

**RESIDENTIAL REDEVELOPMENT  
LOT 175 PORTAGE ROAD  
CITY OF NIAGARA FALLS  
SCOPED  
ENVIRONMENTAL IMPACT STUDY**

**Prepared For: RUDANCO INC.**



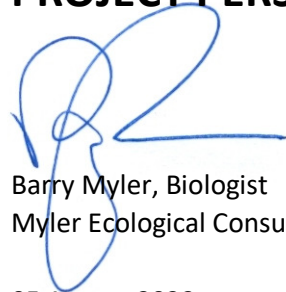
**AUGUST 2022  
MYLER ECOLOGICAL CONSULTING**

**RESIDENTIAL REDEVELOPMENT**  
**LOT 175 PORTAGE ROAD, NIAGARA FALLS**  
**SCOPED ENVIRONMENTAL IMPACT STUDY**

**PREPARED FOR:**

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**PROJECT PERSONNEL:**



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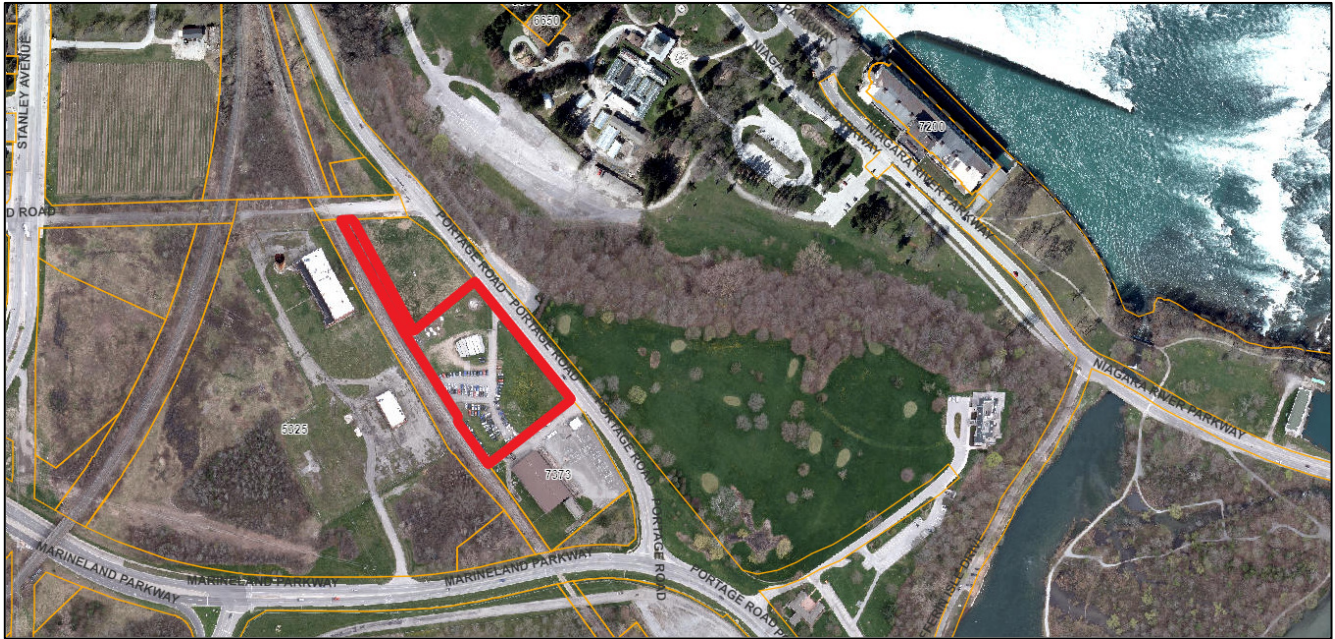
05 August 2022

# **TABLE OF CONTENTS**

<b>Introduction</b>	<b>1</b>
<b>Terms of Reference – NPC Consultation and Scoping</b>	<b>2</b>
<b>1. Biodiversity</b>	<b>3</b>
<i>Moraine Tree Canopy Composition</i>	<b>5</b>
<i>On-site Vegetation</i>	<b>6</b>
<i>Shadow Study Analysis</i>	<b>7</b>
<i>Landscaping Design Considerations</i>	<b>10</b>
<i>Bird-Friendly Design Considerations</i>	<b>10</b>
<i>Conclusion - Biodiversity</i>	<b>11</b>
<b>2. Aesthetics</b>	<b>12</b>
<b>3. Slope and Erosion</b>	<b>12</b>
<b>4. View Management</b>	<b>13</b>
<b>5. Access Management</b>	<b>13</b>
<b>6. Seepage Control</b>	<b>14</b>
<b>7. Education/Interpretation</b>	<b>14</b>
<b>Conclusion and Recommendations</b>	<b>15</b>
 <b>Attachment: EIS Scope / Terms of Reference</b>	

## Introduction

Myler Ecological Consulting (Myler) was retained by Rudanco Inc. (the proponent) to prepare an Environmental Impact Study (EIS) for the proposed residential redevelopment of Lot 175 Portage Road, Niagara Falls (the site), pictured on **Figure 1**, below. The site occupies an essentially flat tableland area above, and across Portage Road from, the Niagara moraine.



