

Ecological & Environmental Solutions

January 17, 2023

Michael Sullivan, RPP, MCIP, EP
President, LandPro Planning Solutions Inc.
403-110 James St.
St. Catharines, ON L2R 7E8

Dear Mr. Sullivan,

**Re: EIS Addendum in Response to Agency comments received October 26, 2022
Montrose Road (ARN: 272514000108450), City of Niagara Falls**

An Environmental Impact Study (EIS) was completed in January 2022 by LCA Environmental Consultants to support an application for zoning bylaw amendment and construction of a single-family detached dwelling for the above-mentioned property. The application was submitted in October 2022.

Field work for the EIS was completed prior to pre-consultation and submission of a Terms of Reference to ensure that all surveys could be completed within appropriate seasonal timing windows. It was understood at the time that, prior to preparing a site plan for the study area, the landowner required confirmation of the wetland boundary to ensure a building envelope could be incorporated. Given that wetland boundary assessments must be completed during the summer months, spring surveys were completed prior to this assessment to prevent delaying field studies should the wetland boundary revisions support development.

Following pre-consultation, a Terms of Reference (TORs) was submitted to the Region of Niagara and Niagara Peninsula Conservation Authority (NPCA), which reflected the field work completed as part of the EIS. The Region and NPCA offered no objection to TORs. One of the items on the approved TORs was amphibian breeding survey using Marsh Monitoring Protocol which requires three surveys completed between April 1 and June 15 dependent on weather conditions. The three amphibian surveys were completed on April 30, May 12, and June 9, as noted in the EIS survey table. It is noted that the second survey, was completed twelve days following the first survey, rather than the typical 15-day period to ensure it could be completed before temperatures increased beyond the threshold.

It is also noted that many of the amphibians heard calling during the surveys were not located on the property, but east of Montrose Road, downstream of the site, including the American Toad, Spring Peeper, Western Chorus Frog, and Grey Treefrog. However, surveys did confirm that the property also supported Western Chorus Frog, Grey Treefrog and Green Frogs.



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The development overlay in the submitted EIS shows the building envelope within the 30m setback, and the Provincial Natural Heritage System (NHS) layer identified in the Growth Plan for the Greater Golden Horseshoe (GGH). At the time the EIS was prepared, this was the proposed site plan. However, following agency feedback at the pre-consultation meeting, a revised site plan was prepared, to exclude any development from the PSW setback and Growth Plan Natural Heritage System.

The revised site plan (Figure 3) complies with NPCA Policy 8.2.3.1 from the NPCA Land Use Policy Document (September 2018) which prohibits new development within 30m of a wetland.

Comments from the Region of Niagara deferred wetland regulation to the NPCA, however they raised concerns over the impact to the Provincial NHS identified under the Growth Plan for the GGH. The Region states that *“based on the findings of the EIS, the full extent of woodlands, wetlands and fish habitat are KNHFs/KHFs features identified in the Provincial Growth Plan, which require a minimum 30m VPZ, as measured from the outside extent of all features. As such, there does not appear to be lands available for development on the subject property.”*

The EIS confirmed that the full extent of the woodlands meet the criteria for Significance under Policy 7.B.1.5 of the Regional Official Plan (2014) based on the presence of species of Special Concern and overlap with the Tea Creek PSW. The requirement for a minimum 30m vegetation protection zone (VPZ) from the outside of all Key Natural Heritage Features (KNHFs) or Key Hydrologic Features (KHF) is identified in Policy 4.2.4.1 of the Provincial Growth Plan. However, the Policy states that this applies for all *“new development or site alteration within 120m of a Key Natural Heritage Feature **within** the Natural Heritage System for the Growth Plan or a Key Hydrologic Feature”*. The existing mapping of the Growth Plan NHS contains the Tea Creek PSW and the minimum 30m VPZ but does not otherwise include the woodland which extends south beyond the subject property (Figure 1).

The portion of the woodland which extends south beyond the subject property is not identified mapped as a feature within the Growth Plan NHS, and therefore should not be considered a KNHF. New development can also be seen abutting the woodland which does not maintain a minimum 30m VPZ from the outside extent of the woodland feature (Figure 1).



