correct. Please advise the writer within one week of any errors or omissions, otherwise this Record of Meeting will be considered to be an accurate record of the discussions

Action by

Discussion:

1 PROJECT BACKGROUND

- i. This is a Schedule C Municipal Class EA for Regional Road 50 (Niagara St) Bridge Replacement, meaning that we are currently creating a conceptual design. Detail design will begin in Fall 2021 or early 2022.
- ii. Bridge has been identified as needing replacement due to age and condition of structure
- iii. Current structure is four-span with two travel lanes and shoulders, sidewalks and parapet walls on both sides. Substructure is reinforced concrete abutments with three concrete piers supported by timber piles and superstructure is reinforced concrete slab on 28 pre-stressed concrete girders
- iv. As part of the Class EA process, the first evaluation was in March 2021 to determine extent of replacement. Determined that we will replace the entire bridge, superstructure and substructure.
- v. Second evaluation occurred in June 2021 to determine the type of bridge we are going to replace existing bridge with. Determined it will be a two-span steel I-girder bridge

2 PROPOSED BRIDGE DESIGN

- i. Proposed cross section is: two (2) x 3.5m travel lanes, two (2) x 1.8m bicycle lanes, two (2) x 1.8m wide sidewalks
- ii. Existing piers to be removed from the riverbed with one new concrete pier being constructed, abutment walls to be rebuilt, and the new superstructure to be constructed with steel I-girders with concrete deck and asphalt surface.

3 BELL INFRASTRUCTURE

- i. Currently Bell has 24 concrete encased ducts with Fibre and copper lines located within the sidewalk on the west side of the bridge

June 16, 2021

Region of Niagara

Action by

Discussion:

- | | | |
|------------|-------|---|
| | ii. | Currently 9 copper and 8 fibre lines |
| | iii. | Bell to confirm if Rogers, Cogeco, Allstream are leasing any of the lines that will be impacted |
| | iv. | Two options for relocation to allow replacement of the bridge: (1) create a temporary aerial crossing prior to construction and reinstall permanent lines into the bridge near the end of construction; or (2) remove structure around cables, shield them and have the contractor work around Bell's cables. |
| | v. | Bell to provide designs for both options and present to the Region. Ultimately it is the Region's decision which they choose. |
| | vi. | Preliminary recommendations from Bell is to provide a temporary aerial line as it will be more expensive up front but the cheaper option in the long-term. It will reduce insurance costs, it will lower the Contractor's risk, and therefore will reduce the bid pricing. |
| | vii. | The timeline for relocating cables is currently 9-12months prior to start of construction |
| | viii. | Bell will reduce the number of copper lines as much as possible so the number of ducts being put back into the bridge will be lower. |
| | ix. | Bell doesn't have a preference where the ducts are put back into the bridge - it can be within the sidewalk, in a cable gallery, suspended off the side of the bridge. |
| | x. | The Region and Bell currently have a cost sharing plan and Bell pays for materials. The high level cost will be provided to the Region with Bell's preliminary design. |
| Matt/Chris | xi. | Matt and Chris to complete a site visit within the next two weeks and Matt will complete preliminary design following the site visit. |
| AE | xii. | AE to provide Matt with topo survey and any additional CAD files that they have |

4 TIMELINE

- i. Detail Design of Bridge Replacement - Fall 2021 or Early 2022
- ii. Utility Relocates - 2022
- iii. Bell Relocates - proposed 2022 into 2023 (prior to construction)
- iv. Bridge Construction - 2023

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free:1-800-263-7215

Via Email Only

December 2, 2019

File No.: E.03.11.EN-19-037

Ms. Melissa Tomascik, C. Tech.
Project Manager, Transportation Engineering
Niagara Region - Public Works
1815 Sir Isaac Brock Way
Thorold ON, L2V 4T7

Dear Ms. Tomascik,

Re: **Regional and Provincial Comments
Municipal Class Environmental Assessment
Regional Road 50 (Niagara Street) Bridge Reconstruction
City of Welland**