**Figure 1:** The site at Lot 175 Portage Road (red outline) showing its location between Portage Road to the east and railroad to the west. The Niagara Parks lands, including the treed Moraine, are across Portage Road to the east of the site. The Niagara River, just upstream of the Falls, is approximately 400 metres from the site.

The proposed redevelopment comprises two residential towers, with 35-storey Tower A to the south and 25-storey Tower B to the north (**Figure 2**, below shows a conceptual rendering of the redevelopment). Amenity area around the two towers is proposed to include a raised podium with “fluid” sloping contours and park-like vegetation.

Tower A will include a portion of green roof and both towers include terraces as amenity areas. Surface parking and additional amenity areas will be situated beneath the podium. The balance of parking will be underground. Site drainage will be directed to the existing storm sewer beneath Portage Road for conveyance southward and then eastward to the Niagara River.





**Figure 2:** The proposed residential redevelopment at Lot 175 Portage Road, showing the two towers and the raised podium in a rendering by the project architect Giannone Petricone Associates Incorporated.

### **Terms of Reference – NPC Consultation and Scoping**

Pre-consultation was held on 15 December 2021. The Pre-consultation notes do not identify natural heritage features on or directly abutting the site. The EIS was triggered by Niagara Parks Commission (NPC) comments that requested assessment of the proposed development’s potential effects on the off-site treed moraine on NPC lands across Portage Road from the site, and on birds associated with the Niagara River and lands abutting the river.

To guide the EIS, NPC provided as part of the Pre-consultation notes some key excerpts of the Moraine Management Plan that outline the assessment approach relative to seven moraine “management factors”, comprising three primary and four secondary factors, that have been determined by NPC to apply to the moraine. Myler’s proposed EIS Terms of Reference (ToR) focused on each of the management factors and, based on Myler’s preliminary reconnaissance of the site and adjacent moraine on 29 January 2022, and in consultation with NPC’s Ellen Savoia and Corey Burant, including e-mail correspondence (attached) and a virtual meeting with NPC on 07 February 2022, the ToR was refined to select the relevant factors and to identify the EIS’s approach to each.

Of the seven factors, it was determined that five are applicable to this EIS. The “Aesthetics” factor was deemed not applicable to the EIS but remains a subject to be addressed in the Heritage Impact Assessment. The “Seepage

Control” factor was deemed not applicable due to the observed lack of a seepage pathway between the site and the moraine.

In summary, the moraine management factors to be addressed in this EIS therefore include:

1. Biodiversity
2. Aesthetics – Not Applicable to the EIS. To be addressed in the Heritage Impact Assessment.
3. Slope and Erosion
4. View Management
5. Access Management
6. Seepage Control – Not Applicable, as no seepage pathway exists between the site and the moraine.
7. Education and Interpretation

Each of these factors is addressed below, per the approved ToR that is documented in the attached e-mail correspondence.

### **1. Biodiversity**

The Moraine Management Plan defines the Biodiversity management factor as “a measure of the number of species in a community as well as the relative abundance and viability of those species”. The management goal for the Biodiversity factor is described as “to replace non-native species with natives, and to enhance the diversity of species, in the plant communities which will diversify wildlife habitat”.

Myler conducted a preliminary reconnaissance of the site and the adjacent moraine segment on 29 January 2022 and followed up with a detailed inventory of woody vegetation species (i.e., trees, shrubs and vines) 17 March 2022.

Photos 1, 2 and 3, below, provide representative views of the moraine at Portage Road near the site, the moraine slope tree community, and the Fraser Hill road where it crosses the moraine, respectively.





**Photo 1:** Facing south on Portage Road, with the moraine, NPC parking lot, and the top end of the Fraser Hill road on the left, and the flat tableland of the site in the right background and neighbouring lands in the right foreground.



**Photo 2:** Facing north at the crest of the moraine slope, showing the mostly mature tree community and the steepness of the slope. Note the NPC parking lot at the bottom of the slope and the Niagara Falls hotels in the background.





**Photo 3:** Facing downslope on the Fraser Hill road, currently closed to traffic and pedestrians. Note the steepness of the moraine slope, the stone retaining wall to the left, and the safety guardrail to the right.

### ***Moraine Tree Canopy Composition***

During the two site visits, Myler compiled a list of the “woody” vegetation, the trees, shrubs and vines in other words, on the segment of moraine slope near the site. Myler determined that the tree canopy on this segment of the moraine is dominated by mature native deciduous tree species, principally Red Oak and Sugar Maple as co-dominant species with smaller proportions of 8 other native tree species and just a few scattered specimens of 7 exotic tree species. Tree species observed included (\* denotes exotic = non-native species):

- American Beech
- Basswood
- Bitternut Hickory
- Black Cherry
- Black Walnut
- Eastern Cottonwood
- Hop Hornbeam
- Red Oak
- Sugar Maple
- White Ash
- Domestic Cherry\*
- Manitoba Maple\*
- Norway Maple\*
- Siberian Elm\*
- Tree of Heaven\*
- White Poplar\*
- White Willow\*

Seven species of shrubs and vines were observed among the trees on the moraine slope, of which 6 are native species. Many of the shrubs were associated with the woodland edges. Common Buckthorn was the sole exotic



shrub observed on this segment of the moraine and, thankfully, it was represented by only a few specimens. Shrub and vine species observed included (\* denotes exotic = non-native species):

- Alternate-leaved Dogwood
- Black Raspberry
- Gray Dogwood
- Cockspur Hawthorn
- Riverbank Grape
- Staghorn Sumac
- Common Buckthorn\*

For the most part, the moraine slope appeared stable, with substantial erosion noted only along an existing storm sewer that crosses down the slope. Scattered leaning trees situated among other trees with no lean are perhaps indicative of limited and localized erosion, but the general occurrence of many large, healthy-looking, and erect trees was indicative of the general stability of the moraine slope woodland's substrates.

