

Appendix C Stakeholder Consultation Records

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
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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

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Tél.: 905 521-7640
Télec.: 905 521-7820



June 6, 2019

Ms. Rika Law
R.V. Anderson Associates Ltd.

Mr. Derek Falardeau-Mercier
Region of Niagara

**RE: Fort Erie Elevated Tank Class Environmental Assessment
Response to Notice 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 the Region of Niagara has indicated that it has commenced an environmental assessment study in accordance with the MEA Class EA for Schedule "B" projects for a new elevated water storage tank and associated distribution and transmission system upgrades

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 authorizing 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 this duty to project proponents while retaining oversight of the consultation 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:

COMMUNITY	CONTACT
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 Bomberly, Lands and Resources Director at lonnybomberly@sixnations.ca
Haudenosaunee Confederacy Chiefs Council 2634 6 th Line Road R.R. #2 Ohsweken, ON N0A 1M0	Hohahes 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 Approvals and Permissions Branch under the following circumstances subsequent to 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 of the Environmental Assessment and Permissions Branch can be notified either by email with the subject line “Potential Duty to Consult” to enviroperrmissions@ontario.ca or by mail or fax at the address provided below:

Email:	enviroperrmissions@ontario.ca Subject: Potential Duty to Consult
Fax:	416-314-8452
Address:	Environmental Approvals and Permissions Branch 135 St. Clair Avenue West, 1 st Floor Toronto, ON, M4V 1P5

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 you will be asked to play in them.

As of July 1st 2018, a standardized form is to be used by anyone who believes that the environmental assessment process was incomplete, incorrect in 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
MOECCpermissions@ontario.ca

As of May 1, 2018, proponents are requested to send all Notices and completed project information form to the region where the project is located. If your project is located in more than one ministry region, you need to submit your notices to all appropriate regions. This is in addition to the existing notification requirements in each class environmental assessments and streamlined environmental assessment process.

To submit your Notice you need to do the following:

1. download and complete the [project information form](#)
2. the subject line of your email must include the project location, type of streamlined environmental assessment and project name
3. attach a copy of your project notice in PDF format and your completed project information form in Excel format to the email
4. send your email to the appropriate ministry regional office:
 - o Central Region – eanotification.cregion@ontario.ca
 - o Eastern Region – eanotification.eregion@ontario.ca
 - o Northern Region – eanotification.nregion@ontario.ca
 - o South West Region – eanotification.swregion@ontario.ca
 - o West Central Region – eanotification.wcregion@ontario.ca

Due to the subsequent approvals that this ministry will be responsible for in order for this project to proceed through to implementation, we would like to have a participatory role during the course of

the preparation of this EA, to assist where we can and provide input that may facilitate any later approval applications. We would also like the opportunity to review a draft ESR. Should you have any questions or require clarification, please contact me either at (905) 521-7864 or at Barbara.slattery@ontario.ca

With best regards,

A handwritten signature in cursive script that reads "Barbara Slattery".

EA/Planning Coordinator

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.

Razaq Mohammed

Subject: FW: Fort Erie Elevated Tank

From: Mott, Nancy (MNRF) <Nancy.Mott@ontario.ca>

Sent: May 14, 2019 9:34 AM

To: Rika Law <rlaw@rvanderson.com>

Subject: Fort Erie Elevated Tank

Thank you for the notice with respect to the Municipal Class EA for the above-noted project. The study area is outside the Niagara Escarpment Plan Area and therefore we will not be participating in the project.

Please note that the Director of the NEC is now David Ayotte and not Ms. Pella Keen.

Thank you,

Nancy

Nancy Mott, MCIP, RPP

Senior Strategic Advisor



232 Guelph Street | Georgetown, ON | L7G 4B1

Tel: 905-877-8363 | **Cell:** 289-839-0106

Website: www.escarpment.org

Please let me know if you require communication supports or alternate formats.

May 6, 2019

Via E-mail Only

File: E.03.01.EN-19-016

Mr. Derek Falardeau-Mercier, P.Eng
Project Manager
Water and Wastewater Services Division
Niagara Region
3501 Schmon Pkwy., PO Box 1042
Thorold, ON L2V 4T7

Dear Mr. Falardeau-Mercier

**RE: Notice of Study Commencement
Schedule "B" Municipal Class Environmental Assessment
Elevated Water Storage and Potential Improvements to Existing Water System
Town of Fort Erie**

Regional Planning and Development Services staff has reviewed the Notice of Study Commencement provided by the Niagara Region for the undertaking of a Schedule "B" Environmental Assessment (EA). The assessment is required to consider and evaluate suitable sites within the Town of Fort Erie for the construction of the elevation water storage tank. The EA will also look at the existing water systems in the area to identify any necessary improvements.

Regional staff offers the following comments regarding Provincial and Regional policy within the study area for your consideration.

Provincial and Regional Policies

The study area includes the entirety of the Town of Fort Erie lands which includes areas within the urban boundary according to the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshow (Growth Plan) and the Regional Official Plan (ROP). Provincial and Regional policy states that planning for municipal water systems shall consider expected growth or development and promote the efficient use and optimization of existing municipal services. Such systems shall be provided in a manner that protects human health and the natural environment. Regional staff notes that the proposed EA meets the intent of Provincial and Regional policy as it will identify the most appropriate location for the construction of an elevated water storage tank and any needed existing water system improvements to meet the needs of the current and future population of the Town of Fort Erie.

Core Natural Heritage System

Provincial and Regional policy aim to protect the long term ecological function and biodiversity of natural heritage features and areas within Niagara Region's communities. Regional staff notes that the EA should evaluate all potential natural environmental impacts and if required identify appropriate mitigation measures, and comply with all other environmental protection

requirements, including any Niagara Peninsula Conservation Authority, Ministry of Environment, Conservation and Parks (MECP), Ministry of Natural Resources and Forestry (MNR) and/or Fisheries and Oceans Canada (DFO) requirements.

Archaeological

Provincial policy states that planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources. Regional staff notes that the Town of Fort Erie Official Plan includes Schedule D "Cultural Heritage Archaeological Zones of Potential", and it appears that majority of the study area is identified as having archaeological potential. Should any extensive or intensive disturbance be proposed on lands with archaeological potential, Regional staff recommends that archaeological assessment be prepared by a licensed archaeologist and an acknowledgement letter from the Ministry of Tourism, Culture and Sport be obtained prior to any site disturbance.

Conclusion

Upon selection of a suitable site for the elevated water storage tank and identification of necessary improvements to the existing water systems in the area, Regional staff recommends that the appropriate evaluations be completed as identified above.

Regional staff appreciates the opportunity to comment. Should you have any questions or concerns, please feel free to contact me at extension 3442 or Lindsay Earl, Senior Planner, at extension 3387.

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

Respectfully submitted,



Elissa Quintanilla
Development Planner

cc: Ms. Lindsay Earl, MCIP, RPP, Senior Development Planner, Niagara Region
Mr. Rika Law, P. ENG, PMP, Project Manager and Associate, R.V. Anderson Associates Limited

Razaq Mohammed

From: Whittard, Jennifer <Jennifer.Whittard@niagararegion.ca>
Sent: May 7, 2019 4:51 PM
To: Razaq Mohammed
Cc: Rika Law; Natasha Lee; Falardeau-Mercier, Derek; Zoran M. Filinov; Lambert, Phill
Subject: RE: Proposed Fort Erie Elevated Tank Locations Environmental Sensitivity Enquiry
Attachments: Tank Options.pdf

Categories: Filed by Newforma

Hi Razaq,

I received Rika's voicemail – my apologies for the delay. Please see **my response in red font** in the email trail below.

Please don't hesitate to contact me if you have any other questions.

Thanks,
Jen

Jennifer Whittard, B.E.S., PMP
Manager, Environmental Planning
Planning and Development Services, Niagara Region
Phone: 905-980-6000 ext. 3430 Toll-free: 1-800-263-7215
Cell: 289-668-4812
www.niagararegion.ca

From: Razaq Mohammed <RMohammed@rvanderson.com>
Sent: Monday, April 15, 2019 12:33 PM
To: Whittard, Jennifer <Jennifer.Whittard@niagararegion.ca>
Cc: Rika Law <rlaw@rvanderson.com>; Natasha Lee <NLee@rvanderson.com>; Falardeau-Mercier, Derek <Derek.Falardeau-Mercier@niagararegion.ca>; Zoran M. Filinov <zfilinov@rvanderson.com>
Subject: RE: Proposed Fort Erie Elevated Tank Locations Environmental Sensitivity Enquiry

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.

Good afternoon Jennifer,

Reference to the email below.

The area depicted as Option 1 was wrongly marked in the previous email. The two locations being considered as Options 2a and 2b were not also marked in all the three maps.

Please find attached the maps with the correct locations of all the options.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP

Water and Wastewater Engineer-in-Training



R.V. Anderson Associates Limited

2001 Sheppard Avenue East, Suite 300

Toronto, ON M2J 4Z8

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Please consider the environment before printing this email.

From: Razaq Mohammed

Sent: Tuesday, April 9, 2019 7:24 AM

To: 'Jennifer.Whittard@niagararegion.ca' <Jennifer.Whittard@niagararegion.ca>

Cc: Rika Law <rlaw@rvanderson.com>; Natasha Lee <NLee@rvanderson.com>; 'Derek.Falardeau-Mercier@niagararegion.ca' <Derek.Falardeau-Mercier@niagararegion.ca>; 'Phill.Lambert@niagararegion.ca' <Phill.Lambert@niagararegion.ca>

Subject: Proposed Fort Erie Elevated Tank Locations Environmental Sensitivity Enquiry

Hello Jennifer,

We're working with Derek Falardeau-Mercier and Phill Lambert on the New Fort Erie Elevated Tank Class Environmental Assessment and Enhanced Conceptual Design project.

We have identified three alternative locations for the elevated tank, and we are currently in the process of evaluating them. Although we have reviewed the options against NPCA maps, we have also been directed to contact you about the Region's environmentally sensitive areas. Please find attached the maps showing the three options being considered.