Regional Planning and Development Service staff has reviewed the Notice of Study Commencement provided by Associated Engineering (Ont.) Ltd., on behalf of the Region of Niagara for the initiation of a Municipal Class Environmental Assessment (EA). The project will follow Schedule C of the Municipal Class EA, which is approved under the *Environmental Assessment Act, 1990*. The EA Study will develop and evaluate a variety of bridge improvement and replacement alternatives which will consider components of the Region's Transportation Master Plan (TMP) in the City of Welland. In addition to the bridge, alternatives will also be developed for the extension of a 600mm diameter watermain on Niagara Street from Riverbank Street to Mill Street.

At this time, Regional staff offer the following comments regarding Provincial and Regional policies for infrastructure on the lands located within the study area. Please note that the provided comments are contextual in nature and have been prepared to identify potential studies and/or concerns that will need to be addressed through the Class EA process.

Provincial and Regional Policies

The entire study area is located within a Settlement Area under the Provincial Policy Statement (PPS) and is identified as Built-Up Area in the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The study area is further located

within the urban area boundary of City of Welland and designated Urban Built-Up Area within the Regional Official Plan (ROP).

Growth and intensification is to be directed to settlement areas and generally in the Built-Up Area, where a mix of land uses and densities are compatible and make efficient use of urban land and available resources, infrastructure and public service facilities. Both Provincial and Regional policy identify the movement of people, goods, and services as an essential part of complete communities, and establishing continuous access and connections between the communities forming part of the Region. Therefore, the proposed improvements to the Niagara Street Bridge and watermain extension will provide transportation and infrastructure that contributes to the development of vibrant and fully serviced communities, support population and overall growth in Welland and the Region as a whole.

Core Natural Heritage

The study area (as identified in the Municipal Class EA Notice of Commencement, dated September 12, 2019) located on Regional Road 50 (Niagara Street), Welland, contains portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS within the study area consists of Critical (Type 1) Fish Habitat and Significant Valleyland associated with the Welland River.

ROP Policy 7.B.1.14 permits "essential public uses of a linear nature, including... transportation routes...within the Core NHS or adjacent lands where an EA for the proposed use has been approved..." Therefore, staff have no major concerns regarding the Regional Road 50 bridge improvement/replacement. However, the EA must evaluate all potential natural environmental impacts, identify appropriate mitigation measures, and comply with all other environmental protection requirements, including but not limited to any potential permitting required by the Niagara Peninsula Conservation Authority (NPCA).

Archaeological Resources

Based on the Provincial Screening Criteria for Evaluating Archaeological Potential, the study area exhibits potential for the discovery of archeological resources due to the presence of:

- A watercourse (Welland River) within 300 metres of the study area.

Regional staff recognize that the study area includes the existing Regional Road, where ground disturbance has already occurred. However, given that the proposed improvements may include road realignments and resurfacing, an archeological assessment shall be completed to address any archaeological concerns. Regional staff note that the archaeological assessment shall also be submitted to the Ministry of Tourism, Culture and Sport (MTCS) for review and satisfy Provincial requirements with respect archaeological resources.

Development Engineering

During the design of the bridge reconstruction, existing accesses to properties and pathways should be maintained if there are any changes in grades that will affect or eliminate these access points staff should be discussing them with the current land owners and incorporate locations of future access points in the final EA design.

Storm sewer outlets for the storm sewer pipes on Niagara Street should be maintained or alternative locations included in the final EA design.

Proposed Development

Development Services staff wishes to inform you that we have had a few major re-development proposals and applications within the EA study area. Specifically 51 Niagara Street and 130 Niagara Street. As such, the improvement/replacement alternatives shall take into consideration the vehicular and pedestrian accesses from these sites.