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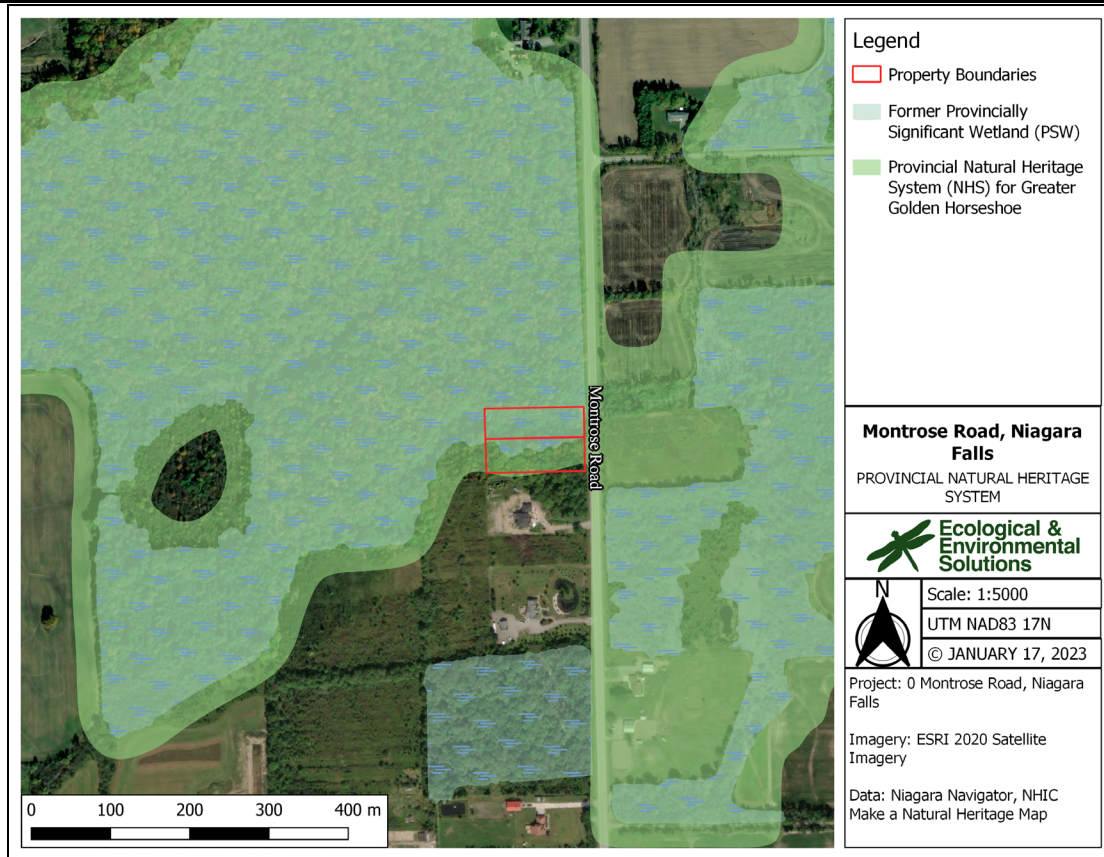


Figure 1: Growth Plan Natural Heritage System extent

The PSW is located within the Growth Plan NHS and is therefore a KHF. Given that the Growth Plan NHS on this portion of land is mapped to incorporate the Tea Creek PSW plus a 30m buffer (VPZ), the minor changes to the PSW confirmed through the EIS would otherwise alter this portion of the NHS as well by altering the extent of the 30m VPZ setback from the KHF. The wetland boundary was assessed as part of the EIS and a request for boundary adjustment was submitted to the MNRF, who approved the changes in November 2021. The revised mapping is shown in Figure 2, below.



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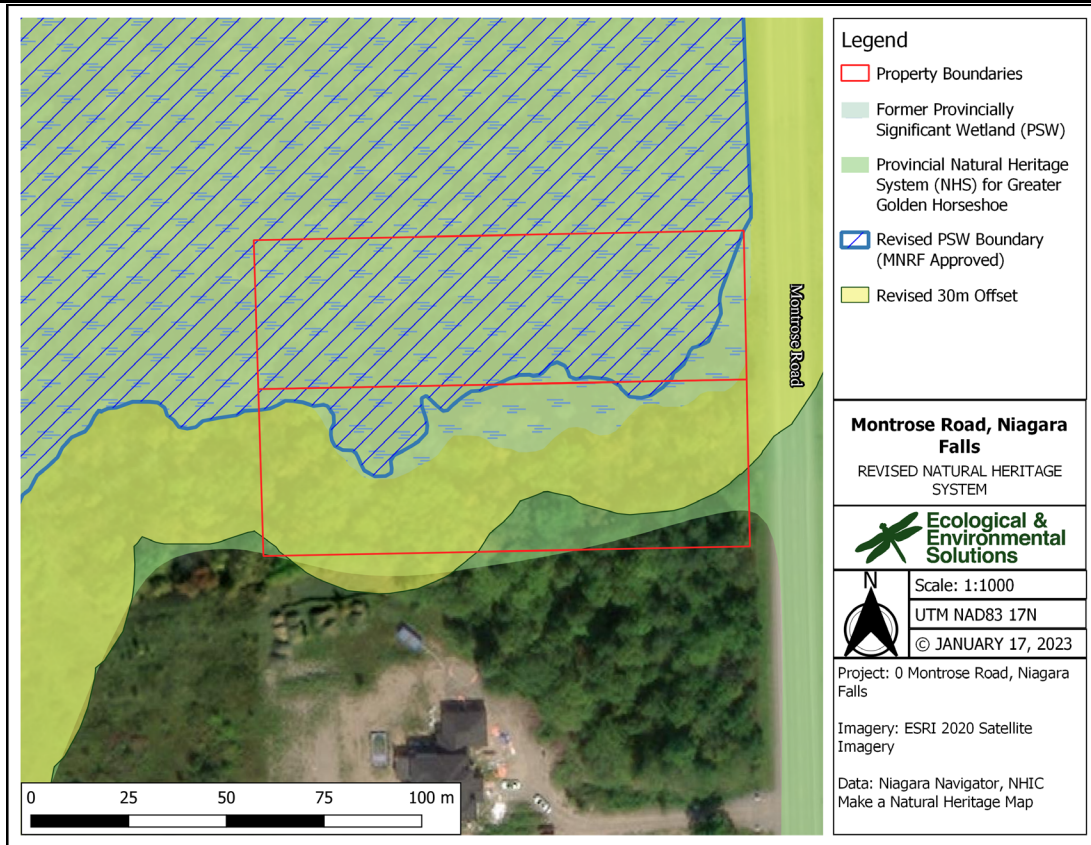


Figure 2: MNRF-approved revision to Tea Creek PSW boundary and updated 30m offset.