From the maps, Options 2 and 3 appear to be located at environmentally non sensitive areas while Option 1 appears to be in a "Significant Natural Area" and "Woodlands over 2 Hectares" (according to Town of Fort Erie Natural Heritage Features Schedule C Classification).

Agreed, there are no concerns from a natural environmental perspective for Option 2B or Option 3.

For Option 2A at Bowen & Sunset Drive, the northern half of the property is part of the Millers Creek Provincially Significant Wetland (PSW) Complex and regulated by the Niagara Peninsula Conservation Authority (NPCA). The PSW limits onsite follow the tree line as shown in pink hatching in the attached aerial. Approximate NPCA-regulation areas are shown in blue, and the PSW limits also extend east of Sunset Drive. Although there may be no encroachment into the PSW or its regulated area (30 m), the EA should consider its proximity when developing appropriate mitigation measures, if applicable.

Our enquiry is as follows:

1. What are the restrictions (from the Region) in using the Option 1 area?

Portions of the Option 1 property are also part of the Millers Creek PSW Complex and regulated by the NPCA (see attached map). These PSWs are "no touch" areas referred to in Niagara as

Environmental Protection Areas (EPA). No development or site alteration is permitted within the PSW limits.

The area mapped in green hatching indicates Environmental Conservation Area (ECA) associated with Significant Woodlands. Regional Official Plan (ROP) policies currently permit development or site alteration within or adjacent to Significant Woodlands provided no negative impact can be demonstrated. This is typically done through completion of an Environmental Impact Study (EIS); however, ROP Policy 7.B.2.5 specifically states that an EIS is not required under the EA process. As such, I would expect the EA to evaluate all potential natural environmental impacts and identify appropriate mitigation measures as applicable.

In summary, aside from the PSW areas and permits required by the NPCA, there are no Regional environmental planning policy restrictions in using the unvegetated areas on the Option 1 site for tank construction. If encroachment into the woodland is proposed, the EA would have to justify the need for that encroachment.

2. What are the permitting requirements for the use of Option 1?

Work within the NPCA-regulated areas (within 30m of the PSW boundaries) would likely trigger the requirement for an NPCA Work Permit pursuant to Ontario Regulation 155/06. Please consult with NPCA regarding their specific requirements. Tree removals for municipal purposes are currently exempt from the Region's Woodland By-Law permitting requirements.

3. Will there be a need to compensate for the trees?

Every effort should first be made to save as many trees as possible. ROP policies require that a Tree Saving Plan be prepared for any proposed development or site alteration within Significant Woodlands. ROP Policy 7.C.1.3 suggests that at least two native trees be replanted for every tree removed.

4. Is there any other environmental related matters that we should take into consideration during the options' evaluation?

It is recommended that the Ministry of Environment, Conservation and Parks (MECP) be contacted to confirm no potential impacts to Species At Risk. Note that as of April 1, 2019, all matters under the *Endangered Species Act* are being transitioned to the MECP, within the Species at Risk Branch in the new Land and Water division. MECP has established a one-window e-mail account (SAROntario@ontario.ca) for all applications, authorizations and other client matters under the *Endangered Species Act*.

We will also be contacting NPCA regarding their requirements for Option 1.

We would appreciate any information you can provide to us before our monthly meeting for this project on Friday 12th April at 2pm at the Regional Municipality offices. If you wish to know more about the project and if your schedule permits, feel free to join us for the meeting – just let us know and we can forward the meeting invite along.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Water and Wastewater Engineer-in-Training



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Razaq Mohammed

From: Matt Kernahan <MKernahan@forterie.ca>
Sent: October 10, 2019 12:41 PM
To: Razaq Mohammed
Cc: Robert Judd
Subject: RE: Fort Erie ET Class EA..water tower

Razaq,

There are no restrictions if the tank is placed outside of the significant woodland (as shown) and the woodland is not disturbed. Should the plan involve disturbance to the woodland, the Town's Environmental Advisory Committee should be consulted. The Town's Environmental Advisory Committee reviews all applications for development in Environmental Conservation Areas such as significant woodlands. Should this be the preferred location, the Committee will review the development plan for the property and make recommendations for study, modifications to location or orientation as required and appropriate. So it is probably most appropriate for the Committee to provide comment once a preferred location is chosen.

Please give me a call if you would like to discuss.

Matt

Matt Kernahan, MCIP, RPP, CNU-A
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2507
FAX: 1-905-871-6411

From: "Razaq Mohammed" <RMohammed@rvanderson.com>
To: "Matt Kernahan" <MKernahan@forterie.ca>
Date: 10/08/2019 11:38 AM
Subject: RE: Fort Erie ET Class EA..water tower

Hi Matt,

Thank you for reaching out.

We were retained by the Niagara Region for the New Fort Erie Elevated Tank Class Environmental Assessment and Enhanced Conceptual Design project.

We identified four alternative locations for the elevated tank and we are currently evaluating them. Although we have reviewed the options against NPCA maps, we have also been advised to contact you about the Town's environmentally sensitive areas. Please find attached the maps showing the four options being considered.

From the maps, Options 2B and 3 appear to be located at environmentally non sensitive areas while parts of Option 1 and 2A appears to be in a "Significant Woodland" and "Provincially Significant Wetland"

Our enquiry is as follows:

1. What are the restrictions (from the Town) in using the Option 1 area?
2. What are the permitting requirements for the use of Option 1?
3. Will there be a need to compensate for the trees?
4. Is there any other environmental related matters that we should take into consideration during the options' evaluation?

We have also contacted the Region and NPCA regarding their requirements for Option 1.

Thank you.

From: Matt Kernahan <MKernahan@forterie.ca>
Sent: October 7, 2019 12:14 PM
To: Razaq Mohammed <RMohammed@rvanderson.com>
Cc: Robert Judd <RJudd@forterie.ca>
Subject: Fw: Fort Erie ET Class EA..water tower

Razaq,

Robert Judd asked that I reach out to you on this. Please let me know how I can assist.

Matt

Matt Kernahan, MCIP, RPP, CNU-A
Senior Development Planner
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
Canada
L2A 2S6

TEL: 1-905-871-1600 ext.2507

FAX: 1-905-871-6411

----- Forwarded by Matt Kernahan/FortErie on 10/07/2019 12:12 PM -----

From: Robert Judd/FortErie
To: Matt Kernahan/FortErie@TownOfFortErie
Date: 09/30/2019 03:59 PM
Subject: Fw: Fort Erie ET Class EA..water tower

Matt,

can you please contact Razaq.

thanks
Robert

----- Forwarded by Robert Judd/FortErie on 2019-09-30 03:58 PM -----

From: "Razaq Mohammed" <RMohammed@rvanderson.com>
To: "rjudd@forterie.ca" <rjudd@forterie.ca>
Date: 2019-09-30 03:29 PM
Subject: Re: Fort Erie ET Class EA

Hi Robert,

Can you please provide us with the contact details of the Town's Senior Environmental Planner? We will like to make an enquiry on the alternative sites being considered for the new Fort Erie Elevated Tank.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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Razaq Mohammed

From: Razaq Mohammed
Sent: March 6, 2020 2:10 PM
To: Dale, Gregory; Anderson, Robert
Cc: Rika Law
Subject: RE: New Fort Erie Elevated Tank Class Environmental Assessment

Hi Rob,

I will like to follow up on this email. Are you perhaps available for a phone call on Monday so that we can discuss the project? I am available all day.

Please let me know of your availability.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer

Phone: 416 497 8600 x1449
Cell: 437-225-1282



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RVA is growing!
Our new Halton office is opening this spring.

From: Dale, Gregory <gregory.dale@bell.ca>
Sent: March 5, 2020 11:20 AM
To: Razaq Mohammed <RMohammed@rvanderson.com>; Anderson, Robert <robert.anderson@bell.ca>
Cc: Rika Law <rlaw@rvanderson.com>
Subject: RE: New Fort Erie Elevated Tank Class Environmental Assessment

[CAUTION EXTERNAL EMAIL] Make Sure that it is legitimate before Replying or Clicking on any links

Good morning Razaq,

Thanks for taking the time to call and discuss this with me this morning, as mentioned our side has been aware of this pending work for some time as Niagara Region had forecasted it.

I've pulled Rob Anderson into the email string as I no longer manage this area on behalf of Bell Mobility, Rob is now your contact. Please direct your questions to Rob and he will work with you throughout this process.

Best regards,

Greg Dale
Senior Advisor, Real Estate - Zone 6
Bell Mobility Inc.
5099 Creekbank Road, 6D
Mississauga ON, L4W 5N2
M : 416 801 0468



From: Razaq Mohammed <RMohammed@rvanderson.com>
Sent: Thursday, March 05, 2020 11:14 AM
To: Dale, Gregory <gregory.dale@bell.ca>
Cc: Rika Law <rlaw@rvanderson.com>
Subject: [EXT]New Fort Erie Elevated Tank Class Environmental Assessment

Good morning.

We were retained by the Niagara Region to carry out a Municipal Class EA for the new Fort Erie elevated tank.

Bell Mobility have been identified as a stakeholder because its antenna is installed on the existing Central Avenue elevated tank.

Please be informed that the Central Avenue ET is planned to be eventually decommissioned after the completion of the new elevated tank (ET). Alternative locations for the new ET are currently being evaluated as part of the ongoing Class EA process. The alternative site being strongly considered is the corner of Pettit Road and Bridge Street next to the Waste Transfer Station.

We will like to have your comments on how the change of ET location may impact you and if you have any other concerns.

Please send us any questions you may have. We will endeavour to answer them or relay them to the Niagara Region or Town of Fort Erie, if necessary.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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Razaq Mohammed

From: Rika Law
Sent: June 26, 2019 10:21 PM
To: Dale, Gregory; Ugulini, Patrick
Cc: Colocation Bell Mobility; Salvatore, Pam; Tara.Clayton@niagararegion.ca; Razaq Mohammed
Subject: RE: Permission to Enter for Bell Tower Site W3410

Hi Greg

Your understanding is correct. At this point we are only doing an environmental assessment for the potential Elevated Tank sites and Friday this week is when our subconsultant for the natural environment investigation will happen – which is non-intrusive.