Conclusion

The information and comments contained in this letter have been provided to assist the Region and Associated Engineering (Ont.) Ltd. in the completion of the Class EA. Based on the project information provided as of the date of this letter, Regional Planning and Development Services staff do not have concerns with the bridge reconstruction or the extension of the watermain proposed for Regional Road 50.

Regional staff appreciates being circulated the notice of study commencement and being given the opportunity to provide comments. Should you have any questions concerning the above comments, please feel free to contact me at extension 3387.

Please keep us informed as this project proceeds, including the circulation of any future notices and a copy of the final Class EA upon completion.

Yours truly,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

cc: Mr. Pat Busnello, Manager, Development Planning, Niagara Region



Associated
Engineering

GLOBAL PERSPECTIVE.
LOCAL FOCUS.

Associated Engineering (Ont.) Ltd.
Suite 300 - 509 Glendale Avenue East
Niagara-on-the-Lake, ON, Canada, LoS 1J0

March 5, 2021
File: 20195369.00.ES.04.01

TEL: 905.346.0990
FAX: 905.346.0992
www.ae.ca

Matthew Main, P.Eng.
Project Manager
City of Welland
Engineering Division
Infrastructure and Development Services
matthew.main@welland.ca

**Re: REGIONAL ROAD 50 (NIAGARA STREET) BRIDGE RECONSTRUCTION
MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT**

Dear Mr. Main:

The Regional Municipality of Niagara (the Region) is undertaking a Schedule 'C' Municipal Class Environmental Assessment (MCEA) for the replacement of Regional Road 50 (Niagara Street) bridge and 600mm transmission main extension. Our first public engagement is currently ongoing with study information posted to the Region's project website (<https://www.niagararegion.ca/projects/regional-road-50-bridge/default.aspx>) and open comment period of two (2) weeks until March 18, 2021.

Please find enclosed the study material summarizing the study process, works completed to-date, bridge replacement and watermain extension alternative solutions and evaluation process for City review and comment. After comments have been received, the study will proceed to Phase 3 of the MCEA process with design concepts being developed and evaluated. Once completed, a second public engagement period will occur to present the study's preferred design concept(s) and culminate in the preparation of an Environmental Study Report (ESR).

After receiving initial comments from the City and during Phase 3 of the MCEA study, the project team will schedule meeting(s) with the appropriate City staff to discuss study details, as required. We respectfully ask that City comments related to this project and the material enclosed are provided to myself and/or Melissa Tomascik, Region Project Manager, by March 25, 2021.

Feel free to reach out if you have any questions or want to discuss the above at 289.434.4804 or at laplantea@ae.ca.

Yours truly,

Andrea LaPlante, P.Eng.
Project Manager

c.c.: Melissa Tomascik, Project Manager, Niagara Region – Transportation Engineering
Rick Gabel, Niagara Region – Water & Wastewater Division

Enclosed: Study Material

A Carbon
Neutral
Company



Platinum
member



CITY OF WELLAND

Infrastructure and Development Services

60 East Main Street, Welland, ON L3B 3X4

Phone: 905-735-1700 | Fax: 905-735-7184

E-mail: eng@welland.ca | www.welland.ca

September 13, 2021

Niagara Region – Public Works
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON L2V 4T7

Dear Melissa Tomascik, C. Tech

RE: NIAGARA STREET (REGIONAL ROAD 50) BRIDGE RECONSTRUCTION (PIC#2) – CITY OF WELLAND COMMENTS

Please find the City of Welland's comments below regarding the Niagara Street (Regional Road 50) Bridge Reconstruction project:

- The City of Welland and Niagara Region have planned infrastructure upgrades directly south of the project area on Niagara Street including the replacement of underground infrastructure and roadway (Niagara Street Bridge to West Main Street). All asset replacement in this area should be coordinated into one construction tender to minimize costs and construction impact to area residents and businesses.
- The City Welland is scheduled to reconstruct Riverbank Street (Niagara St to West Limit) just north of the Niagara Street Bridge project in 2023. The City and Region need to review and coordinate asset replacement within the Riverbank Street and Niagara Street intersection.
- During the construction period one lane of traffic should always be maintained to facilitate traffic movement though the downtown core including providing access for emergency vehicles. Road closures, if necessary, should be minimized and proper notice and signage should be provided noting that all businesses are remaining open during the closure.
- The City of Welland's representative for this project will be changing from Matthew Main, P. Eng. to Josh Trim, P.Eng. All future project correspondence should be sent to Josh. His contact information can be found below:
 - Josh Trim, P.Eng.
Senior Project Manager
joshua.trim@welland.ca
Phone: (905)735-1700 Ext: 2229



CITY OF WELLAND

Infrastructure and Development Services

60 East Main Street, Welland, ON L3B 3X4

Phone: 905-735-1700 | Fax: 905-735-7184

E-mail: eng@welland.ca | www.welland.ca

We look forward to working with Niagara Region on this project. Please reach out to Josh Trim for further discussion regarding these comments.

Sincerely,

Matthew Main, P.Eng

Infrastructure and Asset Manager

Cc: Livia McEachern, P.Eng, Manager of Engineering
Sherri-Marie Millar, P.Eng, Director of Infrastructure Services/City Engineer
Josh Trim, P. Eng, Senior Project Manager
File

Andrea LaPlante

From: [REDACTED]
Sent: Thursday, February 18, 2021 5:16 PM
To: Andrea LaPlante
Subject: Re: Niagara Street Bridge Class EA, Welland - Notice of Public Information Centre
Attachments: image001.png; 169b4ba1-dcb4-42af-829c-1c4f18d3f36e.png; Notice of PIC_Niagara Street Feb 18 2021.pdf; ltr_20195369_Niagara St_NoPIC.PDF

Hi Andrea
Thanks for sending this along.
May I add this to my member newsletter for distribution?

[REDACTED]

Mailing Address:

[REDACTED]

On Feb 18, 2021, at 4:14 PM, Andrea LaPlante <laplantea@ae.ca> wrote:

Good afternoon,

On behalf of the Niagara Region, Associated Engineering Ltd. is undertaking the Municipal Class Environmental Assessment Study for the Niagara Street Bridge Reconstruction, in the City of Welland. Please find attached both a letter and the Notice of Public Information Centre for the study.

If you have received this email in error or do not wish to remain on the Study contact list please respond to this email informing the Study team.

Regards,

Andrea LaPlante, P.Eng.
Environmental Assessment Coordinator
Associated Engineering (Ont.) Ltd.
Suite 300 – 509 Glendale Ave East, Niagara-on-the-Lake, ON L0S 1J0
Tel: 905.346.0990 | Dir: 289-434-4804

You may [unsubscribe from Associated's electronic communications](#) at any time.

Andrea LaPlante

From: Tomascik, Melissa <Melissa.Tomascik@niagararegion.ca>
Sent: Tuesday, October 1, 2019 12:16 PM
To: [REDACTED]
Cc: Guthrie, Graeme; Christian Concolino; Andrea LaPlante
Subject: RE: RR50 (Niagara St) Welland bridge reconstruction

Follow Up Flag: Follow up
Flag Status: Flagged

[REDACTED]:

Please be advised that at this time there will be some interim repairs done to the existing bridge. Timeline of the bridge replacement: as you are aware the EA has commenced; followed by a detailed design and we are targeting to start construction potentially as early as 2022.

Thanks,

Melissa Tomascik

Project Manager
Public Works
Niagara Region
1815 Sir Isaac Brock Way, PO Box 1042
Thorold L2V 4T7
Phone: 905-980-6000 ext. 3189
Toll-free: 1-800-263-7215
Cell: 289-241-2540
www.niagararegion.ca

From [REDACTED]
Sent: Tuesday, October 01, 2019 11:15 AM
To: Tomascik, Melissa <Melissa.Tomascik@niagararegion.ca>
Subject: Niagara St Welland bridge reconstruction

CAUTION: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Melissa I understand that a Class EA study is going to be undertaken to consider options for the Niagara St bridge in Welland. I appreciate that it is very early in the process, but I was just wondering do you have an approximate time line as to when any actual bridge work might be undertaken? it is a very heavily travelled bridge. Thank you.