Incidental observations of wildlife during the March site visit included native resident species seasonally characteristic of late winter / early spring, and included:

- Blue Jay
- Chickadee
- Common Crow
- Downy Woodpecker
- Red-breasted Nuthatch
- Eastern Chipmunk
- Eastern Gray Squirrel

These species occur on this segment of the moraine slope because of the food and shelter that is provided by the native trees that dominate the community.

### ***On-site Vegetation***

By contrast, Myler's observations of the site found it to be mostly periodically manicured weedy lawn and cultural meadow. A few trees, shrubs and vines occur on or next to the site's boundary chain-link fence. In the northward narrow projection of the site, a hedgerow community of shrub thicket, vines and scattered trees was observed. A couple young Shagbark Hickory trees were observed in the road allowance immediately north of the site's current entrance.

Much of the site's existing vegetation will be cleared as part of the redevelopment. Stewardship opportunities to complement conservation of the nearby moraine woodland may arise in areas where existing trees and shrubs may be retained. In such instances, healthy and sound native trees and shrubs would be preferred for retention and specimens of exotic, invasive trees and shrubs should be removed.

Myler observed 8 tree species on the site, of which 6 are native and 2 are non-native (denoted with “\*”) as follows:

- Basswood
- Bitternut Hickory
- Black Walnut
- Eastern Cottonwood
- Shagbark Hickory
- Tree of Heaven\*
- White Ash
- White Mulberry\*

Myler observed 12 shrub and vine species on the site, mostly within the narrow northward projection’s hedgerow, of which 8 are native and 4 are non-native (denoted with “\*”) as follows:

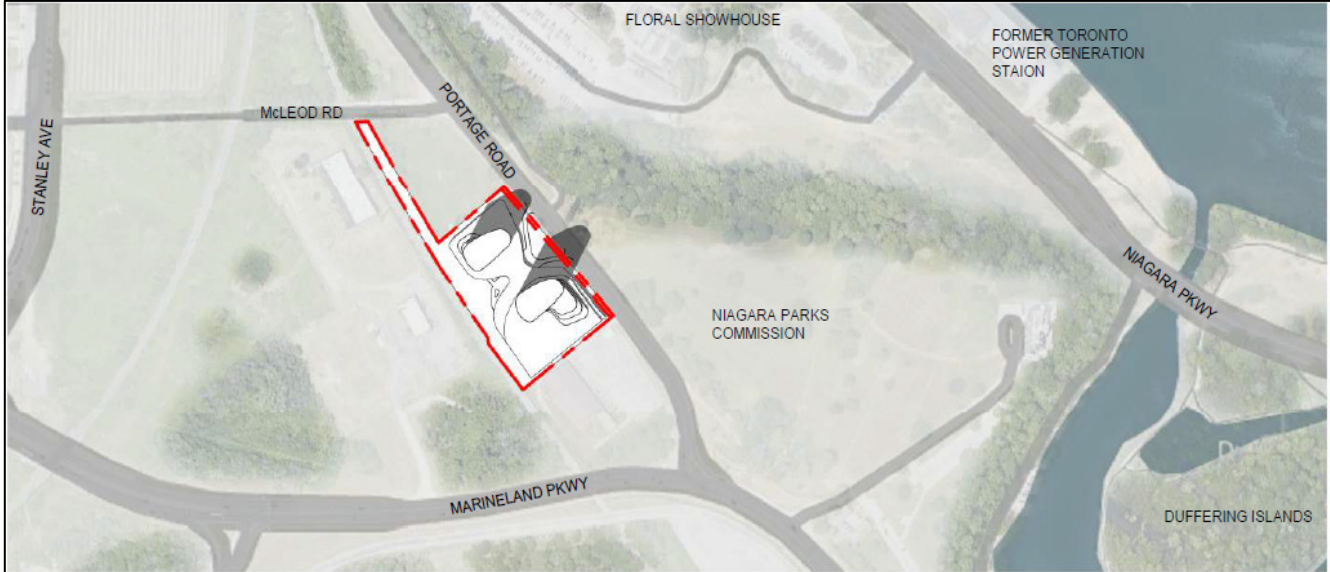
- Black Raspberry
- Cockspur Hawthorn
- Common Buckthorn\*
- Dog Rose\*
- Gray Dogwood
- Multiflora Rose\*
- Red Raspberry
- Riverbank Grape
- Silky Dogwood
- Staghorn Sumac
- Tatarian Honeysuckle\*
- Virginia Creeper

Myler’s investigation of the site also supported a screening for species at risk (SAR) and potential SAR habitat, none of which were observed.

