

Appendix C.5
Agency Correspondence

Ministry of the Environment
West Central Region

Ministère de l'Environnement



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12th Floor
Hamilton, Ontario L8P 4Y7
Tel.: 905 521-7640
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119 rue King ouest
12e étage
Hamilton (Ontario) L8P 4Y7
Tél. : 905 521-7640
Télééc. : 905 521-7820

January 3, 2012

Mr. S. Keen
HDR Corporation
231 Shearson Crt., Suite 206
Cambridge, Ontario
N1T 1J5

Dear Mr. Keen:

**Re: Notice of Commencement
ROPA 9 Transportation Master Plan**

Thank you for the Notice of Study Commencement and PIC received for the above-noted project. It is understood that your firm has been retained by the City of Hamilton to review the ROPA 9 Transportation Master Plan completed in 2006, to determine whether it needs to be amended in light of changes to the land use plans approved for this neighbourhood.

You have indicated that you intend to conduct a master plan review following the MEA Class EA process for conducting master plans. As such the resulting Master Plan is intended to identify those project for which no further environmental assessment will be required (i.e. Schedule B projects) and those Schedule C projects which further environmental assessment will be required prior to detailed design and implementation.

Please note that recent changes have been made to the project schedules in the MEA Class EA. The MEA website should be consulted in this regard.

Should you have any questions regarding the EA process, please do not hesitate to contact me either at (905) 521-7864 or at Barbara.slattery@ontario.ca.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Slattery".

Barbara Slattery
EA/Planning Coordinator

cc. M. Philip, City of Hamilton (via Email only)

Chow, Tavia

From: Philip, Mohan <Mohan.Philip@hamilton.ca>
Sent: Wednesday, January 11, 2012 11:20 AM
To: Keen, Stephen; Baudais, Nathalie
Cc: Skrypniak, Lorissa
Subject: FW: Notice of Study Commencement and PIC ROPA 9 Transportation Master Plan – Municipal Class Environmental Assessment, City of Hamilton

FYI

From: [REDACTED]
Sent: Tuesday, January 10, 2012 10:38 AM
To: Philip, Mohan
Cc: [REDACTED]
Subject: Notice of Study Commencement and PIC ROPA 9 Transportation Master Plan – Municipal Class Environmental Assessment, City of Hamilton

I am writing in response to your letter of December 7, 2011 inquiring about claims in the above noted area.

In determining your duty to consult, you may wish to contact the First Nations in the vicinity of your area of interest to advise them of your intentions. To do this you may:

1. find the Reserves in your area of interest by consulting a map of the region such as the Province of Ontario Ministry of Aboriginal Affairs online map at <http://www.ainc-inac.gc.ca/ai/scr/on/rp/mcarte/mcarte-eng.asp> ; then
2. search for the First Nations located on those Reserves by using the *INAC Search by Reserve* site at <http://pse5-esd5.ainc-inac.gc.ca/fnp/Main/Search/SearchRV.aspx?lang=eng>.

To determine the First Nations in your area of interest who have submitted claims please consult the *Reporting Centre on Specific Claims* at <http://pse4-esd4.ainc-inac.gc.ca/SCBRI/Main/ReportingCentre/External/ExternalReporting.aspx?lang=eng>.

It should be noted that the reports available on the INAC website are updated regularly and therefore, you may want to check this site often for updates. In accordance with legislative requirements, confidential information has not been disclosed.

Please rest assured that it is the policy of the Government of Canada as expressed in *The Specific Claims Policy and Process Guide* that:

“in any settlement of specific native claims the government will take third party interests into account. As a general rule, the government will not accept any settlement which will lead to third parties being dispossessed.”

We can only speak directly to claims filed under the Specific Claims Policy in the Province of Ontario. We cannot make any comments regarding potential or future claims, or claims filed under other departmental policies. This includes claims under Canada’s Comprehensive Claims Policy or legal action by a First Nation against the Crown. You may wish to contact the Assessment and Historical Research Directorate at (819) 994-6453, the Consultation and Accommodation Unit at (613) 944-9313 and Litigation Management and Resolution Branch at (819) 934-2185 directly for more information.

You may also wish to visit <http://www.ainc-inac.gc.ca/ai/mr/is/acp/acp-eng.asp> on the INAC website for information regarding the Federal Action Plan on Aboriginal Consultation and Accommodation.