[REDACTED]

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

Ministry of the Environment,
Conservation and Parks

Environmental Assessment Branch

1st Floor
135 St. Clair Avenue W
Toronto ON M4V 1P5
Tel.: 416 314-8001
Fax.: 416 314-8452

Ministère de l'Environnement, de la
Protection de la nature et des Parcs

*Direction des évaluations
environnementales*

Rez-de-chaussée
135, avenue St. Clair Ouest
Toronto ON M4V 1P5
Tél. : 416 314-8001
Télééc. : 416 314-8452



April 8, 2022

Melissa Tomascik
Niagara Region

(VIA EMAIL ONLY)

Andrea LaPlante
Associated Engineering (Ont.)

**Re: Niagara Street (Regional Road 50) Bridge Reconstruction City of Welland
Schedule C Municipal Class Environmental Assessment
Notice of Completion and Environmental Study Report (ESR)
Project Review Unit Comments**

Dear Project Team,

This letter is in response to the Notice of Study Completion and Environmental Study Report for the above noted Class Environmental Assessment (EA). Our understanding is that in order to address the structural deficiencies associated with Niagara Street (Regional Road 50) Bridge, improve public safety of all modes of transportation (vehicular, cyclist and pedestrian) and provide secure water supply to the surrounding area through the extension of the 600mm diameter watermain, Niagara Region (the proponent) has determined that the preferred solution (Alternative 3) is to replace the existing structure with a new two-span steel I-girder bridge with a cross-section that includes bicycle lanes and sidewalks.

The Ministry of the Environment, Conservation and Parks (ministry) provides the following comments for your consideration.

General:

Appendices K- Public Information Centre 1 and Appendix L-Public Information Centre 2 have not been included in the Environmental Study Report.

Indigenous Consultation

It appears that Niagara Region (proponent) provided notices to an appropriate list of communities. Of the 3 communities identified only one, Mississauga of the Credit First Nation (MCFN), responded to the stakeholder notification, stating that they do not have high level of concern with the proposed project. They indicated they wish to continue to be notified of project

status and if archaeological assessments (Stage 2 or higher) are required that MNCFN be included in fieldwork.

Indigenous communities frequently receive a high volume of project notices and require time to review project proposals. For this reason, it is important that a proponent utilize different methods of reaching out to communities and reach out to the communities at different points in the process. Documentation of these efforts should be contained in the consultation record, including courier receipts, read receipts for emails and telephone logs recording calls and messages. Any efforts to follow-up by the proponent should be documented in the record of consultation that accompanies the Class EA documentation.

Further to any follow-up during the review period for the EA, the proponent should continue reaching out to all communities previously engaged if there any substantial changes to the project/process or if they are applying for subsequent permits from the ministry that may be of interest or concern to communities

Groundwater:

Current geotechnical and hydrogeological conditions are adequately described in the preliminary geotechnical and hydrogeological investigation reports.

Water level was not measured upon completion of drilling due to use of drilling mud. Based on WWR, the groundwater level at the Site is expected to range from approximately 2 – 4 mbgs.

The existing piers would require complex removal down to the riverbed to allow for new piers (1 or 2) to be constructed. Due to the presence of soft glaciolacustrine underlying the Site, pile foundations may need to be installed to the depth of bedrock. Surface water/Groundwater control at these locations would be required to allow for construction of foundation elements in a dry condition. Groundwater control measures or dewatering should be carried out by a specialist contractor to draw down the groundwater level to at least 1.0 m below the base level of the excavation to ensure stable conditions during excavation.