### ***Shadow Study Analysis***

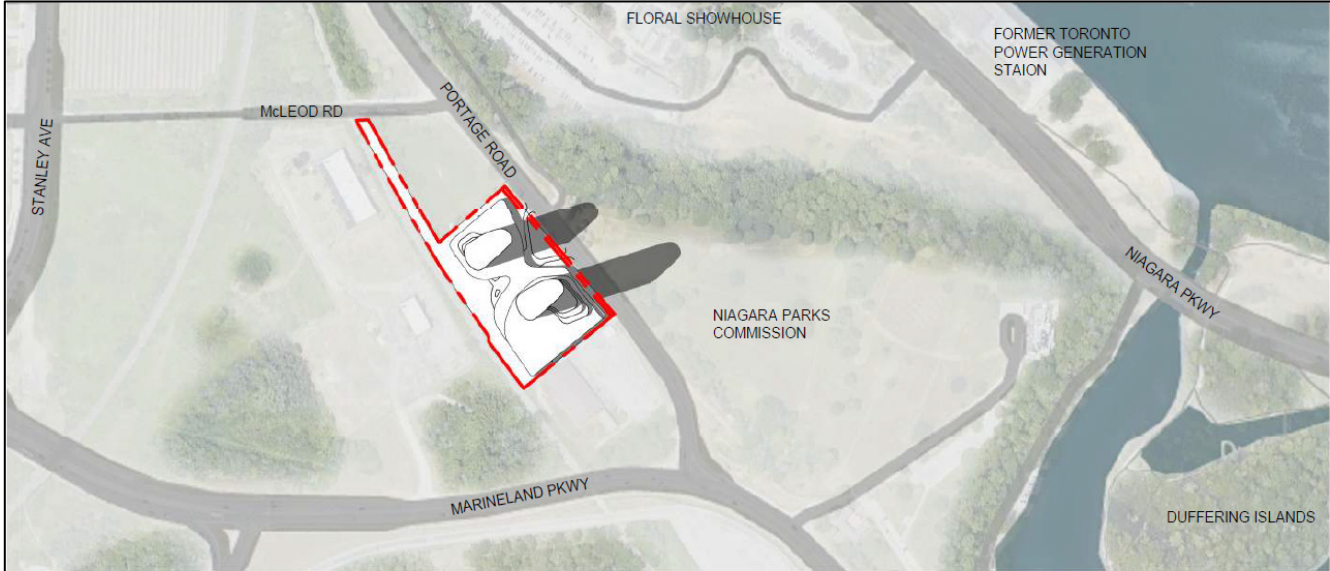
A Shadow Study was conducted for the proposed redevelopment by Giannone Petricone Associates Incorporated Architects. Key figures of their Shadow Study are excerpted below in Figures 3 and 4 to show the summer solstice and autumnal equinox shadows cast towards the adjacent moraine during the growing season.





