Myler Ecological Consulting

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08 November, 2023

Alexa Cooper, BURPI Planner 2
Planning, Building and Development
City of Niagara Falls
4310 Queen Street
Niagara Falls ON L2E 6X5

RE: EIS Addendum #1 – AM-2022-020 – 7640 & Lot 186 Kalar Road

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Introduction

Myler Ecological Consulting (Myler) has been retained by M5V Inc. (M5V) to prepare this Addendum #1 to Myler's May 2022 Environmental Impact Study (EIS) to address Niagara Region (the Region) and Niagara Peninsula Conservation Authority (NPCA) EIS review comments and requests for additional information and follow-up actions that were provided to the City of Niagara Falls (the City).

NPCA provided EIS comments to the City in a 16 February 2023 letter from Taran Lennard, Watershed Planner. The Region provided EIS comments to the City shortly afterward on 24 February 2023 in a letter from Alexander Morrison, Senior Development Planner.

NPCA comments included a request to confirm the extent/limit of wetland on the site, additional discussion of the recommended buffer width, and clarification on the EIS recommendation for some grading within the proposed wetland buffer. NPCA comments noted that the anticipated average annual 9% increase of runoff towards the wetland is acceptable, being within the NPCA's 10% threshold that would otherwise trigger further discussion and study.

Region comments noted the Region's satisfaction with the 15 metre wetland buffer recommended by the EIS, but included a request for confirmation with NPCA that additional regulated wetland does not occur outside and west of the provincially significant wetland (PSW) limit. Region comments also included mention of the significant woodland limit that was walked with Region staff on 15 November 2021 and requested a Mitigation Strategy dealing with buffer restoration/enhancement and measures to avoid conflict with amphibians that breed within the PSW's woodland sloughs. The Region included a request for a Technical Memo (i.e., this EIS Addendum) to document the resolution of these comments and requests.

Wetland Limit (and Significant Woodland Limit)

A site visit was held with the Region's Adam Boudens and NPCA's Amy Parks on 14 July 2023, during which the PSW limit and the extent of wetland at the site were directly observed and the significant woodland limit was discussed.

Based on the on-site observations along the PSW limit, consensus was reached on site with the Region and NPCA that the PSW limit as staked by Myler (and Chris Zoladeski) represents the full extent and limit of wetland on the site, including NPCA regulated wetland.

Support for the 15 metre wetland buffer was reiterated, but both the Region and NPCA requested that the potential to provide additional buffer width be explored for the southern part of the site to protect a relatively more exposed edge of the mature deciduous swamp portion of the PSW. Myler (and Zoladeski) agreed to carry that request back to M5V.

During the site visit the significant woodland limit was discussed and it was recalled that it was agreed during the 2021 Region site visit that it did not require surveying and mapping as it is clearly well protected within the PSW and wetland buffer limits.

Revised Site Plan

M5V subsequently commissioned the preparation of a revised Site Plan (attached) in response to confirmation of the wetland limit, acceptance of the 15 metre wetland buffer width, and the agency request to increase the buffer width along the southern portion of the PSW boundary.

The revised current Site Plan includes 113 townhouse units in 14 small blocks distributed on private condominium roads within the development envelope at the site.

A 15 metre wetland buffer is provided along approximately the northern two-thirds of the PSW limit where existing shrub thicket provides a ready and effective wetland buffer. Three modest pinch points (i.e., 13.469, 14.983 and 13.100 metres) occur along the 15 metre buffer to accommodate the tight geometry of the townhouse development within the available development envelope. None of these pinch points is expected to result in impact to the PSW as their reduction of the buffer at those points is modest in both width and linear extent and because additional buffer width has been provided where possible to result in a >15 metre average buffer width along that northern two-thirds of the PSW limit.

Along the southern approximate third of the PSW limit, a much expanded wetland buffer is included on the revised current Site Plan. The 15 metre buffer expands gradually to 18.250 metres, then opens up substantially to the south in the range of 27.556 to 37.357 metres. This broader buffer section will provide additional protection to the edge of the PSW's mature deciduous swamp in that area, and will complement the planned adjacent pedestrian trail / walkway that will be constructed immediately south of the site.

Finally, S. Llewellyn and Associates' revised Function Servicing Report for the revised Site Plan confirmed that an average 6% annual increase of runoff will be directed towards the PSW as a result of the development, which is well within NPCA's 10% threshold and is expected to favour the long term conservation of the PSW and the wetland buffer.

Mitigation Strategy

The Region's request for a Mitigation Strategy is addressed at this stage with the following recommendations, additional details of which can be determined at a more detailed stage of design:

- Where intact shrub thicket and grades that promote drainage to the wetland co-occur, such areas are recommended to be delineated in the field and protected without restoration or enhancement during construction with the use of a suitable combined temporary construction fence and erosion and sedimentation barrier or silt fence.
- Where historical grade disturbances such as the observed elevated soil berm and stripped/excavated areas occur, restoration and enhancement of such areas is recommended to include corrective grading to ensure positive runoff towards the PSW and to permit the establishment of self-sustaining native vegetation. Vegetation clearing where corrective grading is required is recommended to occur outside of the April - August bird nesting season. Native seed mix and native shrubs and trees will be selected to restore self-sustaining natural vegetation to the limited graded areas.

- Where artificial openings occur within the wetland buffer, such as the small area of upland meadow observed within the northern portion of the site, focused planting and/or seeding of desirable native tree species such as Black Walnut will be employed to accelerate their restoration and enhancement.
- A robust and continuous temporary construction fence that includes an erosion and sedimentation barrier (i.e., silt fence) is recommended to be installed and maintained during construction along the eastern development limit. The fence will prevent eastward intrusion within the PSW and its buffer (except where localized corrective grading is required) and will also prevent westward incidental occurrence of the PSW's amphibians within the development envelope during construction. As there is no natural area west of the site from which amphibians might migrate and cross the development envelope, the recommended eastern fence alignment is considered appropriate to contain amphibian wildlife within the easterly wetland and buffer areas.

I trust that I have satisfactorily addressed the City's concerns regarding the Niagara Region and NPCA EIS review comments.

Sincerely,

Barry Myler
Biologist

CONCEPTUAL SITE STATISTICS

LOT AREA (TOTAL):	47,181 SQ.M. (4.718 HECTARES)
LOT AREA (ENVIRONMENTAL):	32,344 SQ.M. (3.234 HECTARES)
TOTAL BUILDABLE AREA:	14,837 SQ.M. (1.483 HECTATES)
TOTAL LOT COVERAGE:	(35.5%) 5,272 SQ.M.
LANDSCAPING:	(15.7%) 2,333 SQ.M.
BUILDING HEIGHT:	12.5m
PROPERTY DENSITY:	103 UNITS/HECTARE
PROPERTY PARKING:	31 STALLS (VISITOR)
PROPOSED UNITS:	113 DWELLINGS
CLOSEST REAR YARD TO WETLAND BUFFER:	13.100 M
CLOSEST BUILDING TO REAR PROPERTY LINE (BLOCK N):	151.107 M.

1 A1.1 PROPOSED SITE PLAN
1 : 400

P3A
2222 13th Avenue Regina, Saskatchewan
Canada S4P 3M7 306-757-1669
P3ARCH.COM

PRELIMINARY

KALAR DEVELOPMENT

SITE PLAN-OPTION 1A-R5

DESIGN BY	-
APPROVED	-
OWNER	M5V INC.
DATE	2023-09-27
FILE NO. 2023-056	DRAWING NO. A1.1
NUMBER OF SHEETS 1	