Construction dewatering values depend upon the actual thickness and extent of these water bearing soils, the finalized design excavation depths, and the prevailing groundwater tables at the time of construction.

Deep foundations schemes would be expected to encounter the hydrostratigraphic unit of coarse gravel and sand (9.4 – 30.2 mbgs and specific capacity between 10 – 50 L/min/m) which is expected to act as a confined aquifer and require active groundwater control measures to dewater during construction. As well, the Salina Formation is expected to act as a confined aquifer and require active dewatering during construction.

A detailed hydrogeological investigation is required to determine subsurface conditions and confirm dewatering rate estimates and hydrogeological design considerations to support an application for an EASR or PTTW.

A geotechnical engineer should be consulted on the need for a ground settlement monitoring program for this area before, during and following construction because the potential exists for changes in porewater pressure to cause ground settlement in the unconsolidated clay and silt sediments which occur around the project alignment.

If construction of this project requires groundwater dewatering exceeds 50,000 L/d and is >400,000 L/d, the prescribed activity will be registered as an Environmental Activity and Sector Registry (EASR) regulation O. Reg. 63/16. – Registrations under Part II.2 of the Act – Water Taking, made under Environmental Protection Act. If EASR is required, a calculation of the amount of groundwater that is expected to be taken from the area of influence of each dewatering pit, and from any overlapping areas of influence should be provided to evaluate the level of groundwater impacts. As well, notification protocol that identifies water users that may be impacted, including a written notice with details of the water taking (time, location, etc.) and contingency plan with measures to mitigate identified risks.

If the groundwater dewatering is more than 400,000 L/d, a Permit to Take Water (PTTW) should be obtained (Sections 34 and 98 Ontario Water Resources Act R.S.O. 1990 and Water Taking Regulation O. Reg. 387/04). If a PTTW is required, a hydrogeological environment assessment should be provided in detail to allow for a reasonable evaluation of the level of groundwater impacts that might occur as a result of the undertaking during bridge replacements.

If a PTTW is required, an investigation should be conducted during the detailed design stage regarding potential interference due to construction with other water users along this project. The hydrogeologic investigation includes drilling and installation of monitoring wells, stream-bed mini-piezometers, groundwater levels and water quality monitoring (O. Reg. 169/03: Ontario Water Quality Standards). This investigation should include the related monitoring and mitigation plan regarding project interference with other water users within the zone of influence of this project. As well, impact prediction models, mitigation measures and monitoring and compliance reporting if they are applicable.

If a PTTW is required, an environmental assessment report prepared by a qualified professional (PGO or equivalent) and a geotechnical note prepared by a geotechnical engineer should be included in the supporting documentation of the PTTW application. The geotechnical note should address potential surrounding structural damage due to settlement from the required groundwater taking and the proposed monitoring/contingency and mitigation plan.

If a PTTW is required, MECP requires a discussion of the potential impacts to the surrounding natural environment and adjacent waterbody feature(s), any risks posed to nearby structures from subsidence, and the potential for contaminated groundwater migration from construction dewatering (O. Reg. 153/04: Records of Site Conditions – Part XV.1 of the Act). PTTW applications must also provide details regarding the proposed discharge plan and discuss how the dewatering effluent/surface water (i.e., rain) will be managed and treated to meet water quality criteria based on the final discharge location (i.e., sanitary sewer or natural environment).

Excess Materials Management

All waste generated during construction must be disposed of in accordance with ministry requirements.

In December 2019, the ministry released a new regulation under the Environmental Protection Act, titled *On-Site and Excess Soil Management* (O. Reg. 406/19) to support improved management of excess construction soil. The regulation is being phased in over time, with the first phase in effect on January 1, 2021. For more information, please visit www.ontario.ca/page/handling-excess-soil. The Report should reference that activities involving the management of excess soil should be completed in accordance with O. Reg. 406/19 and the ministry's current guidance document titled "[Management of Excess Soil – A Guide for Best Management Practices](#)" (2014).