The only reason why we were asking what kind of clearance requirement the bell tower may need was to help us consider the social and technical impacts (including if the bell tower functionality would be impacted as result of the elevated tank construction), and if yes, how to minimize those impacts, if possible.

Please rest assured that no construction work will occur until after the Class Environmental Assessment and design are done. And before design and construction can occur on the Bell Tower site, there would definitely be more discussions regarding the use of the bell tower site and an agreement between Bell and the Region. At that time the Bell engineering team and Bell Canada can get involved.

My apologies if my email was confusing and caused alarm. Thank you for asking for clarification. If you have further questions or concerns, please feel free to contact me.

Best regards

Rika Law, P.Eng., PMP
Associate, Project Manager



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From: Dale, Gregory <gregory.dale@bell.ca>
Sent: June 26, 2019 9:30 AM
To: Rika Law <rlaw@rvanderson.com>; Ugulini, Patrick <pat.ugulini@bell.ca>
Cc: Colocation Bell Mobility <colocation@bell.ca>; Salvatore, Pam <pam.salvatore@niagararegion.ca>; Tara.Clayton@niagararegion.ca; Razaq Mohammed <RMohammed@rvanderson.com>
Subject: RE: Permission to Enter for Bell Tower Site W3410

Hi all,

It was my understanding that we are simply doing an environmental assessment at this point. If and when this location makes the "short list" I will have to bring in our engineering team and of course Bell Canada who own this property.

Any construction onsite will need to be approved by them, and certainly we'd seek to ensure that our site was not affected during the process. In terms of set back or clearance information during the proposed work - I cannot comment on that at this time as I don't have this information. Our engineering team would dictate that.

What is envisioned here, do you intend to Lease the area for the proposed water tower? Let's please be sure we are on the same page on this, I have not approved a build of any kind at this time, rather an environmental investigation.

Best regards,

Greg Dale
Senior Advisor, Real Estate - Zone 6
Bell Mobility Inc.
5099 Creekbank Road, 6D
Mississauga ON, L4W 5N2
M : 416 801 0468



From: Rika Law <rlaw@rvanderson.com>
Sent: Tuesday, June 25, 2019 5:42 PM
To: Ugulini, Patrick <pat.ugulini@bell.ca>; Dale, Gregory <gregory.dale@bell.ca>
Cc: Colocation Bell Mobility <colocation@bell.ca>; Salvatore, Pam <pam.salvatore@niagararegion.ca>; Tara.Clayton@niagararegion.ca; Razaq Mohammed <RMohammed@rvanderson.com>
Subject: [EXT]RE: Permission to Enter for Bell Tower Site W3410

Hi Pat & Greg

We had a further meeting with the Region of Niagara yesterday to discuss the potential Pelham Elevated Tank sites. The Bell tower location (W3410), along with a few other sites, have been shortlisted for further consideration.

As such, we would like to know if there are any clearance requirements in order to keep the bell tower functional during the construction of the elevated tank, so that we can confirm if the site is feasible and can move to the next round of considerations.

As a reminder, our nat. environment subconsultant (Jennifer Noel and Victoria Garofalo of LGL) will be out at the site June 28th for the field visit to look for species at risk/habitat of scientific interest. They have been asked to contact Pat when they are on site.

Thanks for your cooperation.

Rika Law, P.Eng., PMP
Associate, Project Manager



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From: Ugulini, Patrick <pat.ugulini@bell.ca>
Sent: June 13, 2019 2:04 PM
To: Rika Law <rlaw@rvanderson.com>; Dale, Gregory <gregory.dale@bell.ca>
Cc: Colocation Bell Mobility <colocation@bell.ca>; Salvatore, Pam <pam.salvatore@niagararegion.ca>;
Tara.Clayton@niagararegion.ca; Razaq Mohammed <RMohammed@rvanderson.com>
Subject: RE: Permission to Enter for Bell Tower Site W3410

Hi Rika:

Yes if I can be notified when they are on site that would be great – Thanks!

Pat Ugulini
M : 905 327-0000



From: Rika Law <rlaw@rvanderson.com>
Sent: June-13-19 1:07 PM
To: Dale, Gregory <gregory.dale@bell.ca>
Cc: Ugulini, Patrick <pat.ugulini@bell.ca>; Colocation Bell Mobility <colocation@bell.ca>; Salvatore, Pam <pam.salvatore@niagararegion.ca>; Tara.Clayton@niagararegion.ca; Razaq Mohammed <RMohammed@rvanderson.com>
Subject: [EXT]RE: Permission to Enter for Bell Tower Site W3410

Hi Greg

Thank you for your prompt response and for entertaining the Region's request. We will definitely keep you posted regarding the prospect of partnering on this site if it becomes a preferred location.

Would you and Pat like to be added to our project stakeholder list? This will allow us to send you related project notices and inform you of upcoming public information sessions, and where to access additional information. We also plan to have a public information session in a few months, after we evaluate the feasibility of the sites.

Pat – thank you for following up and passing the request to the proper contacts. We will coordinate with you regarding the specific timing of our subconsultant's visit. They have just advised that their first visit is planned for June 28th. Please confirm that is acceptable. If you wish, we can ask them to call/check in with you when they arrive on site.

If you have any further questions or concerns regarding this project, please feel free to contact myself or Tara Clayton (Region of Niagara).

Thank you!

Rika Law, P.Eng., PMP
Associate, Project Manager



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From: Dale, Gregory <gregory.dale@bell.ca>
Sent: June 13, 2019 12:14 PM
To: Rika Law <rlaw@rvanderson.com>
Cc: Ugulini, Patrick <pat.ugulini@bell.ca>; Colocation Bell Mobility <colocation@bell.ca>; Salvatore, Pam <pam.salvatore@niagararegion.ca>; Tara.Clayton@niagararegion.ca
Subject: RE: Permission to Enter for Bell Tower Site W3410

Hi Rick,

Sounds like an interesting project, considering this process is non-invasive and you are working with our partners at Niagara Region I approve your accessing the location to conduct the required work.

Please be sure to coordinate each site visit with Pat Ugulini, cc'd on this email.

If this location becomes of interest we'll need to bring in all stake holders including our planners and of course Bell Canada.

Please keep me posted as this progresses.

Best regards,

Greg Dale
Senior Advisor, Real Estate - Zone 6
Bell Mobility Inc.
5099 Creekbank Road, 6D
Mississauga ON, L4W 5N2
M : 416 801 0468



From: Rika Law <rlaw@rvanderson.com>
Sent: June-05-19 4:06 PM
To: Ugulini, Patrick <pat.ugulini@bell.ca>

Cc: Razaq Mohammed <RMohammed@rvanderson.com>; Clayton, Tara <Tara.Clayton@niagararegion.ca>

Subject: [EXT]Permission to Enter for Bell Tower Site W3410

Hi Pat

Thank you for taking the time to talk with me and for forwarding this request along.

As discussed, we're working with the Region of Niagara on a Class Environmental Assessment to look for a new elevated water tower site in Fonthill, to replace the existing tower. One such location of interest is the bell tower site that is located on 1609 Fonthill with the Station # W3410. The aerial map below shows the location of interest and the size of the elevated water tower in red, and the buffer area required in yellow. As you can see, it can fit well within the existing site without impact to the existing above grade infrastructure.

As part of the project, we need to evaluate the suitability of the site on various criteria, including natural environment impacts. As such we would like to obtain permission to enter the site for our subconsultant (LGL) to perform their natural environment investigation. It is a non-invasive procedure where the person would enter the site and look for species at risk, and various other wildlife/vegetation that are of scientific interest.



Should this site end up being a preferred location, the Region would work with Bell for mutually agreed compensation, and there could be benefit of having the water tower available for bell's antenna etc. But before we get too far along, we do want to evaluate the site for it's feasibility, and as such we request permission to enter the site for our natural environment subconsultant for the months of June-September.

Kindly forward our request along to the appropriate contact.

Many thanks

Rika Law, P.Eng., PMP
Associate, Project Manager



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Razaq Mohammed

From: Razaq Mohammed
Sent: October 28, 2019 8:43 AM
To: 'SHamid@FreedomMobile.ca'
Cc: Natasha Lee
Subject: RE: New Fort Erie Elevated Tank Class Environmental Assessment

Good morning,

I will like to follow up on the email below.

Can you please acknowledge the receipt of the email and also let us know if you have any comments, questions or concerns?

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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From: Razaq Mohammed
Sent: October 17, 2019 10:01 AM
To: 'SHamid@FreedomMobile.ca' <SHamid@FreedomMobile.ca>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>
Subject: New Fort Erie Elevated Tank Class Environmental Assessment

Good morning.

We were retained by the Niagara Region to carry out a Municipal Class EA for the new Fort Erie elevated tank.

Freedom Mobile have been identified as a stakeholder because either its antenna is currently installed on the existing Central Avenue elevated tank or it is considering installing an antenna on the tank.

Please be informed that the Central Avenue ET is planned to be eventually decommissioned after the completion of the new elevated tank (ET). Alternative locations for the new ET are currently being evaluated as part of the ongoing Class EA process. The alternative site being strongly considered is the corner of Pettit Road and Bridge Street next to the Waste Transfer Station.

We will like to have your comments on how the change of ET location may impact you and if you have any other concerns.

Please be informed that a Public Information Centre (PIC) is scheduled to hold on November 13, 2019 at City Hall Atrium, 1 Municipal Centre Drive, Fort Erie between 6pm and 8pm. The PIC will provide more information on the project and provide another opportunity for stakeholders to provide their comments or inputs. A formal Notice of PIC will be sent out to all identified stakeholders in due course.

In the meantime, please send us any questions you may have. We will endeavour to answer them or relay them to the Niagara Region or Town of Fort Erie, if necessary.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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Razaq Mohammed

From: Razaq Mohammed
Sent: October 28, 2019 8:44 AM
To: 'graham@stratus-group.ca'
Cc: Natasha Lee
Subject: RE: New Fort Erie Elevated Tank Class Environmental Assessment

Good morning,

I will like to follow up on the email below.

