**Final Report** 

# Scoped Environmental Impact Assessment

530, 550, 588 Kerr Street and 131, 171 Speers Road, Town of Oakville, Ontario



Prepared for Urban Strategies Inc. by IBI Group January 24, 2022 Scoped Environmental Impact Assessment Prepared for Urban Strategies Inc.

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## 1 Introduction

Urban Strategies Inc. (Urban Strategies) has retained IBI Group Canada (IBI) to complete a Scoped Environmental Impact Assessment (EIA) on behalf of April Investments Limited (owner of 588 Kerr Street), 527079 Ontario Limited (owner of 530 Kerr Street), Trans County Development Corporation Limited (owner of 131 Speers Road), and Oakville Developments (2010) Inc. (owner of 550 Kerr Street) (together known as the "landowners").

This Scoped EIA is intended to support a phased Official Plan Amendment (OPA) process to permit the redevelopment of lands municipally addressed 530, 550, 580 Kerr Street, 131 and 171 Speers Road (together known as the "subject site"), in the Town of Oakville (the "Town"), within Halton Region (the "Region"). The intent of this study is to provide an impact assessment and mitigation recommendations that can be used to guide the responsible comprehensive development of the area based on desktop screening results and the understood project activities.

Within Halton Region, an EIA is required when development or site alteration is proposed within or adjacent to the Natural Heritage System (NHS) or an unmapped feature (conformed or potential) as defined in the Official Plan. This EIA was a requirement from the Town for the OPA application, presumably due to the location of the site relative to the Sixteen Mile Creek and its associated natural heritage features. In addition, there are occurrence records of Species at Risk (SAR) around the Proposal area that may be impacted.

## 1.1 Objectives

As this project is proceeding through an Official Plan Amendment (OPA) that is expected to conclude prior to the start of the growing season (when natural heritage surveys are typically undertaken), this scoped EIA is based on a desktop screening and single site visit (January 26<sup>th</sup>, 2022). The objective of this report is to:

- 1. Identify potential Natural Heritage development constraints within the development area.
- 2. Identify the potential ecological impacts on the natural heritage features within the Study Area.
- 3. Outline a set of general impact avoidance and mitigation measures to address the anticipated ecological impacts during the planning, design, construction, and occupation stages of the development.
- 4. Establish the need for further biophysical surveys and identify where limitations exist for an accurate evaluation of natural heritage impacts.

## 1.2 Study Area

The Study Area for this Scoped EIA includes the area within 120 metres of the proposed development area to account for policy requirements and setbacks outlined in the *Provincial Policy Statement* (PPS) (Ministry of Municipal Affairs and Housing, 2014) and the accompanying *Natural Heritage Reference Manual* (NHRM) (MNR, 2010) (**Figure 1**). In addition, specific species and features will be considered up to two kilometers (km)

from the proposed development as it may relate to specific environmental policy or legislation.

## 1.3 Property Information

Address:	530, 550, 580 Kerr Street and 131, 171 Speers Road
Ward:	Ward 2
Zoning:	MU4 – Urban Core
	MU3 – Urban Centre
Existing Land Uses:	Retail, Commercial and Light Industrial

## 1.4 Policy Framework

This study references the regulatory agencies and legislative authorities mandated to protect different elements of the NHS, features, and functions within the Town of Oakville.

Table 1 provides a list of the applicable policies and legislation for the protection of natural heritage features and SAR either municipally, regionally, provincially, and/or federally. The scope of this report evaluates the natural heritage features and SAR governed by the policies outlined in the table below.

Policy/Regulations	<b>Reference Materials and Supporting Documents</b>						
	Federal Government of Canada						
Migratory Birds	Environment and Climate Change Canada (ECCC) – online resources						
Convention Act							
(MBCA, 1994) (S.C.							
1994, c. 22)							
Species at Risk Act	Federal Species at Risk Public Registry						
(SARA, 2002)							
(S.C. 2002, c. 29)							
Fisheries Act (1985)	Fisheries and Oceans Canada – online resources						
(R.S.C., 1985, c. F-14)							
	Province of Ontario						
Provincial Policy	MNRF Natural Heritage Information Centre (NHIC) – Online						
Statement (PPS, 2014),	[Accessed: January 25, 2022]						
under <i>Planning Act</i> ,	• Species at Risk occurrence records						
R.S.O. (1990) c. P.13							
	• Species of Conservation Concern						
AND	• Natural Heritage Features						
	NHRM (MNR, 2010)						