2:00 p.m

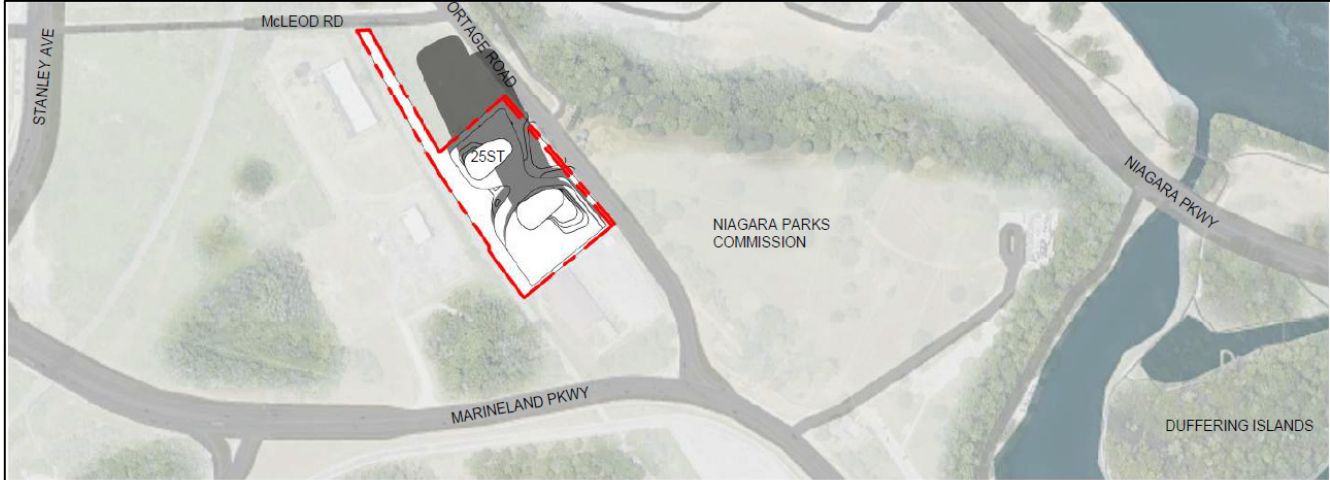
JUNE 21



4:00 p.m

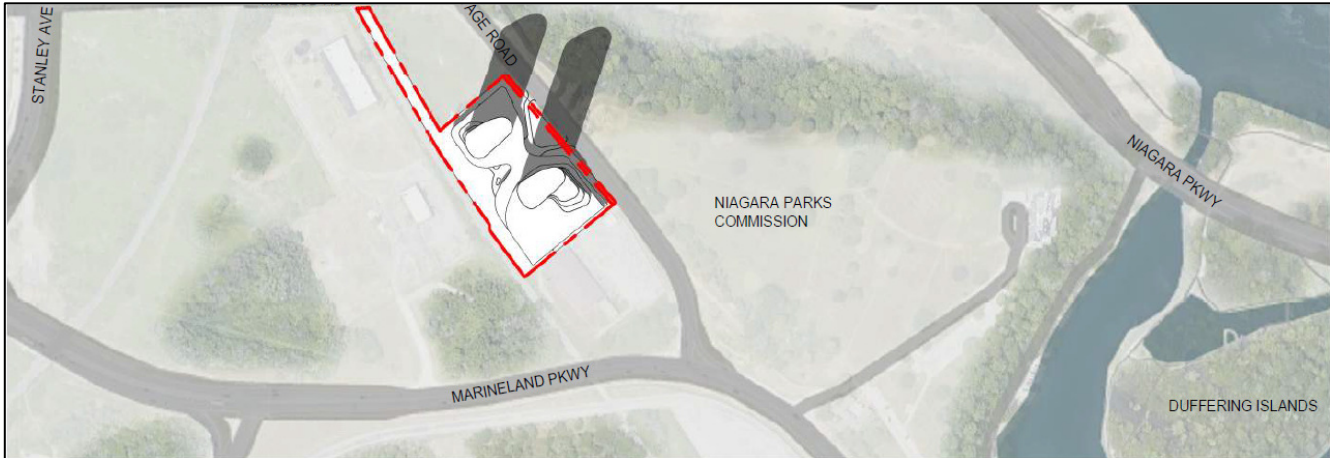
JUNE 21

**Figure 3:** Shadow study results, 2PM and 4PM, June 21, summer solstice, the longest day and shortest shadows of the year. Note that the shadows of the two towers are directed towards, but do not reach, the treed moraine slope during an approximate 2-hour period in the afternoon.



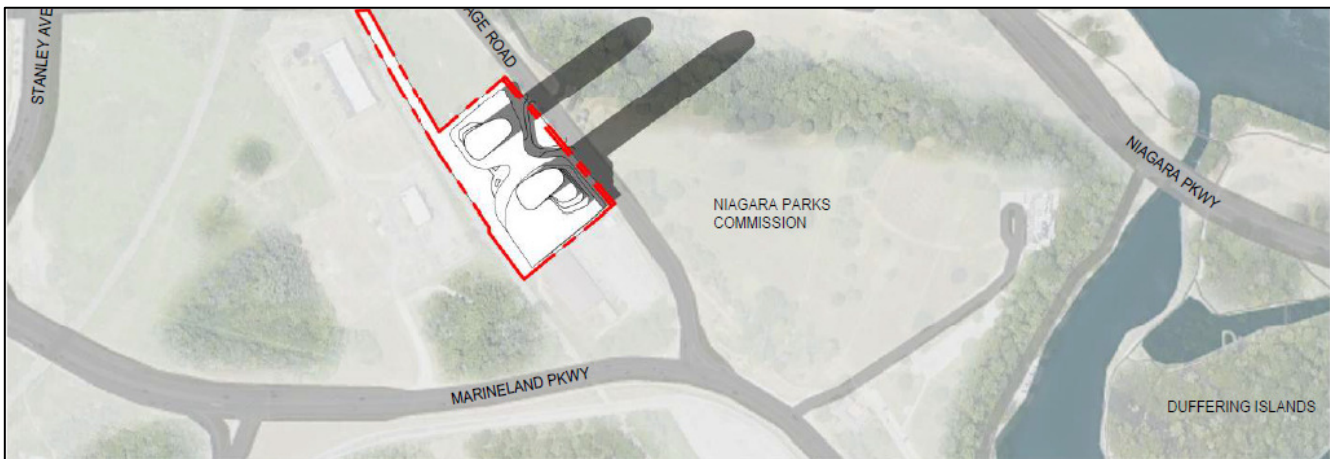
12:00 p.m.

SEPTEMBER 21



2:00 p.m.

SEPTEMBER 21



4:00 p.m.

SEPTEMBER 21

Figure 4: Shadow study results, 12PM, 2PM and 4PM, September 21, autumnal equinox (and equivalent to the March 21 spring equinox), represents the seasonal average shadows. Note the narrowness of the shadows.



Note that Figure 4 shows that when the tower shadows cross Portage Road in the early afternoon that the massing or shape of the towers causes the shadows to be narrow. As such, no part of the treed moraine slope is shaded for very long as the shadows sweep in a clockwise direction through the afternoon and the moraine's tree canopy is still exposed to full sun conditions, defined as 6-8 hours of direct sunlight per day.

The Shadow Study demonstrates that the redevelopment's design will maintain full sun exposure for the adjacent moraine's tree canopy, which will contribute to its continued health and biodiversity.

### ***Landscaping Design Considerations***

As noted above, there may be opportunities subject to the site plan extent, and grading, site preparation and servicing requirements, to retain some desirable existing native trees and shrubs at the site, and opportunities to selectively identify and remove undesirable exotic invasive trees and shrubs where they occur on the site.

Otherwise, the redeveloped site will include landscaped amenity areas, including the vegetated raised podium and peripheral areas. Landscape design is recommended to consider and to emphasize the use of native tree, shrub and plant species that may complement and enhance the biodiversity and ecological function, not to mention the seasonal visual and olfactory aesthetics, of the nearby moraine. Perhaps more importantly, the preferred use of native species where appropriate and feasible within the site will not threaten to invade and degrade the moraine's vegetation community.