Can you please acknowledge the receipt of the email and also let us know if you have any comments, questions or concerns?

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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From: Razaq Mohammed
Sent: October 17, 2019 9:58 AM
To: 'graham@stratus-group.ca' <graham@stratus-group.ca>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>
Subject: New Fort Erie Elevated Tank Class Environmental Assessment

Good morning.

We were retained by the Niagara Region to carry out a Municipal Class EA for the new Fort Erie elevated tank.

Rogers have been identified as a stakeholder because its antenna is installed on the existing Central Avenue elevated tank.

Please be informed that the Central Avenue ET is planned to be eventually decommissioned after the completion of the new elevated tank (ET). Alternative locations for the new ET are currently being evaluated as part of the ongoing Class EA process. The alternative site being strongly considered is the corner of Pettit Road and Bridge Street next to the Waste Transfer Station.

We will like to have your comments on how the change of ET location may impact you and if you have any other concerns.

Please be informed that a Public Information Centre (PIC) is scheduled to hold on November 13, 2019 at City Hall Atrium, 1 Municipal Centre Drive, Fort Erie between 6pm and 8pm. The PIC will provide more information on the project and provide another opportunity for stakeholders to provide their comments or inputs. A formal Notice of PIC will be sent out to all identified stakeholders in due course.

In the meantime, please send us any questions you may have. We will endeavour to answer them or relay them to the Niagara Region or Town of Fort Erie, if necessary.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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Razaq Mohammed

From: Rika Law <rlaw@rvanderson.com>
Sent: November 19, 2019 9:50 AM
To: Zachary Baum
Cc: Natasha Lee; Razaq Mohammed; Falardeau-Mercier, Derek; Vlad Smolyarenko; Giorgio Abbondi
Subject: RE: 184301 - Fort Erie Elevated Tank - Rogers communication antenna

Hi Zachary

Thanks for all the information.

The intended height of the new elevated tank would be around 245m (ground elevation in that area is around 187m. To help, the existing elevated tank is around 240m with ground elevation of approx. 191m.

The SBA location is actually very close to the new elevated tank location that was evaluated as the 'preferred option' right now.

Hope that helps.

Rika Law, P.Eng., PMP
Associate, Project Manager



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From: Zachary Baum <Zachary.Baum@rci.rogers.com>
Sent: November 19, 2019 7:51 AM
To: Rika Law <rlaw@rvanderson.com>
Cc: Natasha Lee <NLee@rvanderson.com>; Razaq Mohammed <RMohammed@rvanderson.com>; Falardeau-Mercier, Derek <Derek.Falardeau-Mercier@niagararegion.ca>; Vlad Smolyarenko <Vlad.Smolyarenko@rci.rogers.com>; Giorgio Abbondi <Giorgio.Abbondi@rci.rogers.com>
Subject: RE: 184301 - Fort Erie Elevated Tank - Rogers communication antenna

Good morning Rika,

The Fort Erie ET does in fact have a Rogers installation on top of it (Site Code = C5494). The image below shows the location of this ET relative to the area in which the Region is looking to relocate this structure. You will notice that we have an existing site at C5497 which is a site that has been classified as 'at risk' due to the Landlords unwillingness to grant us an extension on the agreement (he is hoping to develop the property in the future). We have a Landlord willing to sign a Lease at the pin labelled 'Potential Relocate' and an opportunity to collocate on an SBA tower (labelled 'SBA').

Our ability and willingness to relocate on the ET, if it were to be relocated to a property on Bowen Road, would ultimately depend on our ability to sign an extension with this Landlord. Unfortunately this would not provide coverage to the same area that C5494 (Fort Erie ET) does.

What is the height of the proposed structure once relocated?



Thank you,

Zachary Baum
Real Estate Analyst – Access Network Implementation

Rogers Communications Inc.
8200 Dixie Road
Brampton, ON L6T 0C1

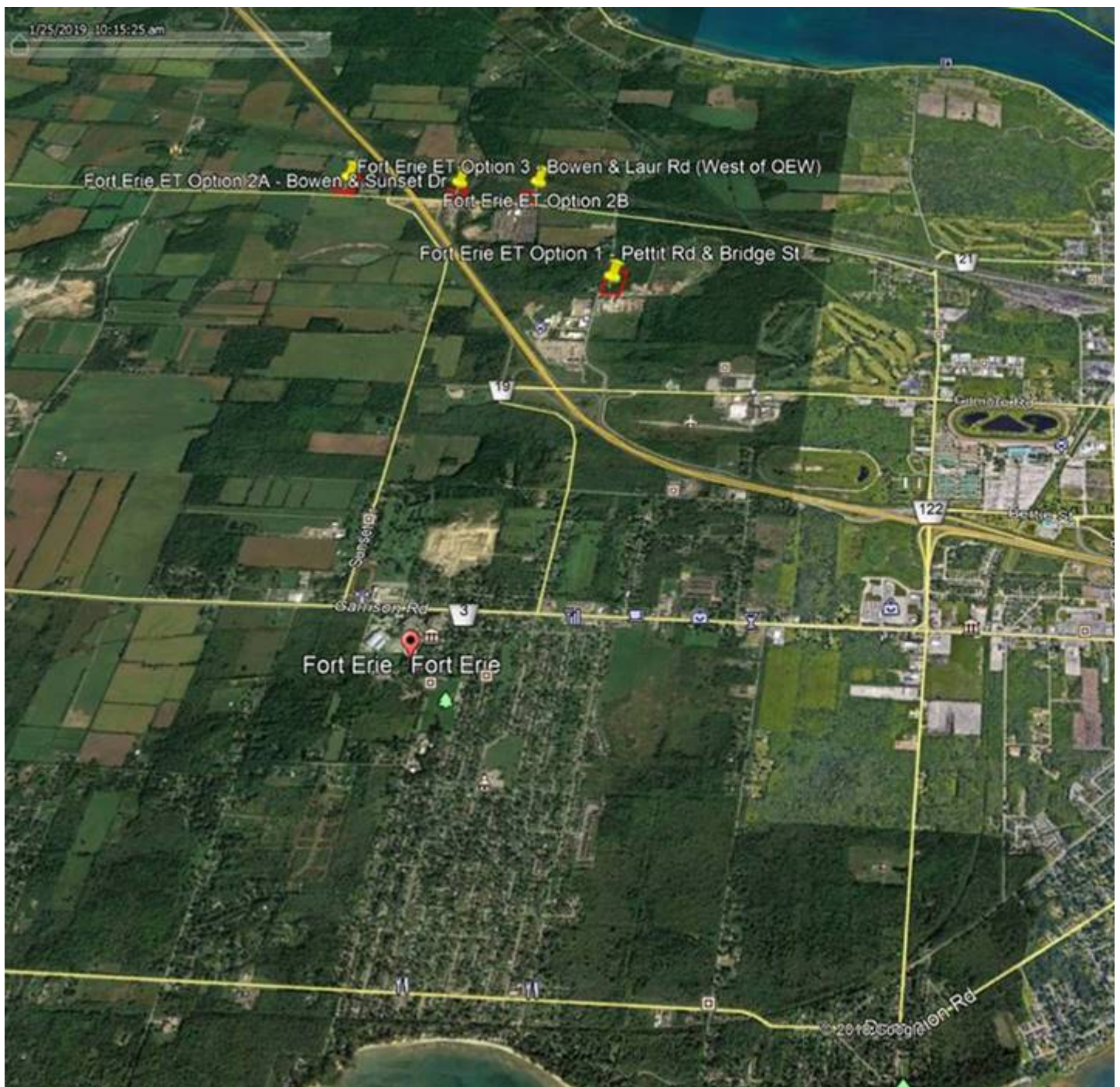
zachary.baum@rci.rogers.com
m 647.202.2328



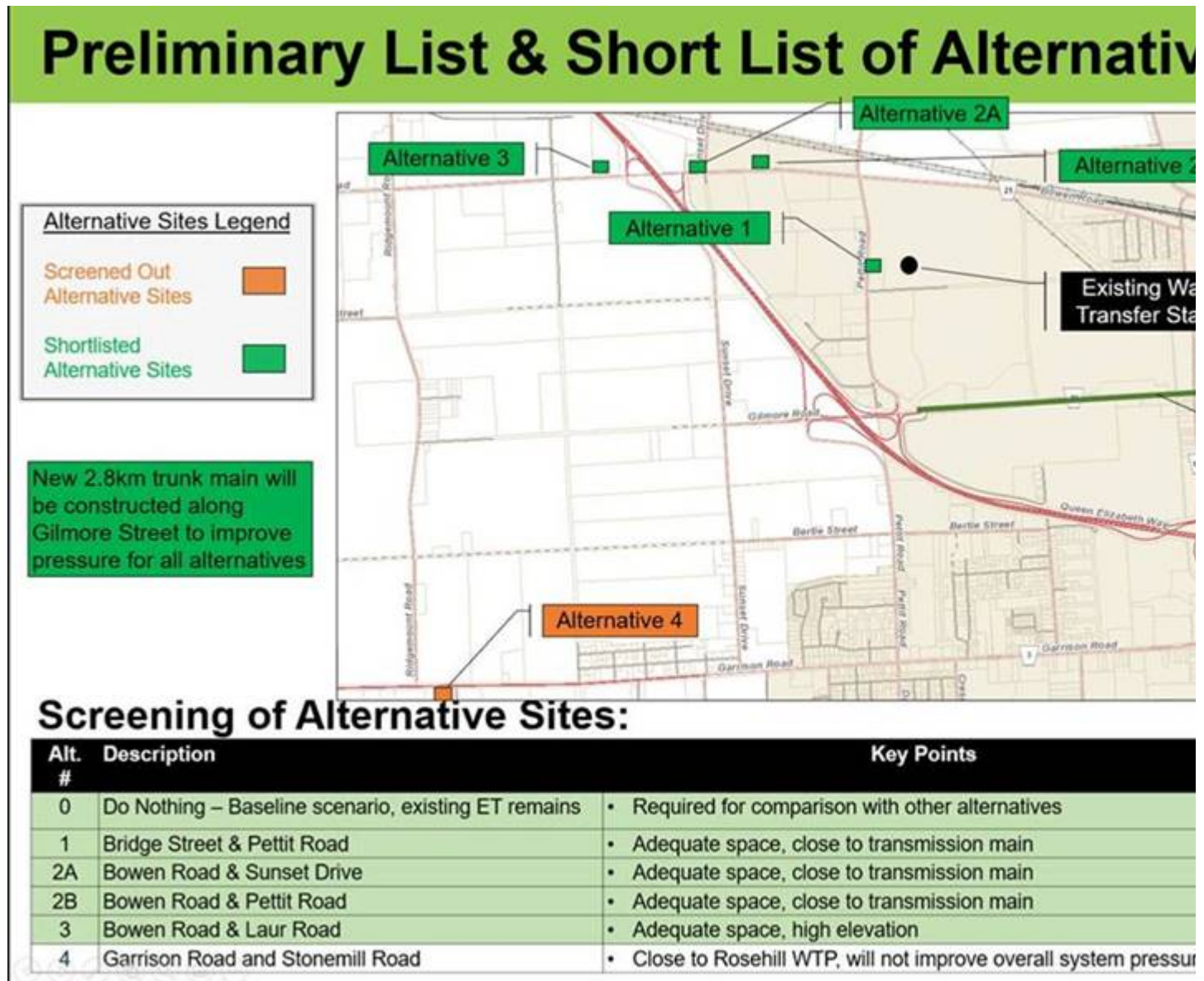
From: Rika Law <rlaw@rvanderson.com>
Sent: November 18, 2019 7:15 PM
To: Zachary Baum <Zachary.Baum@rci.rogers.com>
Cc: Natasha Lee <NLee@rvanderson.com>; Razaq Mohammed <RMohammed@rvanderson.com>; Falardeau-Mercier, Derek <Derek.Falardeau-Mercier@niagararegion.ca>
Subject: 184301 - Fort Erie Elevated Tank - Rogers communication antenna