To the best of our knowledge, the information we have provided you is current and up-to-date. However, this information may not be exhaustive with regard to your needs and you may wish to consider seeking information from other government and private sources (including Aboriginal groups). In addition, please note that Canada does not act as a representative for any Aboriginal group for the purpose of any claim or the purpose of consultation.

I hope this information will be of assistance to you. I trust that this satisfactorily addresses your concerns.

Sincerely,

[Redacted signature block]



CURVE LAKE, ONTARIO K0L 1R0

January 13, 2012

Mohan Philip
400-77 James Street North
Hamilton, Ontario L8R 2K3

Dear Mohan Philip,

RE: Notice of Study Commencement and PIC ROPA9 Transportation Master Plan Review

We would like to acknowledge receipt of your correspondence, which we received on 12/19/2011 regarding the above noted project.

As you may be aware, the area in which your project is proposed is situated within the Traditional Territory of Curve Lake First Nation. Our First Nation's Territory is incorporated within the Williams Treaty Territory and is the subject of a claim under Canada's Specific Claims Policy. We strongly suggest that you provide Karry Sandy-Mackenzie, Williams Treaty First Nation Claims Coordinator, 8 Creswick Court, Barrie, ON L4M 2S7, with a copy of your proposal as your obligation to consult to also extend to the other First Nations of the Williams Treaty.

Although we have not conducted exhaustive research nor have we the resources to do so, Curve Lake First Nation Council is not currently aware of any issues that would cause concern with respect to our Traditional, Aboriginal and Treaty rights.

Please note that we have particular concern for the remains of our ancestors. Should excavation unearth bones, remains or other such evidence of a native burial site or any Archaeological findings, we must be notified without delay. In the case of a burial site, Council reminds you of your obligations under the *Cemeteries Act* to notify the nearest First Nation Government or other community of Aboriginal people which is willing to act as a representative and whose members have a close cultural affinity to the interred person. As I am sure you are aware, the regulations further state that the representative is needed before the remains and associated artifacts can be removed. Should such a find occur, we request that you contact our First Nation immediately. Curve Lake First Nation also has available, trained Archaeological Liaisons who are able to actively participate in the archaeological assessment process as a member of a field crew, the cost of which will be borne by the proponent.

If any new, undisclosed or unforeseen issues should arise, that has potential for anticipated negative environmental impacts or anticipated impacts on our Treaty and Aboriginal rights we require that we be notified regarding these as well.

Thank you for recognizing the importance of consultation and respecting your duty to consult obligations as determined by the Supreme Court of Canada.

Yours sincerely,



C.C. Stephen Keen, HDR Corporation

Chow, Tavia

From: Philip, Mohan <Mohan.Philip@hamilton.ca>
Sent: Wednesday, January 25, 2012 10:16 AM
To: [REDACTED]
Cc: Keen, Stephen; Baudais, Nathalie
Subject: ROPA9 Transportation Master Plan Review

Attention:

[REDACTED]
[REDACTED]

Thank you for your letter dated January 13, 2012, in response to the Notice of Study Commencement and PIC for the ROPA9 TMP Review. As suggested by you we have forwarded a copy of the notice to Karry Sandy-Mackenzie, Williams Treaty First Nations Claims Coordinator.

If you have any questions related to this study please let me know. You can also check the project website www.hamilton.ca/ROPA9-TMP-REVIEW for more information and project updates.

Sincerely,

Mohan Philip, M. Eng., P. Eng.
Project Manager, Transportation/Transit
Strategic Planning & Rapid Transit
Environment & Sustainable Infrastructure Division
Public Works Department
City of Hamilton
400 - 77 James Street North
Hamilton, ON, Canada, L8R 2K3

Phone: 905 546 2424 x 3438
Fax: 905 546 4435
Email: mohan.philip@hamilton.ca



FEB 27 2012

Reference: 49

Mohan Philip, M. Eng., P. Eng.
Project Manager, ESI Division
Public Works Dept., City of Hamilton
400-77 James Street north
Hamilton, ON, L8R 2K3

**Re: Notice of Study Commencement and PIC Ropa 9 Transportation Master Plan
Municipal Class EA**

Dear Mr. Philip:

Thank you for informing the Ministry of Aboriginal Affairs (MAA) of your project. Please note that MAA treats all letters, emails, general notices, etc. about a project as a request for information about which Aboriginal communities may have rights or interests in the project area.