It is not suggested that the site be planted to create an extension of woodland that could attract the moraine's wildlife across Portage Road and cause unnecessary roadkill. But where individual amenity trees and shrubs are specified, native species should be seriously considered, and herbaceous amenity plantings could include native, or at least non-invasive, species that would support pollinators and other insects.

It is recommended that the Landscape Plan should carefully screen and exclude potentially invasive species and the landscape contractor must ensure that the specified species and cultivars are delivered and installed. Any suggested substitutions should be reviewed and approved to ensure the exclusion of invasive species. These priorities must be carried forward for the long term, through education of owners, managers and contractors who will maintain the site, to ensure that future landscape decisions are made in consideration of the nearby moraine and in a manner that doesn't threaten, but rather complements, NPC's stewardship of moraine biodiversity.

### ***Bird-Friendly Design Considerations***

At Pre-Consultation, NPC raised the issue of bird migration and the appropriateness of bird-friendly design of the redevelopment in consideration of the Niagara River Important Bird Area (IBA).

During Myler's subsequent ToR consultation with NPC, Corey Burant, NPC wildlife biologist and Project Manager, Forest Health, noted that the site of the proposed development is not in conflict with bird movements longitudinally along the moraine, thereby reducing the risk of negative impacts on birds.

The Niagara River IBA was designated primarily on the basis of a number of gull species and waterfowl that congregate seasonally on the Niagara River. It's worth noting that the site's location approximately 400 metres from the Niagara River and topographically separated from the river by the moraine slope places it outside of the areas utilized by those gulls and waterfowl.

Despite a reduced risk of bird strike impacts in consideration of these facts, the proximity of the moraine's treed slope should trigger consideration of bird-friendly measures in the ultimate design of the redevelopment. The Canadian Standards Association published Bird-Friendly Building Design Standard A460 (or CSA A460) in 2019. CSA A460 provides standards for bird-friendly building design that encompass elements of glazing, lighting, and avoidance of "design traps" that can kill or harm birds.

CSA A460 specifies that glazing treatments should be applied to mitigate bird strike:

- To structures in the first 16m elevation from grade or the mature tree canopy height of adjacent trees.
- To glazing adjacent to green roofs or other rooftop vegetation to a height of 4m from the roof surface or the height of mature vegetation.
- To a minimum of 90% of the glazing materials in those identified treatment elevations.
- To all glazing that creates the appearance of "fly-through" or "black hole" conditions, such as glass corners, parallel glazing, interior vegetation, and glass balcony railings.
- To all glazing adjacent to natural heritage features.

CSA A460 describes the various options for glazing treatments, which can be summarized as visual markers at least 4mm diameter or, if rectangular, at least 2mm x 8mm, and spaced no farther apart than 50mm on the exterior surface of the glass. The markers can be acid etching, ceramic fritting, or various film and non-film adhesive treatments.

CSA A460 specifies that exterior lighting be dark sky compliant. The interior lighting standard applies only to non-residential buildings to prevent the unnecessary and harmful 24-hour interior lighting of office buildings. It does not apply to the residential buildings for which the activities (and sleep) of the residents and the effects of their window treatments would mitigate against the nighttime lighting of entire floors or an entire building.

CSA A460 identifies "design traps" that are potentially harmful to birds as including ground-level grates/grilles (e.g., for ventilation) with porosity greater than 20mm x 20mm or 40mm x 10mm into which birds can fall and become permanently trapped, and structures such as windowed courtyards and open-topped atria into which birds may fly but then be unable through disorientation to exit.

Accordingly, it is recommended that the CSA A460 be used to guide the ultimate design of the towers and associated structures at the site.

### ***Conclusion - Biodiversity***

In conclusion, the proposed design will not negatively impact the moraine's tree community and biodiversity because:



- The location and massing of the towers will maintain full sun conditions on the moraine, fully mitigating potential off-site shading impacts.
- Landscaping of the site can, through design and selection of appropriate plant species and cultivars, avoid potential off-site impacts of exotic invasive plant species and can complement moraine biodiversity and ecological function through selection of appropriate native tree, shrub and plant species.
- Bird-friendly design measures can be incorporated to further reduce the risk of bird strike and other impacts on birds.

## **2. Aesthetics**

The Aesthetics management factor was determined in consultation with NPC to not be applicable to the EIS scope. NPC specified instead that Aesthetics should be addressed as part of the scope of the required Heritage Impact Assessment.

## **3. Slope and Erosion**

The Slope and Erosion management factor was included in the EIS ToR primarily because it was initially considered that at least some of the site's drainage could be conveyed down the moraine slope in an existing storm sewer on NPC lands. As detailed in the Functional Servicing and Stormwater Management Report prepared by MTE Consultants, site drainage under pre-development conditions flows to the southwest along the existing railway spurline towards Marineland Drive. Under post-development conditions, site drainage up to the 100-year storm event will be controlled on-site and released at a controlled flow rate into an existing storm sewer within Portage Road. As such, there is no surface runoff drainage pathway between the site and the moraine, across Portage Road, that could affect slope stability or cause slope erosion.