Hi Zachary

Further to our discussion, please confirm if Rogers has communication antenna on top of the existing Fort Erie elevated tank, located at 111 Central Ave, Fort Erie, Ontario. Below is a screenshot of the current tank location and the shortlisted tank locations (with Option 1 currently evaluated as the preferred location). Similar to the Pelham Elevated Tank project that we discussed about, the intention would be to construct and commission the new elevated tank prior to the decommissioning of the existing tank. This would allow for the communication companies to make alternate arrangements with the Region to relocate their antenna to the new tower prior to the removal of the existing elevated tank. The construction timeline for this project is similar to the Pelham elevated tank project, with 2022 as the tentative year for construction.



Please see below screenshots of the display boards with regard to the proposed location of the new elevated tank for Fort Erie.



The link below is the Region's webpage for the project and the display boards for the public information centre will be posted shortly. If you have any comments, we would love to hear from you. please use the attached comment sheet. We would appreciate comments by Nov 29.

<https://www.niagararegion.ca/projects/fort-erie-elevated-tank/default.aspx>

Thanks

Rika Law, P.Eng., PMP
Associate, Project Manager



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Razaq Mohammed

From: Woods, Sonja <sonja.woods@airbus.com>
Sent: September 16, 2019 5:18 PM
To: Razaq Mohammed
Cc: Balaji, Kannan
Subject: RE: Enquiry: Fort Erie Airport

Dear Mr. Mohammed,

Thank you for your email. I can confirm that are still using the Fort Erie Airport for some helicopter testing operations. In case it has an impact on your Environmental Assessment, you should also be aware that our facility across the street (1100 Gilmore Road) is a Transport Canada certified heliport (private). Kannan Balaji (cc'd) would be happy to serve as a point of contact for your enquiries.

Kind regards,

Sonja

Sonja WOODS
Government Relations
Communications
Airbus Helicopters

T (613) 230 3902
M (613) 552 2803
E sonja.woods@airbus.com

Airbus Helicopters Canada
1100 Gilmore Road
Fort Erie, Ontario
Canada L2A 5M9

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From: Razaq Mohammed [mailto:RMohammed@rvanderson.com]
Sent: September-05-19 12:16 PM
To: Senecal, Laura
Cc: Woods, Sonja
Subject: FW: Enquiry: Fort Erie Airport

Good afternoon.

I will like to follow up on the email below.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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From: Razaq Mohammed
Sent: Thursday, August 15, 2019 3:32 PM
To: 'laura.senecal@airbus.com' <laura.senecal@airbus.com>
Subject: Enquiry: Fort Erie Airport

Hi.

We are currently working on an Elevated Tank Municipal Class Environmental Assessment for the Regional Municipality of Niagara.

The sites that are being considered for the tank are located within 3km radius of the Fort Erie Airport.

Therefore, we are trying to establish the current status of the airport.

Can you please advise me if Airbus currently makes use of the airport? If yes, who can we direct subsequent enquiries to?

Thank you.

son

Razaq Mohammed, EIT, PMP
Process Designer



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its Accuracy or Integrity, please contact Airbus immediately.

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Razaq Mohammed

From: Cathy Harper-Leblanc <charper@fleet.ca>
Sent: August 19, 2019 5:21 PM
To: Razaq Mohammed
Subject: Response Customer Inquiry Form

Categories: Filed by Newforma

Fleet Canada does not use the airport.
Regards

Cathy Harper-LeBlanc

Manager Contracts
Fleet Canada Inc.
1011 Gilmore Road
Fort Erie, ON L2A 5N3

charper@fleet.ca
905-871-2100 Ext. 346

Razaq Mohammed

From: Razaq Mohammed
Sent: August 13, 2019 1:17 PM
To: Customer Service Centre/ Service à la clientèle
Subject: RE: Fort Erie Elevated Tank Class EA- Civil Aviation Compliance Enquiry

Categories: Filed by Newforma

Hi John,

Thank you for your response.

We will do as advised.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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From: Customer Service Centre/ Service à la clientèle <service@navcanada.ca>
Sent: Tuesday, August 13, 2019 12:15 PM
To: Razaq Mohammed <RMohammed@rvanderson.com>
Subject: RE: Fort Erie Elevated Tank Class EA- Civil Aviation Compliance Enquiry

Mr. Mohammed,

Thank you for your email.

Development and construction proposals that could impact the air navigation system require **two** written submissions – one to NAV CANADA Land Use and another to Transport Canada. While the forms are similar, NAV CANADA and Transport Canada assess for different concerns.

NAV CANADA assesses for potential impacts to the Air Navigation System. Transport Canada assesses for regulatory requirements, including marking and lighting requirements. Transport Canada may be contacted at services@tc.gc.ca or 1-800-305-2059.

Details on the NAV CANADA Land Use program, including forms and submission instructions, as well as links to Transport Canada are available from NAV CANADA's website at:

<http://www.navcanada.ca/en/products-and-services/Pages/land-use-program.aspx>

Completed NAV CANADA Land Use forms may be submitted electronically via email to landuse@navcanada.ca

If you have specific questions about the submission process, please contact the NAV CANADA Land Use office at their email or by phone at **1-866-577-0247**.

Regards,

John Michael (J.M.) Fleming

Customer and Stakeholder Services | Services à la clientèle et aux parties prenantes

service@navcanada.ca

77 rue Metcalfe St., Ottawa, ON K1P 5L6

Toll Free| Sans frais: 1-800-876-4693

Toll Free Fax| Télécopieur sans frais: 1-877-663-6656 Direct Fax| Télécopieur direct: 613-563-3426

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From: Razaq Mohammed <RMohammed@rvanderson.com>

Sent: Tuesday, August 13, 2019 8:11 AM

To: Customer Service Centre/ Service à la clientèle <service@navcanada.ca>

Subject: Fort Erie Elevated Tank Class EA- Civil Aviation Compliance Enquiry

Good morning.

We have been retained by the Niagara Region for the Fort Erie Elevated Tank Municipal Class Environmental Assessment. We will like to make enquiries on the possible civil aviation requirements for the project.

A few alternative sites have been identified as possible locations for the proposed tank and they are currently being assessed.

As shown below, the sites are located relatively close to two airports: Fort Erie Airport on 1011 Gilmore Road and the Buffalo Niagara International Airport.

Location Alternatives	Coordinates	Distance to Airport (km radius)		Tank Height (m)
		Fort Erie Airport (1011 Gilmore Rd)	Bufallo Airport	
Option 1	42°55'37.55"N	1.5	19.1	57

	78°57'59.12"W			
Option 2A	42°56'00.57"N	2.4	19.7	61
	78°58'46.57"W			
Option 2B	42°55'59.31"N	2.7	20.2	63
	78°58'12.28"W			
Option3	42°56'01.36"N	3.2	21	52
	78°59'17.80"W			

Our enquiries are as follows:

1. Are there any other airport and/or airstrips in the area that should be considered?
2. The Town of Fort Erie has advised that the Fort Erie Airport is currently not in use. Can you please confirm the current status of the airport?
3. Is any of the alternative sites on the flight path of any airport(s)?
4. What are the requirements that must be complied with if any of the sites are selected as the location for the elevated tank.? For instance, are there any lighting and painting requirements?

Any other information that you deem relevant will be appreciated.

Thank you.

Razaq Mohammed, EIT, PMP
Process Designer



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Razaq Mohammed

From: Razaq Mohammed
Sent: August 19, 2019 9:33 AM
To: Trandafilovski, Aleksandar
Subject: RE: 19-3140 New Fort Erie Elevated Tank Municipal Class Environmental Assessment (1637, Pettit Street)
Attachments: Location Map.pdf

Hi Aleksandar,

Please find the attached as requested.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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From: Trandafilovski, Aleksandar <Aleksandar.Trandafilovski@navcanada.ca>
Sent: Saturday, August 17, 2019 5:50 AM
To: Razaq Mohammed <RMohammed@rvanderson.com>
Subject: RE: 19-3140 New Fort Erie Elevated Tank Municipal Class Environmental Assessment (1637, Pettit Street)

Hello Razaq,

This the file number for the project. Can you please provide one topographical map showing all proposed locations?