The changes to the PSW boundary have resulted in only a minor increase to the portion of the property located outside of the 30m setback. Consequently, the initial site plan submitted through pre-consultation would interfere with the NHS and PSW buffer and would not be supported by NPCA or Provincial Growth Plan Policies.

The landowner updated the site plans to substantially reduce the building footprint and ensure there is no interference with the 30m PSW buffer/VPZ. These revisions are shown in Figure 3.



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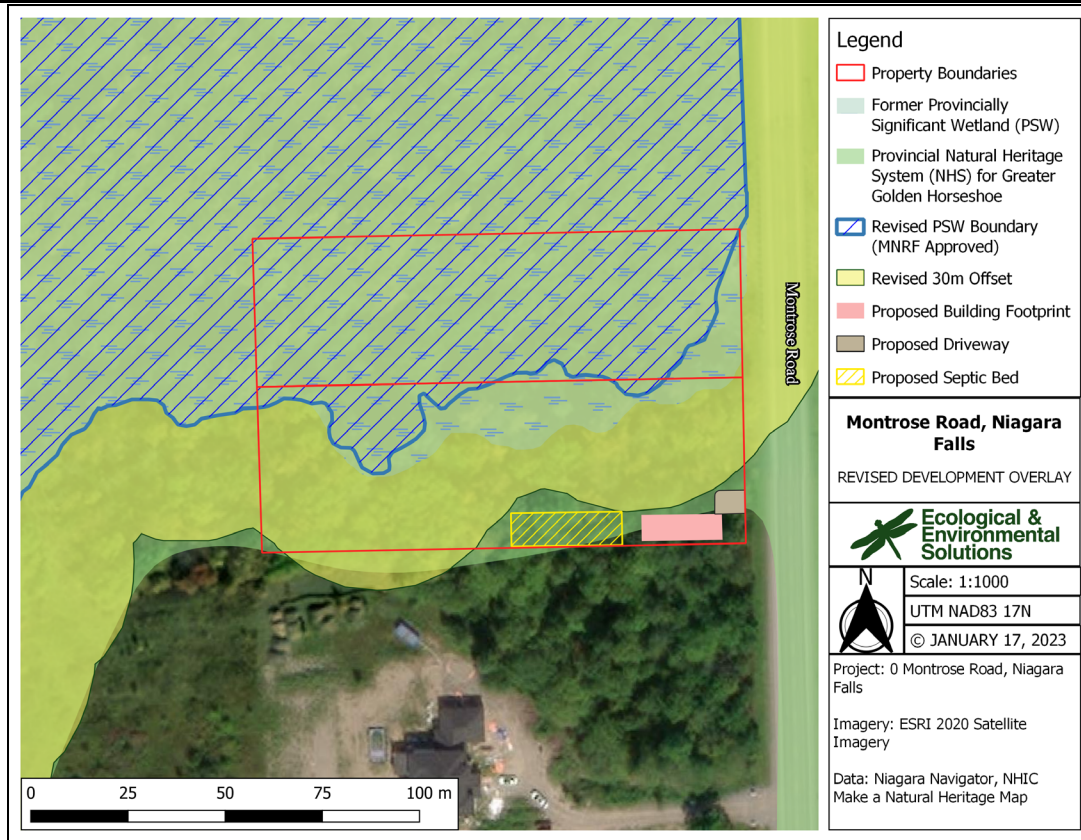


Figure 3: Development overlay showing revised site plan with reduces building footprint.

The revised site plans have decreased the area of impact from 0.15ha to approximately 0.075ha. This footprint represents a 0.1% reduction in size of the overall natural area, inclusive of the Tea Creek PSW, and a 5.6% reduction in the size of the upland forested feature. The change has reduced the area of impact by 50% to avoid direct impacts to the PSW and the associated 30m VPZ.

It is our opinion that the proposed revisions to the site plan reduce the potential for negative impacts to the natural heritage feature and conform with the Regional Official Plan (2014) policies, NPCA Policies (2018) and the Policies of the Provincial Growth Plan (2020). For more information regarding impacts and applicable policies, please refer to the EIS (LCA, January 2022).

Should you have any questions or require additional information, please contact our office.

Sincerely,

Anne McDonald, B.Sc., EP
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Former associate of LCA Environmental



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Appendix A
Tree Inventory and Preservation Mapping



Appendix B
Inventory of Existing Trees