As a member of the government review team, the Ministry of Aboriginal Affairs (MAA) identifies First Nation and Métis communities who may have the following interests in the area of your project:

- reserves;
- land claims or claims in litigation against Ontario;
- existing or asserted Aboriginal or treaty rights, such as harvesting rights; or
- an interest in your project's potential environmental impacts.

MAA is not the approval or regulatory authority for your project, and receives very limited information about projects in the early stages of their development. In circumstances where a Crown-approved project may negatively impact a claimed Aboriginal or treaty right, the Crown may have a duty to consult the Aboriginal community advancing the claim. The Crown often delegates procedural aspects of its duty to consult to proponents. Please note that the information in this letter should not be relied on as advice about whether the Crown owes a duty to consult in respect of your project, or what consultation may be appropriate. Should you have any questions about your consultation obligations, please contact the appropriate ministry.

You should be aware that many First Nations either have or assert rights to hunt and fish in their traditional territories. For First Nations, these territories typically include lands and waters outside of their reserves.

In some instances, project work may impact aboriginal archaeological resources. If any Aboriginal archaeological resources could be impacted by your project, you should contact your regulating or approving Ministry to inquire about whether any additional Aboriginal communities should be contacted. Aboriginal communities with an interest in archaeological resources may include communities who are not presently located in the vicinity of the proposed project.

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With respect to your project, and based on the brief materials you have provided, we can advise that the project appears to be located in an area where First Nations may have existing or asserted rights or claims in MAA's land claims process or litigation, that could be impacted by your project. Contact information is below:

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Through Aboriginal Affairs and Northern Development (AANDC), the Government of Canada sometimes receives claims that Ontario does not receive, or with which Ontario does not become involved. AANDC's Consultation and Accommodation Unit (CAU) established a "single window" to respond to requests for baseline information held by AANDC on established or potential Aboriginal Treaty and rights. To request information from the Ontario Subject Matter Expert send an email to: UCA-CAU@aadnc-aandc.gc.ca

Additional details about your project or changes to it that suggest impacts beyond what you have provided to date may necessitate further consideration of which Aboriginal communities may be affected by or interested in your undertaking. If you think that further consideration may be required, please bring your inquiry to whatever government body oversees the regulatory process for your project. MAA does not wish to be kept informed of the progress of the project; please be sure to remove MAA from the mailing list.

The information upon which the above comments are based is subject to change. First Nation or Métis communities can make claims at any time, and other developments can occur that could result in additional communities being affected by or interested in your undertaking.

[REDACTED]



[REDACTED]

Chow, Tavia

From: Keen, Stephen
Sent: Thursday, October 25, 2012 11:09 AM
To: Baudais, Nathalie
Subject: Fw: Aboriginal consultation information - ROPA9 Transportation Master Plan- Hamilton
Attachments: Co HAMILTON ROPA9 insptn master plan.pdf

From: [REDACTED]
Sent: Thursday, October 25, 2012 09:43 AM
To: tplanning@hamilton.ca <tplanning@hamilton.ca>; Keen, Stephen
Subject: Aboriginal consultation information - ROPA9 Transportation Master Plan- Hamilton

Hello Project Leadership,

I am writing on behalf of the Consultation and Accommodation Unit (CAU) of Aboriginal Affairs and Northern Development Canada (AANDC).

As a rule, AANDC officials do not participate in environmental assessments that pertain to projects off-reserve, nor does the department track how other parties carry out their EA or consultation activities where no reserve lands or AANDC programs are involved. Therefore in future, **please omit AANDC officials from your public information notification for projects that do not intersect with reserve lands or engage AANDC programs.** This information has been relayed to the Ministry of Environment, and their contact list will be updated shortly.

If you are contacting AANDC to request Aboriginal consultation information, please **reply** and I will be happy to provide it. The CAU's Consultation Information Service (CIS) has been established as a 'single window approach' to help co-ordinate departmental responses to consultation-related queries coming from federal departments and third parties. We provide information (generally within a 100 km radius of a project) related to Aboriginal groups and their asserted or established Aboriginal and/or treaty rights and claims, to the extent that these are known by AANDC.