Thank you

Razaq Mohammed

From: Land Use <LandUse@navcanada.ca>
Sent: December 10, 2019 10:06 AM
To: Derek Falardeau-Mercier
Cc: Natasha Lee; , Ontario Region, Transport Canada; Derek Riemer, Fort Erie (Eurocopter Canada) ON (Heli) CPG3; Razaq Mohammed
Subject: 19-3140: Water Reservoir (New Fort Erie Elevated Tank Municipal Class Environmental Assessment (1637, Pettit Street)) - Fort Erie, ON
Attachments: 19-3140 Letter to proponent.pdf; 19-3140 Construction Completion Notice.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Hello Derek,

Please find attached a letter from NAV CANADA regarding your water reservoir (New Fort Erie Elevated Tank Municipal Class Environmental Assessment (1637, Pettit Street)) submitted by Natasha Lee on 2019-08-17.

We ask that you notify us upon completion of construction. This notification requirement can be satisfactorily met by returning a completed, signed copy of the attached form. If you have any questions, please don't hesitate to contact me.

Thank you for your patience during the evaluation process.

Regards,

Richard Martin

Land Use Specialist | Spécialiste d'utilisation de terrains

AERONAUTICAL INFORMATION MANAGEMENT (AIM) NAV CANADA

Personal: Richard.Martin@navcanada.ca

Group: LandUse@navcanada.ca

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Razaq Mohammed

From: English, Scott <scott.english@navcanada.ca>
Sent: January 24, 2020 10:01 AM
To: Razaq Mohammed
Cc: Natasha Lee; Rika Law; Mateen, Ovais
Subject: RE: 19-3140 New Fort Erie Elevated Tank Municipal Class Environmental Assessment (1637, Pettit Street)

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Hello Razaq,

In the future ensure that the coordinates and the heights provided to NAV CANADA and Transport Canada are exactly the same.

Differences in your submissions requires clarification.

As you have stated the NAV CANADA form is correct, you cannot exceed that height of 187.0079' for this location.

Thanks,

Scott English

Land Use Project Coordinator / Coordonnateur de projet d'utilisation de terrains

AERONAUTICAL INFORMATION MANAGEMENT (AIM) NAV CANADA

Personal: scott.english@navcanada.ca

Group: landuse@navcanada.ca

1601 avenue Tom Roberts Avenue Ottawa, ON K1V 1E5

T. 613-248-4111 / Toll-free 866- 577-0247 / F. 613-248-4094

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From: Razaq Mohammed <RMohammed@rvanderson.com>
Sent: Thursday, January 23, 2020 4:18 PM
To: English, Scott <scott.english@navcanada.ca>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>; Mateen, Ovais <ovais.mateen@tc.gc.ca>
Subject: 19-3140 TC Clarification

Hi Scott,

Thank you for your comments.

Both sets of coordinates are correct as they referenced the same area where the elevated tank is proposed to be sited.

The tower height information provided to Nav Canada is also correct.

Please advise if the Nav Canada evaluation outcome is still valid or if we need to take further actions.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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From: English, Scott <scott.english@navcanada.ca>
Sent: January 21, 2020 2:28 PM
To: Razaq Mohammed <RMohammed@rvanderson.com>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>; Mateen, Ovais <ovais.mateen@tc.gc.ca>
Subject: 19-3140 TC - RE: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation for ATS-19-20-00034677

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Hello Razaq,

The assessment for 19-3140 was for multiple locations and this TC form is similar to Option 1.

However there are discrepancies between the NAV CANADA submission and the Transport Canada submission.

Please verify which submission is correct:

NAV CANADA	42° 55' 37.55"N 78° 57' 59.12"W 613.5171' ASL Ground Elevation 187.0079' AGL Tower height.
Transport Canada	42° 55' 37.37"N 78° 57' 59.12"W 613.5' ASL Ground Elevation 196.9' AGL Tower height.

So both the location and the tower height are different. Depending on which set is correct the NAV CANADA evaluation you have made be invalid.

Thanks,

Scott English

Land Use Project Coordinator / Coordonnateur de projet d'utilisation de terrains

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Personal: scott.english@navcanada.ca

Group: landuse@navcanada.ca

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From: Razaq Mohammed <RMohammed@rvanderson.com>
Sent: Tuesday, January 21, 2020 1:38 PM
To: Land Use <LandUse@navcanada.ca>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>
Subject: [EXT] RE: 20-0188 TC - RE: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation for ATS-19-20-00034677

Hi Diane,

Thank you for your email.

Please note that we have already completed and submitted a Land Use Proposal Form for the project. The File Number is 19-3140.

It was finalized in December 2019 and we have received a "No Objection" letter from Nav Canada for the project.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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From: Land Use <LandUse@navcanada.ca>
Sent: January 21, 2020 12:39 PM
To: Mateen, Ovais <ovais.mateen@tc.gc.ca>; Razaq Mohammed <RMohammed@rvanderson.com>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>; Pollock, Mary <mary.pollock@tc.gc.ca>; Land Use <LandUse@navcanada.ca>
Subject: RE: 20-0188 TC - RE: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation for ATS-19-20-00034677
Importance: High

[EXTERNAL EMAIL] DO NOT REPLY, CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Hello,

Please note the Land Use file number is 20-0188.

Transport Canada is the Federal regulatory body that evaluates obstacles via the [Aeronautical Assessment Form for Obstruction Marking and Lighting](#), primarily for issues regarding tower-obstacle-building lighting, painting-marking requirements and airport zoning restrictions. Transport Canada and NAV CANADA share information for the protection of the Air Navigation System.

NAV CANADA owns Canada's Air Navigation System. The Land Use evaluation process determines any potential impacts that may affect the safety of the Air Navigation System from various proposals. Please complete a Land Use submission for your project. [We would also need a map depicting the location of the project.](#) Here is a link to the NAV CANADA Land Use webpage.

<http://www.navcanada.ca/EN/products-and-services/Pages/land-use-program-submission.aspx>

I have also attached a spreadsheet to be completed in the format given.

Thank you.

Diane Levesque

Land Use | Utilisation des terrains

NAV CANADA

Diane.Levesque@navcanada.ca

1601 Tom Roberts avenue, Ottawa, ON K1V 1E5

T. 613-936-5135

Land Use

AERONAUTICAL INFORMATION MANAGEMENT (AIM)

landuse@navcanada.ca

866-577-0247

www.navcanada.ca

From: Mateen, Ovais <ovais.mateen@tc.gc.ca>

Sent: Tuesday, January 21, 2020 12:17 PM

To: Razaq Mohammed <RMohammed@rvanderson.com>

Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>; Pollock, Mary <mary.pollock@tc.gc.ca>; Land Use <LandUse@navcanada.ca>

Subject: 20-0188 TC - [EXT] RE: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation for ATS-19-20-00034677

Good afternoon Razaq,

Please see the attached one (1) assessed Transport Canada Aeronautical Assessment Form for Obstruction Marking and Lighting, ATS-19-20-00034677.

Also please be advised that a Land Use submission form is to be applied for and sent separately to Nav Canada at landuse@navcanada.ca. For a detailed description on Nav Canada's requirements, refer to Nav Canada Land Use Proposal website at www.navcanada.ca, or for further information, call 1-866-577-0247.

Thank you.

Ovais Mateen

Civil Aviation Safety Inspector, Aerodromes and Air Navigation
Transport Canada / Government of Canada
ovais.mateen@tc.gc.ca / Cel: 416-414-0350 / TTY: 1-888-675-6863

Inspecteur de la sécurité de l'aviation civile, Aérodomes et navigation aérienne
Transports Canada / Gouvernement du Canada
ovais.mateen@tc.gc.ca / Tél. cell. : 416-414-0350 / ATS: 1-888-675-6863

From: Razaq Mohammed [<mailto:RMohammed@rvanderson.com>]
Sent: Wednesday, August 28, 2019 10:44 AM
To: Seto, John <john.seto@tc.gc.ca>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>
Subject: RE: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation for ATS-19-20-00034677

Hi John,

Thank you for your comments.

Please find the attached updated Aeronautical Assessment Form. The coordinates have been corrected and the height information is now in both Feet and Metres.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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From: Seto, John <john.seto@tc.gc.ca>
Sent: Tuesday, August 27, 2019 11:21 AM
To: Razaq Mohammed <RMohammed@rvanderson.com>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>
Subject: RE: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation for ATS-19-20-00034677

Good day Razaq,

Thank you for submitting the enclosed Aeronautical Assessment form (AAF). The reference number for this aeronautical assessment is ATS-19-20-00034677; please quote this reference number when contacting us relating this assessment.

In our review of your application, we noticed it is missing the information that we require, as well as an issue that we need to clarify to evaluate your proposal.

- Section 11 – The coordinates provided does not correspond with the nearest community of Fort Erie, ON. The coordinates refers to a location near Oshawa, ON. We believe either the community or the coordinates in the Aeronautical Assessment Form are incorrect.
- Section 15 – Please also provide the information in Feet; the height information is required in both Feet and Metres.

Please review your application, amend the information in the AAF and return it to my attention.

Regards,
John Seto

Transport Canada / Transports Canada
Civil Aviation - Ontario / Aviation Civile - Ontario
4900 Yonge St. 4th Floor, Toronto, ON M2N 6A5 / 4900 Rue Yonge, 4 etage, ON M2N 6A5
TTY: 1-800-305-2059
Government of Canada / Gouvernement du Canada

From: Razaq Mohammed [<mailto:RMohammed@rvanderson.com>]
Sent: Wednesday, August 21, 2019 11:04 AM
To: ONT Aviation Services / Services aviation ONT (TC) <aviation.ont@tc.gc.ca>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>
Subject: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation

Good morning.

Please find the attached.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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December 10, 2019

New Fort Erie Elevated Tank Municipal Class Environmental Assessment (1637, Pettit Street)

Your file
Our file
19-3140

Mr. Derek Falardeau-Mercier
Regional Municipality of Niagara
1815, Sir Isaac Brock Way
Thorold, ON
L2V 4T1

**RE: Other Permanent Structure(s): Water Reservoir - Fort Erie, ON
(N42° 55' 30.3363" W78° 58' 45.0043" / 196.8504' AGL / 810.3675' AMSL)**

Mr. Falardeau-Mercier,

NAV CANADA has evaluated the captioned proposal and has no objection to the project as submitted.

