

## Public Registry Notice for s.83 Exceptions

| <b>Defence Establishment:</b>   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
|---|------------------------------|--|--|-------------|-----------------|--|--|--|--|--|--|------------|---------------------------|--|--|-----------|------------------------|--|--|--------------------|------------------------|--|--|-----------------|--------------------------|--|--|---------------------------|-----------------------|--|--|--|--|--|--|--|--|--|--|-------------------------------|-----------------------------|--|--|--|--|--|--|--|--|--|--|-----------------|-------------------------|--|--|----------------|--------------------------|--|--|--|------------------------------|--|--|
| Former Camp Ipperwash   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| <b>SARA Competent Department:</b>   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Environment Canada and Parks Canada Agency (for Dwarf Hackberry)  |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| <b>Date of Notification:</b>  |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| March 21, 2013  |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| <b>Species:</b>   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| <p>SARA listed plant, herpetofauna and aquatic species that may be affected while conducting activities described in this notification include, but may not be limited to, the following:</p>   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Common Name</th> <th style="text-align: left;">Scientific name</th> <th></th> <th></th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td>Bluehearts</td><td><i>Buchnera americana</i></td><td> </td><td> </td></tr> <tr><td>Butternut</td><td><i>Juglans cinerea</i></td><td> </td><td> </td></tr> <tr><td>Dense Blazing Star</td><td><i>Liatris spicata</i></td><td> </td><td> </td></tr> <tr><td>Dwarf Hackberry</td><td><i>Celtis tenuifolia</i></td><td> </td><td> </td></tr> <tr><td>Eastern Flowering Dogwood</td><td><i>Cornus florida</i></td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td>Five-lined Skink (Carolinian)</td><td><i>Plestiodon fasciatus</i></td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td>Lake Chubsucker</td><td><i>Erimyson sucetta</i></td><td> </td><td> </td></tr> <tr><td>Pugnose Shiner</td><td><i>Notropis anogenus</i></td><td> </td><td> </td></tr> <tr><td>Western Chorus Frog (Great Lakes/St. Lawrence – Canadian Shield)</td><td><i>Pseudacris triseriata</i></td><td> </td><td> </td></tr> </tbody> </table> |                              |  |  | Common Name | Scientific name |  |  |  |  |  |  | Bluehearts | <i>Buchnera americana</i> |  |  | Butternut | <i>Juglans cinerea</i> |  |  | Dense Blazing Star | <i>Liatris spicata</i> |  |  | Dwarf Hackberry | <i>Celtis tenuifolia</i> |  |  | Eastern Flowering Dogwood | <i>Cornus florida</i> |  |  |  |  |  |  |  |  |  |  | Five-lined Skink (Carolinian) | <i>Plestiodon fasciatus</i> |  |  |  |  |  |  |  |  |  |  | Lake Chubsucker | <i>Erimyson sucetta</i> |  |  | Pugnose Shiner | <i>Notropis anogenus</i> |  |  | Western Chorus Frog (Great Lakes/St. Lawrence – Canadian Shield) | <i>Pseudacris triseriata</i> |  |  |
| Common Name   | Scientific name              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
|   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Bluehearts  | <i>Buchnera americana</i>    |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Butternut   | <i>Juglans cinerea</i>       |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Dense Blazing Star  | <i>Liatris spicata</i>       |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Dwarf Hackberry   | <i>Celtis tenuifolia</i>     |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Eastern Flowering Dogwood   | <i>Cornus florida</i>        |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
|   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
|   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Five-lined Skink (Carolinian)   | <i>Plestiodon fasciatus</i>  |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
|   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
|   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Lake Chubsucker   | <i>Erimyson sucetta</i>      |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Pugnose Shiner  | <i>Notropis anogenus</i>     |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| Western Chorus Frog (Great Lakes/St. Lawrence – Canadian Shield)  | <i>Pseudacris triseriata</i> |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| <b>Period for the Exception:</b>  |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| <p>The exceptions would apply from the date of notification until such time that the Department of National Defence (DND) has completed the Unexploded Explosive Ordinances (UXO) and contaminated sites investigations, clearance and remediation at FCI. The current anticipated completion date is in approximately 15 to 20 years.</p>  |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| <b>Area where the Exception Applies:</b>  |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| This exception will apply to the entire FCI property.   |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |
| <b>Activity:</b>  |                              |  |  |             |                 |  |  |  |  |  |  |            |                           |  |  |           |                        |  |  |                    |                        |  |  |                 |                          |  |  |                           |                       |  |  |  |  |  |  |  |  |  |  |                               |                             |  |  |  |  |  |  |  |  |  |  |                 |                         |  |  |                |                          |  |  |  |                              |  |  |

As per the Memorandum of Understanding between DND, Environment Canada, and the Parks Canada Agency:

6.1 c) Activities occurring on Defence Establishments that are considered necessary for public safety in accordance with paragraph a) and authorized under the *National Defence Act* and the *Explosives Act* are:

- Remediation of contaminated sites; and
- Securing, handling, destruction or disposal of unsafe munitions, including unexploded explosive ordnance.