Species at Risk

Further to Section Species at Risks and Appendix E of the Report, please note that it is the responsibility of the proponent to ensure that Species at Risk (SAR) are not killed, harmed, or harassed, and that their habitat is not damaged or destroyed through the proposed activities to be carried out on the site. If the proposed activities cannot avoid impacting protected species and their habitats, then the proponent will need to apply for an authorization under the Endangered Species Act (ESA). As noted in the report, If the proponent believes that their proposed activities are going to have an impact or are uncertain about the impacts, they should contact SAROntario@ontario.ca to undergo a formal review under the ESA.

Draft Environmental Study Report

For future reference, MECP encourages the practice of sharing a draft copy of the ESR for review in advance of the issuance of the Notice of Completion. Sometimes EA documentation is deficient or incomplete and/or MECP identifies concerns that may require further work or consultation. It is advantageous for both the proponent and the ministry to identify these concerns or comments before the final notice is issued for the following reasons:

- a. It is easier to address comments and make revisions before the report is put on the public record.
- b. It reduces complexity and confusion with version controls in the public realm if revisions are requested.
- c. It reduces the potential requirement for an addendum or errata documentation.
- d. It provides appropriate time for the proponent to engage in meaningful consultation with MECP.
- e. It reduces the potential for a Part II Order request or an order or conditions to be imposed by the Minister.

MECP especially recommends providing a draft copy of the Environmental Study Report for Schedule C projects, which generally are higher risk and more complex.

Thank you for circulating this Report for the ministry's consideration. Please document the receipt of this Project Review Unit Comments letter in the final report. We look forward to receiving a written response from Niagara Region to address our comments provided above.

Should you or any members of your project team have any questions regarding the material above, please contact me at joan.delvillarcuicas@ontario.ca

Yours truly



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Regional Environmental Planner – West Central Region

cc Katy Potter, Supervisor, Environmental Assessment Services, MECP

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**Re: NIAGARA STREET (RR50) BRIDGE RECONSTRUCTION, CITY OF WELLAND
SCHEDULE C MCEA - NOTICE OF COMPLETION AND ESR
PROJECT REVIEW UNIT COMMENTS**

Dear Ms. Del Villar:

We have received and reviewed your letter dated April 8, 2022 providing comments on the Notice of Completion and Environmental Study Report (ESR) for the above noted MCEA study. We provide the following responses to the MECP.

General:

Appendices K and L have been uploaded to the Niagara Region's project website (<https://www.niagararegion.ca/projects/regional-road-50-bridge/>). We can confirm that hard copies of the ESR provided for public review contained all report appendices.

Indigenous Consultation:

Comments noted. Indigenous consultation will continue to occur during detailed design and implementation of the proposed works.

Groundwater:

A detailed hydrogeological investigation and supplementary geotechnical investigation will be completed during detailed design to support the bridge design and application for EASR or PTTW, addressing key requirements identified by MECP in the comment letter. Depending on the groundwater dewatering rate expected, an EASR or PTTW will be secured prior to construction.

Excess Materials Management:

As construction is not anticipated to commence until 2024, all required sampling, investigations and documentation in accordance with O.Reg. 406/19 will be completed during detailed design to address excess soil management.

Species at Risk:

Additional natural environment and Species at Risk (SAR) field investigations will be completed during detailed design to support the application for environmental approvals and permits. If SAR are identified and/or proposed activities may impact SAR, the proponent will contact SAROntario@ontario.ca for additional details and requirements under the ESA.

Draft Environmental Study Report:

Comments noted for future MCEA studies.

A copy of MECP's comment letter and this response letter have been provided in Appendix M – Public and Stakeholder Comments of the final ESR report. Should you have any additional comments or questions regarding the MCEA study and/or this response letter, please do not hesitate to contact me.

Yours truly,



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cc: Melissa Tomascik, Project Manager, Niagara Region
Katy Potter, Supervisor, Environmental Assessment Services, MECP