In the interest of aviation safety, it is incumbent on NAV CANADA to maintain up-to-date aeronautical publications. To assist us in that end, we ask that you notify us upon completion of construction. This notification requirement can be satisfactorily met by returning a completed, signed copy of the attached form by e-mail at landuse@navcanada.ca or fax at 613-248-4094. In the event that you should decide not to proceed with this project or if the structure is dismantled, please advise us accordingly so that we may formally close the file.

We have spoken to Magellan Canada who own the property where the nearby runway exists and they advise the runway has not been used in over 6 years and has fallen into disrepair. It is no longer registered as an aerodrome.

If you have any questions, contact the Land Use Department by telephone at 1-866-577-0247 or e-mail at landuse@navcanada.ca.

NAV CANADA's land use evaluation is valid for a period of 12 months. Our assessment is limited to the impact of the proposed physical structure on the air navigation system and installations; it neither constitutes nor replaces any approvals or permits required by Transport Canada, other Federal Government departments, Provincial or Municipal land use authorities or any other agency from which approval is required. Innovation, Science and Economic Development Canada addresses any spectrum management issues that may arise from your proposal and consults with NAV CANADA engineering as deemed necessary.

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Olivier Meier | NAV CANADA
Manager – AIM Land Use

cc ONTR - Ontario Region, Transport Canada
CPG3 - FORT ERIE (AIRBUS HELICOPTERS CANADA LTD)(HELI)
RMohammed@rvanderson.com

Razaq Mohammed

From: Mateen, Ovais <ovais.mateen@tc.gc.ca>
Sent: January 21, 2020 12:17 PM
To: Razaq Mohammed
Cc: Natasha Lee; Rika Law; Pollock, Mary; Land Use
Subject: RE: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation for ATS-19-20-00034677
Attachments: ATS-19-20-00034677.pdf

[EXTERNAL EMAIL] DO NOT REPLY, CLICK ON LINKS OR OPEN ATTACHMENTS YOU DO NOT TRUST.

Good afternoon Razaq,

Please see the attached one (1) assessed Transport Canada Aeronautical Assessment Form for Obstruction Marking and Lighting, ATS-19-20-00034677.

Also please be advised that a Land Use submission form is to be applied for and sent separately to Nav Canada at landuse@navcanada.ca. For a detailed description on Nav Canada's requirements, refer to Nav Canada Land Use Proposal website at www.navcanada.ca, or for further information, call 1-866-577-0247.

Thank you.

Ovais Mateen

Civil Aviation Safety Inspector, Aerodromes and Air Navigation
Transport Canada / Government of Canada
ovais.mateen@tc.gc.ca / Cel: 416-414-0350 / TTY: 1-888-675-6863

Inspecteur de la sécurité de l'aviation civile, Aérodomes et navigation aérienne
Transports Canada / Gouvernement du Canada
ovais.mateen@tc.gc.ca / Tél. cell. : 416-414-0350 / ATS: 1-888-675-6863

From: Razaq Mohammed [mailto:RMohammed@rvanderson.com]
Sent: Wednesday, August 28, 2019 10:44 AM
To: Seto, John <john.seto@tc.gc.ca>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>
Subject: RE: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation for ATS-19-20-00034677

Hi John,

Thank you for your comments.

Please find the attached updated Aeronautical Assessment Form. The coordinates have been corrected and the height information is now in both Feet and Metres.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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Our offices will be closed at 2:00 pm each Friday.

R.V. Anderson Associates Limited
2001 Sheppard Avenue East, Suite 300
Toronto, ON M2J 4Z8
T 416 497 8600 x 1449 | **C** 437 225 1282
[website](#) | [facebook](#) | [twitter](#) | [linkedin](#)

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From: Seto, John <john.seto@tc.gc.ca>
Sent: Tuesday, August 27, 2019 11:21 AM
To: Razaq Mohammed <RMohammed@rvanderson.com>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>
Subject: RE: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation for ATS-19-20-00034677

Good day Razaq,

Thank you for submitting the enclosed Aeronautical Assessment form (AAF). The reference number for this aeronautical assessment is ATS-19-20-00034677; please quote this reference number when contacting us relating this assessment.

In our review of your application, we noticed it is missing the information that we require, as well as an issue that we need to clarify to evaluate your proposal.

- Section 11 – The coordinates provided does not correspond with the nearest community of Fort Erie, ON. The coordinates refers to a location near Oshawa, ON. We believe either the community or the coordinates in the Aeronautical Assessment Form are incorrect.
- Section 15 – Please also provide the information in Feet; the height information is required in both Feet and Metres.

Please review your application, amend the information in the AAF and return it to my attention.

Regards,
John Seto

Transport Canada / Transports Canada
Civil Aviation - Ontario / Aviation Civile - Ontario
4900 Yonge St. 4th Floor, Toronto, ON M2N 6A5 / 4900 Rue Yonge, 4 etage, ON M2N 6A5
TTY: 1-800-305-2059
Government of Canada / Gouvernement du Canada

From: Razaq Mohammed [<mailto:RMohammed@rvanderson.com>]
Sent: Wednesday, August 21, 2019 11:04 AM
To: ONT Aviation Services / Services aviation ONT (TC) <aviation.ont@tc.gc.ca>
Cc: Natasha Lee <NLee@rvanderson.com>; Rika Law <rlaw@rvanderson.com>
Subject: Fort Erie ET Class EA-Aeronautical Assessment Form for Obstacle Evaluation

Good morning.

Please find the attached.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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Razaq Mohammed

From: Razaq Mohammed
Sent: October 10, 2019 9:15 AM
To: 'Cruz, Daniel'
Subject: RE: Fort Erie Elevated Tank Class EA- Civil Aviation Compliance Enquiry

Hello Daniel,

Thank you for your detailed response to my enquiry.

We will contact you if any further clarification is required.

Thank you.

Regards,

Razaq Mohammed, EIT, PMP
Process Designer



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Please consider the environment before printing this email.

From: Cruz, Daniel <Daniel.Cruz@tc.gc.ca>
Sent: October 9, 2019 9:01 AM
To: Razaq Mohammed <RMohammed@rvanderson.com>
Subject: FW: Fort Erie Elevated Tank Class EA- Civil Aviation Compliance Enquiry

Hello Razaq Mohammed,

Thank you for contacting Transport Canada.

Aviation in Canada is regulated by Transport Canada under the authority of the Aeronautics Act and the Canadian Aviation Regulations (CARs). The CARs are available to the public at the following website: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/>.

Fort Erie Airport has an unknown status as of June 2015 and has been removed from publications and the Canada Flight Supplement (CFS) at the request of Transport Canada in 2015. There is, however, a registered Heliport that is in close proximity to the previous airport called Fort Erie (Airbus Helicopters Canada LTD) (CPG3). A CFS pages has been attached for CPG3 for your reference.

It is important to note that Buffalo Airport is not a Canadian Airport therefore Transport Canada will not be able to provide any further information on it.

To move forward with the project, the proponent erecting a structure will need to submit an Aeronautical Assessment Form (AAF) to Transport Canada for an aeronautical assessment of obstruction to flight paths. The form can be found at http://www.wapps.tc.gc.ca/Corp-Serv-Gen/5/forms-formulaires/download/26-0427_BO_PX.

If any obstruction is determined by the Department, any lighting and marking requirements will be outlined. Please review CAR 601.23 to 601.28 for Marking and Lighting of Obstacles to Air Navigation, which is available online at <https://laws-lois.justice.gc.ca/eng/regulations/SOR-96-433/page-81.html#h-993558>. The lighting and marking requirements are stated in the CAR Standard 621, which is also available online at <https://www.tc.gc.ca/en/transport-canada/corporate/acts-regulations/regulations/sor-96-433/part6-standard-standard621-3868.htm>.

In addition to submitting an aeronautical assessment form, notification should also be given to NAV CANADA. NAV CANADA must assess and approve all proposals before construction begins to ensure that air navigation system safety and efficiency are not compromised by the development. These proposals must be submitted to NAV CANADA using the Land Use Submission Form which can be found at <http://www.navcanada.ca/EN/products-and-services/Pages/land-use-program.aspx>.

I hope this information answers your concerns.

Sincerely,

DANIEL CRUZ

A/Regional Manager, Issues Management
Transport Canada
Government of Canada
daniel.cruz@tc.gc.ca / Tel: 416-952-0166

A/Gestionnaire régional, Gestion d'enjeux
Transports Canada
Gouvernement du Canada
daniel.cruz@tc.gc.ca / Tel: 416-952-0166

From: Razaq Mohammed [<mailto:RMohammed@rvanderson.com>]

Sent: Tuesday, August 13, 2019 12:32 PM

To: Civil Aviation Communications Centre - Centre de communications de l'Aviation civile <services@tc.gc.ca>

Subject: Fort Erie Elevated Tank Class EA- Civil Aviation Compliance Enquiry

Good afternoon.

We have been retained by the Niagara Region for the Fort Erie Elevated Tank Municipal Class Environmental Assessment. We will like to make enquiries on the possible civil aviation requirements for the project.

A few alternative sites have been identified as possible locations for the proposed tank and they are currently being assessed.

As shown below, the sites are located relatively close to two airports: Fort Erie Airport on 1011 Gilmore Road and the Buffalo Niagara International Airport.

Location Alternatives	Coordinates	Distance to Airport (km radius)		Tank Height (m)
		Fort Erie Airport (1011 Gilmore Rd)	Bufallo Airport	
Option 1	42°55'37.55"N	1.5	19.1	57
	78°57'59.12"W			
Option 2A	42°56'00.57"N	2.4	19.7	61
	78°58'46.57"W			
Option 2B	42°55'59.31"N	2.7	20.2	63
	78°58'12.28"W			
Option3	42°56'01.36"N	3.2	21	52
	78°59'17.80"W			

Our enquiries are as follows:

1. Are there any other airport and/or airstrips in the area that should be considered?
2. The Town of Fort Erie has advised that the Fort Erie Airport is currently not in use. Can you please confirm the current status of the airport?
3. Is any of the alternative sites on the flight path of any airport(s)?
4. What are the requirements that must be complied with if any of the sites are selected as the location for the elevated tank.? For instance, are there any lighting and painting requirements?

