

LCA Environmental Consultants

June 26, 2024

Steve Shypowskyj
Director of Public Works
City of Port Colborne
1 Killaly Street West
Port Colborne, ON L3K 6H1

Re: Waterfront Road Allowance, City of Port Colborne

In 2023, we completed an assessment of the City of Port Colborne road ends along the Lake Erie shoreline, specifically to assess the potential for the presence of Fowler's Toad and associated toad habitat as both the species and habitat are regulated under the Endangered Species Act (ESA 2007, S.O. 2007, c. 6). A summary report of the assessment and recommendations was provided to the City to assist the City in establishing appropriate maintenance activities that would be in compliance with the ESA.

Further to the assessments and report completed in September 2023, we have reviewed Waterfront Road Allowance Report to Council regarding the recommended provisions to address the Endangered Species Act and vehicular access on the road ends.

Based on the observed tire tracks on several of the road-end beaches, some extending into the water, we strongly support a more controlled access process at the City, specifically regarding vehicles or machinery on the beach. The ESA legislation prohibits destruction of the species (Fowler's Toad) and habitat and is written in such a manner that the landowner (person or corporation) is equally responsible for any negligence and offence under the Act, such that observed or reported damage to the species or habitat can result in significant charges. The entire Lake Erie shoreline in Niagara has been identified as potential habitat for Fowler's Toad (Fowler's Toad Recovery Strategy, MNRF 2011).

The Ministry of Environment, Conservation and Parks (MECP) has approved the Road End Manual regarding maintenance activities. However, any activities that fall outside of the permitted maintenance may be subject to a permit and/or approval from MECP and other regulatory agencies, such as NPCA.

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While shoreline protection is often needed on private residences along the Lake Erie shoreline, there is a process in place that would allow residents to get approval for any private maintenance requirements under the Act, in advance of completing any proposed works.

Gating the road ends to restrict vehicular traffic will provide the City greater control of vehicular or machinery access.

In summary, given the presence of Fowler's Toad habitat along much of the Lake Erie shoreline in Port Colborne, controlled vehicular access to the Lake Erie shoreline will alleviate the potential burden to the City of Port Colborne of any future ESA contravention resulting from unauthorized vehicle or machinery access.

Should you have any questions regarding the content of this letter, please contact me directly.

Sincerely,



Lisa Price, M.Sc.
Principal