Future requests for Aboriginal consultation information from AANDC, can be submitted directly to the following mailbox: [REDACTED]

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Chow, Tavia

Subject: FW: ROPA9 TMP review

From: Philip, Mohan [mailto:Mohan.Philip@hamilton.ca]
Sent: Wednesday, April 17, 2013 1:21 PM
To: Szymanski, Elizabeth; Richards, Peter
Subject: FW: ROPA9 TMP review

Please include under stakeholder consultation.

From: [REDACTED]
Sent: Wednesday, April 17, 2013 1:05 PM
To: Philip, Mohan
Cc: [REDACTED]
Subject: RE: ROPA9 TMP review

Good afternoon Mohan,
Thank you for providing the ROPA9 TMP review preferred solutions/projects being recommended to the Public Works Committee scheduled for April 22, 2013. With respect to the new Bishop Ryan Catholic Secondary School, student transportation will be provided to all students, with the exception of the students within the immediate Summit Park neighborhood on the south side of Rymal Road East. Therefore, student transportation will be provided to the area north of Rymal Road East. Also, and as requested, the yearly operating cost for a school bus is approximately \$35,000.

If you have any further questions, please advise.
Regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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From: Philip, Mohan [mailto:Mohan.Philip@hamilton.ca]
Sent: April 12, 2013 3:13 PM
To: [REDACTED]
Subject: ROPA9 TMP review

[REDACTED]

As we discussed, can you please let us know the transportation plans for the students once the new Bishop Ryan Secondary School is opened, especially for the areas north of Rymal Road East. Our recommendation to the PW Committee is to close Upper Mount Albion Road prior to the opening of the school. Can you please also let us know the estimated cost for operating a school bus for a year.

The following are the preferred solutions/projects recommended to the PW Committee scheduled for April 22, 2013.

No.	Study Recommendations	Project Description
1	Close Upper Mount Albion Road, North of Rymal Road East	a) Install temporary traffic signals at Pritchard Road / Rymal Road until Trinity Church Arterial Corridor is open. b) Asphalt overlay work on Pritchard Road, between Bigwin Rd. and Highland Rd; various minor sections between Highland and Rymal Road, intersection of Pritchard and Rymal Road. c) Construct paved shoulder along west side of Pritchard Road, between trail and Stone Church Road and associated storm drainage works. d) Close Upper Mount Albion Road, north of Rymal with a cul-de-sac (location as proposed in the Trinity West Secondary Plan)
2	Implement traffic calming on Second Road West	Construct speed cushion as a traffic calming measure, and to discourage cut through traffic, due to the closure of Upper Mount Albion Road in order to address residents' concerns and to be followed up with monitoring
3	Provide sidewalk on Second Road West	Construct sidewalk on both sides along Second Road west, where required for continuity.
4	Provide bike lanes on Highland Road	Reconfigure lane markings on Highland Road to provide on-road bicycle lanes between Winterberry Drive and Upper Centennial Parkway, with the removal of existing parking on the south side from Winterberry Dr. to First Rd. West and on the north side from Highbury Dr. to Upper Centennial Parkway. Between First Rd. W and Highbury Drive, bike lanes would be added to the existing extra wide travel lanes and the existing centre turn lane would remain.
5	Provide sidewalk on Highland Rd. south side	Construct sidewalks along the south side of Highland Road, where required for connectivity, along the urbanized section of the corridor (Winterberry Drive to Upper Centennial Parkway).

The public and stakeholders have the option to make a submission to the PW Committee if they still have concerns with the recommendations. Subject to approval from PW Committee and Council the study report will be filed for public review for a minimum of 30 days. Please note that during the public review period there wouldn't be an option to appeal the recommendations as the identified projects are either Schedule A or A+ under the Municipal Class EA document. The notice for public review will be posted in the newspapers and project website www.hamilton.ca/ropa9-TMP-review

Thank you,

Mohan Philip, M. Eng., P. Eng.

Project Manager, Transportation Planning Services
Transportation Division, Public Works Department

City of Hamilton
400 - 77 James Street North
Hamilton, ON, Canada, L8R 2K3

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Email: mohan.philip@hamilton.ca