Any other information that you deem relevant will be appreciated.

Thank you.

Razaq Mohammed, EIT, PMP
Process Designer



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**AERONAUTICAL ASSESSMENT FORM FOR
OBSTACLE EVALUATION**

Transport Canada number

ATS-19-20-00034677

Applicant number

SECTION 1

Owner's Name

Regional Municipality of Niagara

Contact Person

Derek Falardeau-Mercier

Address

1815, Sir Isaac Brock Way

City

Thorold

Province

Ontario

Postal Code

L2V 4T1

Telephone number (999-999-9999)

905 980 6000

Fax number (999-999-9999)

Email Address

derek.falardeau-mercier@niagararegion.ca**SECTION 2**

Applicant's Name

R.V. Anderson Associates Limited

Contact Person

Natasha Lee

Address

2001, Sheppard Avenue East, Suite 300

City

Toronto

Province

Ontario

Postal Code

M2J 4Z8

Telephone number (999-999-9999)

416 497 8600 x 1231

Fax number (999-999-9999)

519-449-2454

Email Address

nlee@rvanderson.com**SECTION 3**

Description of Proposal (or as attached)

Preliminary screening application to determine if this location is a feasible site for a new elevated water storage tank (ET) as part of a Municipal Class EA being undertaken by the Region of Niagara.

We are also looking to confirm if there are any restrictions or regulatory requirements to be complied with due to proximity to an existing airport as airport was unable to provide details on obstacle limitation surface, etc.

Specific details on design and construction are to be determined after the Class EA. We would like to include recommendations on approvals as well as lighting and painting requirements, amongst others for the new ET as part of the Class EA process.

SECTION 4

Nearest Community

Fort Erie

Province

Ontario**SECTION 5**

Nearest Aerodrome

Fort Erie Airport**SECTION 6**

Have you contacted the aerodrome?

☒ Yes ☐ No**SECTION 7**

Notice of

☒ New Construction ☐ Change to existing structure**SECTION 8**

Duration

☒ Permanent ☐ Temporary**SECTION 9**

Proposed Construction Date Beginning (yyyy-mm-dd)

2021-01-11**SECTION 10**

Temporary Structure

From date (yyyy-mm-dd) _____ To date (yyyy-mm-dd) _____

SECTION 11

Geographic Coordinates ☐ NAD83 ☐ NAD27 ☒ WGS84 N Latitude deg 42 min 55 sec 37.37
For multiple structures in a grouping, submit geographical coordinates on a separate spreadsheet (e.g. windfarms, transmission lines) W Longitude deg 78 min 57 sec 59.12

SECTION 12

Marking and Lighting Proposed (refer to Standard 621)

- ☐ Red lights and paint ☐ Red and M.I. white lights ☐ White M.I. lights
☐ Red and H.I. white lights ☐ White H.I. lights ☐ No painting
☒ No lighting ☐ Paint marking only
☐ Other (provide description):

SECTION 13

Monitoring to Standard 621, article 4.7

- ☐ Visual inspection – 24 hrs ☐ ¹ Remote indicator – failure alarm ☐ Remote indicator – with self-diagnostic
☒ ² Other

¹ Mitigation to be detailed in Section 3

² Justification to be given in Section 3

SECTION 14

Catenary/Cable Crossing

- ☐ Paint supporting structures ☐ Cable marker spheres ☐ Shore markers
☐ Support structure lighting ☐ Cable marker lights

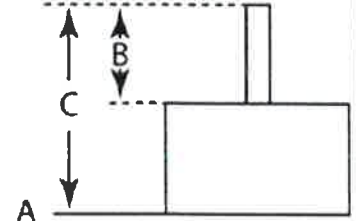
SECTION 15

	Feet	Metres
A Ground Elevation (AMSL)	613.5	187
B Height of an addition to a structure	0	0
C Total structure height including B (AGL)	196.9	60
Overall height (A plus C) (AMSL)	810.4	247

Structure alone



Structure with an addition



SECTION 16

Does the proposal comply with **Airport Zoning Regulations**?

- ☐ Yes ☐ No ☒ N/A

Where the location of the object is on lands affected by **Airport Zoning Regulations**, a legal survey is required with the submittal.

I hereby certify that all the above statements made by me are true, complete and correct to the best of my knowledge. Also, I agree to mark and/or light and maintain the structure with established marking and lighting standards as necessary.

Natasha Lee

Name of person filing notice

Handwritten signature

Signature

2019-08-21

Date (yyyy-mm-dd)

SECTION 17 – TRANSPORT CANADA ASSESSMENT (Transport Canada use only)

Marking and lighting required (as per Standard 621)

- ☐ Night protection required ☐ Day protection required ☐ Temporary lighting required ☒ No protection required

Completion of this form does not constitute authorization for construction nor replace other approvals or permits. See instruction E and F.

Civil Aviation Inspector

Signature

Date (yyyy-mm-dd)

Ovais Mateen

2020-01-21

Note 1: This assessment expires 18 months from the date of assessment unless extended, revised, or terminated by the issuing office.

Note 2: If there is a change to the intended installation, a new submittal is required.

26-0427E (1710-08)

Page 2 of 4

Razaq Mohammed

From: Rika Law
Sent: February 20, 2020 1:42 PM
To: Sidin, Alex
Cc: Falardeau-Mercier, Derek
Subject: RE: Pettit Rd Water Tower - hydro power availability

Hi Alex

Thanks for calling me back to discuss the hydro power availability for the potential new site of the Fort Erie Elevated Water Tower at the NW corner of Pettit Road and Bridge St.

As per our discussion, there are hydro lines running overhead on the west side of Pettit Road which has 35kV and 1000amps, so that would be more than sufficient for our max needs of 600V, 3 phase. We may not even need that much, but it's good to know it's available if needed. The alternative is the overhead lines on Bridge St. (south side), but that's much lower voltage and only has single phase. It is also on the wrong side of the road for our needs.

As such, we will note in our conceptual design drawing that a new pole will need to be brought to the east side of Pettit/north side of Bridge St. and pad mounted transformer to step down to our power requirement.

I've copied the Regional PM (Derek) on this project so that he is aware of our discussion and can follow up on a future connection request if and when it comes time.

Thanks for your assistance!

Rika Law, P.Eng., PMP
Associate, Project Manager

Phone: 416 497 8600 x1209



R.V. Anderson Associates Limited
2001 Sheppard Avenue East, Suite 300
Toronto, ON M2J 4Z8
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RVA is growing!
Our new Halton office is opening this spring.

From: Sidin, Alex <Alex.Sidin@cnpower.com>
Sent: February 20, 2020 1:32 PM
To: Rika Law <rlaw@rvanderson.com>
Subject: Pettit Rd Water Tower

[CAUTION EXTERNAL EMAIL] Make Sure that it is legitimate before Replying or Clicking on any links

Alex Sidin

Engineering Technician, Planner II

Canadian Niagara Power Inc.

PH: 905-871-0333 ext. 3222

FX: 905-871-4458

Email: alex.sidin@cnpower.com



CANADIAN NIAGA

. COM

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Canadian Environmental
Assessment Agency

Ontario Region
55 York Street,
Suite 600
Toronto ON M5J 1R7

Agence canadienne
d'évaluation environnementale

Région de l'Ontario
55, rue York,
bureau 600
Toronto ON M5J 1R7

May 7, 2019

Sent by email

R.V Anderson Associates Limited
2001 Sheppard Avenue East Suite 300
Toronto, Ontario M2J 4Z8

Dear Ms.Law,

Re: Information on the *Canadian Environmental Assessment Act, 2012*

Thank you for your correspondence of May 1, 2019 regarding the Fort Erie Elevated Water Storage Tank.

The *Canadian Environmental Assessment Act, 2012* (CEAA 2012) focuses federal environmental reviews on projects that have the potential to cause significant adverse environmental effects in areas of federal jurisdiction and applies to physical activities described in the *Regulations Designating Physical Activities* (the Regulations). **Kindly review the requirements of CEAA 2012, including the Regulations.** Given the ongoing review of the federal environmental assessment process, if your project does not proceed immediately, please review your project against any future federal legislation and pursuant regulations to confirm applicability to your project.

If you believe the project is not subject to a federal environmental assessment, and do not submit a project description, we kindly request that you remove the Canadian Environmental Assessment Agency from your distribution list.

If you have questions, please get in touch with our office through the switchboard at 416-952-1576. The attachment that follows provides web links to useful legislation, regulation, and guidance documents.

Sincerely,

Christine Greenaway for

Anjala Puvananathan
Director, Ontario Region

Attachment – Useful Legislation, Regulation, and Guidance Documents



Attachment – Useful Legislation, Regulation, and Guidance Documents

For more information on the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), please access the following links on the Canadian Environmental Assessment Agency's (the Agency) website:

CEAA 2012

<https://www.ceaa.gc.ca/default.asp?lang=en&n=16254939%E2%80%931>

Regulations Designating Physical Activities, and

Prescribed Information for a Description of a Designated Project Regulations

<https://www.canada.ca/en/environmental-assessment-agency/corporate/acts-regulations/legislation-regulations.html>

If your project is in a federally designated wildlife area or migratory bird sanctuary please check section 1 of the Regulations, which details the designated projects specific to those locations.

If it appears that CEAA 2012 may apply to your proposed project, you must provide the Agency with a description of the proposed project. Please see the link below to the Agency's guide to preparing a project description.

Guide to Preparing a Description of a Designated Project

<https://www.canada.ca/en/environmental-assessment-agency/services/policy-guidance/guide-preparing-description-designated-project-under-canadian-environmental-assessment-act-2012.html>

For information on the ongoing review of the federal environmental assessment process

<https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews.html>