The Slope and Erosion management factor as defined by the Moraine Management Plan also includes consideration of potential impacts due to groundwater seeps, creation of spontaneous or informal trails, and "structures being erected in proximity to the slope". However, as noted in the ToR and in relation to the Seepage Control management factor, below, there is no seepage pathway between the site and the moraine slope. The creation of spontaneous or informal trails on the adjacent segment of moraine slope is considered unlikely in consideration of the steepness of the slope, as discussed further in relation to the Access Management factor, below. The site's location across Portage Road from the moraine slope assures a setback between new on-site structures and the moraine slope greater than the 15 metres cited in the Moraine Management Plan. Accordingly, a Slope Stability Report was not requested at Pre-Consultation.

As a result, the proposed residential redevelopment of the site does not pose a risk of moraine slope erosion or a risk to moraine slope stability.

#### **4. View Management**

The View Management factor is defined in the Moraine Management Plan as addressing “the desire to change the appearance of the moraine in order to improve the views to Horseshoe Falls from lands and structures (receptors) west of the moraine”.

It is understood that NPC has received requests from some neighbours to prune, thin or remove trees on the moraine to improve views of the Niagara Falls, and that such measures could be harmful to conservation of the moraine tree community consistent with the NPC’s objectives to control invasive species and to maintain a diverse canopy of native deciduous tree species. Native deciduous tree species are generally quite tall at maturity, particularly in forest/woodland settings like the moraine slope, so there is no feasible way to manage tree height that would not affect the diversity of the tree community. Thinning and removing trees impacts canopy closure and changes light conditions at ground level, which can foster the proliferation of exotic invasive trees and shrubs. Where possible, it is best for conservation and stewardship of the moraine to maintain a fully closed canopy of native tree species.

However, the design of the proposed redevelopment does not depend on alterations of the moraine tree canopy to achieve the desired views. The towers, terraces, and higher portions of the raised outdoor podium will afford residents a range of unobstructed views *over* the existing trees. The moraine trees will remain a desirable and appreciated part of the view during all seasons, and particularly during autumn when the native tree species display their fall colours. Pruning, thinning and removal of trees on the adjacent moraine slope is not proposed. Rather, the existing moraine trees across Portage Road are embraced as an amenity.

As such, the proposed residential redevelopment does not pose a risk to the moraine tree community and biodiversity through current or future requests for view management. View management is built into the design, with no need to alter the moraine’s trees.

#### **5. Access Management**

The Moraine Management Plan defines the Access Management factor as addressing “the control of pedestrian access over the moraine”.

Myler’s observations at the adjacent segment of moraine found evidence of former pedestrian access in the remains of a stairway across the moraine and remnant segments of a longitudinal trail along the moraine. However, neither the stairway nor the trail segments are readily accessible or useable, owing to the steepness of the slope and the state of disrepair of the stairs and the former trail.

Myler also observed that the Fraser Hill road that crosses the moraine across from the site is currently closed to vehicular and pedestrian traffic, with NPC signage at the top and bottom indicating “No Public Access”.

Based on the NPC’s Queen Victoria Park Master Plan, it is possible that the Fraser Hill road may be repaired and upgraded in future to provide intermittent vehicular egress from the NPC’s large parking lots below the moraine during busy times (e.g., large public events). Between such events, the Fraser Hill road could provide low-impact pedestrian trail access across the moraine. Provision and management of waste receptacles above and below



the moraine could mitigate the impact of litter and dog waste on the moraine. While the steepness of the moraine slope is likely sufficient to prevent the creation of informal trails, inclusion of fencing or other barriers on NPC lands could be considered and implemented by NPC as part of the future upgrade or could be retrofitted by NPC where needed should monitoring identify unexpected intrusion onto the adjacent slope.

As a result, it is considered that the moraine slope segment adjacent to the site is naturally resistant to pedestrian intrusion simply due to its steep grades, and that the Fraser Hill road represents a low-impact pedestrian route across the moraine that could be realized when it is upgraded in the future.

## **6. Seepage Control**

The Seepage Control management factor was determined in consultation with NPC to not be applicable to the EIS scope, as it was agreed that there is no seepage pathway between the site and the moraine.

## **7. Education/Interpretation**

The Education/Interpretation management factor is identified in the Moraine Management Plan as comprising “the two types of communications that the NPCA can develop” with the management goal “to produce and disseminate education/interpretive material about the moraine’s natural and cultural heritage and management”.

The future residents of the site will be NPC’s neighbours, people who chose to live there for the views and amenities that include NPC lands and facilities. The redevelopment is an opportunity for NPC to reach out and to educate hundreds of close neighbours who have a stake in NPC’s success, to teach them about opportunities to both enjoy and contribute to the stewardship of NPC lands, including the moraine. These neighbours could also be the focus of NPC communication regarding plans for the Fraser Hill road, which is currently posted as “No Public Access” but that, according to the Queen Victoria Park Master Plan, may be upgraded in future to provide intermittent vehicular egress from NPC parking lots, but could otherwise provide a valuable and low-impact pedestrian linkage across the moraine.

There is also opportunity for education of the developer and for future owners, managers and contractors who will operate and maintain the site. Education of the developer, and the developer’s consultants, about the NPC’s management of the moraine began at Pre-Consultation and continues now through the study, design and approvals process. The information that NPC has shared, and the consultation to date has triggered consideration of how the redevelopment may variously avoid impacts to or interact with the moraine and has informed design of the redevelopment. Long after the towers are constructed and occupied, future owners, managers and the contractors who help them to maintain the buildings and landscaping at the site will still need to be aware of their neighbour’s role in stewardship of the moraine. Contributions to stewardship could include facilitating NPC communication with residents, ensuring that landscape maintenance does not inadvertently introduce new species and cultivars that are potentially invasive and harmful to the moraine, and maintenance of bird-friendly features of the towers and grounds.