#### **Rationale for the Exception:**

In addition to the Memorandum of Understanding between DND, Environment Canada, and the Parks Canada Agency, pursuant to the Treasury Board of Canada (TBC) Policy on Management of Real Property, health and safety requirements listed in 6.1.12:

*“Priority must be given to sites posing the highest human health and ecological risks. Management activities (including remediation) must be undertaken to the extent required for current or intended federal use.”*

Treasury Board policy on the Management of Real Property states that surplus property is not to be retained and that all environmental information must be disclosed.

The FCI is suspected to contain UXO and contaminated sites. The FCI has been declared surplus to DND and therefore is a requirement to conduct an investigation, UXO clearance, environmental remediation, and divestiture of the Property to the Department of Aboriginal Affairs and Northern Development Canada (AANDC) (transfer Property through addition to reserve).

The planned activities\* meet condition 6.1c under the Species at Risk Memorandum of Understanding related to the section 83 exception. Further, the planned investigation activities are a requirement of an existing Investigation Agreement.

In response to requirements, DND is pursuing the following on the FCI:

- a thorough and complete UXO and contaminated sites investigation which must be conducted to enable an assessment of human health and ecological risks and to facilitate the proper design of clearance and remediation plans; and
- a clearance of UXO's and environmental remediation.

\*activities – refers to all actions required for the UXO and environmental investigation, UXO clearance, and environmental remediation.

#### **Alternatives Considered:**

Alternatives considered took into account the potential impacts to SAR, their residences and CH, as well as impacts on achieving the project requirements in accordance and existing Government of Canada commitments and national security and public safety:

1) Do Nothing:

No securing/handling/destruction/disposal of unsafe munitions (UXO)(i.e. investigation and clearance) or investigation / remediation of contaminated sites to take place at FCI. Potential impacts to SAR/their residences/CH: SAR, their residences of CH may be impacted by UXO and environmental contamination.

Feasibility of Alternative: This alternative is not feasible as it does not meet the operational requirements of the TBC Policy on Management of Real Property, health and safety requirements listed in 6.1.12. Further, it does not meet the operational requirements of the Investigation Agreement (October, 2012) signed between DND and the KSFN. Further, to not take any action on identifying and addressing UXO and environmental risks would be a public safety concern.

Treasury Board policy on the Management of Real Property states that surplus property is not to be retained and that all environmental information must be disclosed. The FCI has been declared surplus to DND and therefore there is a requirement to investigate, decommission, and divest the property to AADNC for the future use and benefit of the FN.

2) Clear/Remediate UXO and Environmental Contamination

Conduct a complete UXO and environmental investigation and subsequent UXO clearance and environmental remediation at FCI. Potential impacts to SAR/their residences/CH:

- SAR may potentially be affected (i.e., harmed, harassed or killed), and their residences/CH may potentially be affected (i.e., damaged or destroyed) by activities in the instance the SAR/their residences/CH coincide with the location of a UXO or a contaminated site or necessary access to these locations.
- Mitigation measures identified in the next section will be implemented to minimize potential impacts to SAR/their residences/CH.

Feasibility of Alternative: Alternative is feasible as it meets the operational requirements of the TBC Policy on Management of Real Property, health and safety requirements listed in 6.1.12. Further it meets the operational requirement of the Investigation Agreement (October, 2012) signed between DND and the KSPFN and would address public safety.

In addition to the above options identified, the following considerations were

given to the required activities:

- UXO: Limiting the extent of the UXO investigation and clearance is not viable, as the area has been agreed to formally by the Government of Canada. Different, less intrusive technologies were considered for UXO investigations. However, the evaluation of these technologies proved that they were not as dependable as the methodology selected for determining the source and nature of the anomalies and extrapolating may be required in the areas identified through the investigation process.
- Environmental Contamination: the environmental investigations will take place in multiple locations across the property.

#### **Mitigation Measures Implemented or to be Implemented:**

The preferred option is alternative 2, since there are no other alternatives to the physical nature of these activities. This option is the best solution because the established mitigation measures (outlined below) strive to identify, and avoid or mitigate, adverse effects on the SARA Schedule 1 species where possible without compromising the integrity of the UXO and environmental investigation and clearance/remediation work. Where feasible, given the constraints of the project, SAR impacts will be mitigated by:

i) Undertaking Work:

- A qualified Biologist will identify SAR in planned work locations (including access routes) in advance of work proceeding.
- If possible, activities will be conducted away from known SAR locations.

ii) Follow-up Reporting:

- If SAR locations cannot be avoided, any known SAR impacts will be reported.

## SIGNATURES

"I, the Defence Establishment Commanding Officer, am of the opinion

- That all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted; and
- That all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals".

Major Jean-Claude Comeau, A/DRPM 8  
Defence Establishment Commanding Officer

*Date:* \_\_\_\_\_