As such, it is concluded that the redevelopment represents an opportunity to achieve NPC's objectives for public education/interpretation about the moraine with these future neighbours in a manner that will benefit moraine stewardship.

### **Conclusion and Recommendations**

Each of the applicable moraine management factors has been satisfactorily addressed such that the residential redevelopment of the site will have no substantial negative effects on the moraine and represents an opportunity to contribute to public education and involvement in moraine stewardship.

Accordingly, the proposed redevelopment conforms to applicable NPC policies for the protection of the Niagara Moraine and is therefore recommended for approval.



**From:** Ellen Savoia <esavoia@niagaraparks.com>  
**Sent:** February 15, 2022 9:36 AM  
**To:** bmyler@cogeco.ca  
**Cc:** Corey Burant; 'peter horn'; 'Evan Sugden'  
**Subject:** RE: EIS Scope / Terms of Reference - Rudanco Inc. Development, Part Lot 175 Portage Road, Niagara Falls

Hello Barry

The revised scope is acceptable with the suggested edits highlighted in yellow below. Please let me know if you wish to discuss.

Thank you  
Ellen Savoia

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**From:** bmyler@cogeco.ca <bmyler@cogeco.ca>  
**Sent:** Friday, February 11, 2022 2:57 PM  
**To:** Ellen Savoia <esavoia@niagaraparks.com>  
**Cc:** Corey Burant <cburant@niagaraparks.com>; 'peter horn' <tphorn75@gmail.com>; 'Evan Sugden' <esugden@bousfields.ca>  
**Subject:** EIS Scope / Terms of Reference - Rudanco Inc. Development, Part Lot 175 Portage Road, Niagara Falls

Good afternoon Ellen,

I have revised the proposed EIS scope / terms of reference (ToR) to reflect the results of our discussion on Monday 07 February 2022. The ToR, comprising the approach of the EIS to each of the Moraine Management Plan evaluation factors, is summarized for your review and approval, below:

1. Biodiversity / Ecological Diversity
  - a. Investigate the tree species composition of the tree canopy on the adjacent segment of the treed moraine in a single-season survey to be conducted in February 2022. Preliminary reconnaissance in January identified 11 tree species, dominated in coverage and numbers of specimens by 7 native hardwood species and with only peripheral occurrence of small numbers non-native and potentially invasive tree species.
  - b. Assess potential off-site effects on the tree canopy using the results of a Shadow Study to be prepared by the project's Architect.
  - c. Discuss and recommend avoidance of the use of potentially invasive species and cultivars and the preferential use of desirable and complementary native species to guide design of the project's Landscape Plan.
  - d. Identify the inclusion of bird-friendly measures in the project's architectural design in consultation with the project's Architect to confirm mitigation of impacts on local and migratory birds.
2. Aesthetics – Not Applicable. Niagara Parks Commission confirmed that Aesthetics is concerned primarily with Cultural Heritage resources and will be addressed in the Heritage Impact Assessment. The Heritage Impact Assessment should reference the EIS as appropriate.
3. Slope and Erosion
  - a. Discuss proposed site drainage and stormwater management with reference to the project's location across Portage Road and to the existing Portage Road ditch drainage and the receiving underground piped storm sewer that is installed down the slope.
4. View Management
  - a. Describe how the project's design provides desirable views for residents that embraces and includes the aesthetic appeal of the moraine's treed slope and that completely avoids the need to consider or

request the pruning, thinning or removal of the moraine's trees now or in the future. Describe how any requests to prune, thin or remove trees would impact the moraine.

5. Access Management
  - a. Preliminary reconnaissance observed the Niagara Parks Commission's small paid parking lot at the top of the moraine across from the project site and the closure to public access of the moraine segment of the Fraser Hill road. An inaccessible, isolated segment of stairway was observed on the slope. Apart from the roadway, the steepness of the slope is a deterrent to pedestrian access.
  - b. Niagara Parks Commission confirmed long term plans to consider re-opening the Fraser Hill road as a one-way egress from parking lots on Commission lands below the moraine. Niagara Parks Commission can provide information on those plans. (see the QVP Master Plan for information on long term plans <https://www.dropbox.com/sh/pwfmjrh3bxxwofe/AADzA9xQMwFY-bJ9u3xsX6pra?dl=0>)
  - c. Discuss the potential environmental impact of incidental access by residents of the proposed development and recommend appropriate mitigation measures if required.
6. Seepage Control – Not Applicable. Physical pathway of effect is absent for seepage as drainage is collected and conveyed down and across the moraine in an underground storm sewer.
7. Education/Interpretation
  - a. Identify how this goal is first met, is currently being met, through the engagement of the proponent and the project team in consultation with the Niagara Parks Commission for evaluation and design of the project per the Moraine Management Plan and policy.
  - b. Identify how education and interpretation may be extended to future owners, managers, maintenance staff/contractors and residents to ensure awareness and appreciation of the adjacent treed moraine and its conservation.

Please confirm that this EIS ToR is satisfactory to the Niagara Parks Commission.

Regards,

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