#### TABLE 1 POLICIES, LEGISLATION AND BACKGROUND SOURCES

Policy/Regulations	Reference Materials and Supporting Documents
<b>Ontario</b> <i>Endangered</i> <i>Species Act</i> (ESA, 2007) (S.O. 2007, c. 6)	Significant Wildlife Habitat Technical Guide (MNR, 2000); Significant Wildlife Habitat Eco-region 7E Criterion Schedules (MNRF, 2015b)
	Ministry of the Environment, Conservation and Parks (MECP):
	• Species at Risk in Ontario (SARO) List (O.Reg. 230/08)
	Ecological Land Classification for Southern Ontario, First Approximation and its Application (Lee, et al., 1998)
	Ontario Breeding Bird Atlas (OBBA) – Online [Accessed: January 25, 2022]
	Ontario Reptile and Amphibian Atlas (ORAA) – Online [Accessed: January 25, 2022]
	Ontario Butterfly Atlas (OBA) – Online [Accessed: January 25, 2022]
	Atlas of the Mammals of Ontario (AMO) (Dobbyn, 1994) [Accessed: January 25, 2022]
	Town of Oakville
Town of Oakville	Official Plan Schedules: A1 (Urban Structure), B (Natural Features &
Official Plan (2009)	Hazard Lands), and O1 (Kerr Village Land Use) - Online (Accessed:
[Updated August 2021]	January 26, 2020)
	Development Application Guidelines: Environmental Impact
	Statement/Study
	Halton Region
Halton Region Official	Official Plan Schedules; Map 1 (Regional Structure), Map 1G (Key
Plan (2018)	Features within the Greenbelt and Regional Natura Heritage System)
Halton Region Official Plan Guidelines	Environmental Impact Assessment Guideline (2020)
	Conservation Halton (CH)
<b>Conservation Halton:</b>	Regulations & Hazard Mapping - Online (Accessed: January 21,
Policies and Guidelines	2022)
for the Administration	
of Ontario Regulation	
162/06 and Land Use	
Planning Policy	
Document, April 27,	
2006 (last amended,	
November 26, 2020)	

## 1.5 Ontario Endangered Species Act, 2007

The Ontario ESA (Government of Ontario, 2007) prohibits the killing or harming of species identified as Threatened and Endangered under the Act. Section 10 of the ESA prohibits the damage or destruction of a species' habitat that have been classified as Endangered or Threatened on the Species at Risk in Ontario (SARO) List in Ontario Regulation (O. Reg.) 230/08.

Under the ESA "habitat" is defined as:

"with respect to any other species of animal, plant or other organism, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding."

General habitat protection is afforded to all species once they become listed as Threatened or Endangered and remains in place until regulated habitat is designated.

Regulated habitat is defined as:

"with respect to a species of animal, plant or any other organism for which a regulation made under Clause 55 (1) (a) is in force, the area prescribed by that regulation as the habitat of the species."

Regulated habitat provides more precise details on the species-specific habitats such as specific features, geographic boundaries, or unique requirements of a species.

To balance social and economic considerations with protection and recovery goals, the ESA also enables the Ministry of Environment, Conservation and Parks (MECP) to issue permits or enter into agreements with proponents to authorize activities that would otherwise be prohibited by subsections 9(1) or 10(1) of the Act provided the legal requirements of the Act are met.

If Ontario designated Endangered/Threatened species or their habitat are believed to be directly harmed on non-federally owned land, an ESA authorization and/or permit may be required.

## 2 Study Approach

The following sections describe the approach used in preparation of this Scoped EIA.

## 2.1 Background Screening

A background Screening of available online databases was undertaken to identify the natural heritage features or SAR with an occurrence record within the Study Area. Depending on the specific database or source consulted, the extent of the background review was between 1 to 10 km from the Project Area.

The following background sources were reviewed with respect to significant natural heritage features and potential for SAR habitat:

- Natural Heritage Information Centre (NHIC) online database
- Fish ON-Line (Ministry of Natural Resources and Forestry)
- Ontario Breeding Bird Atlas (OBBA) (Bird Studies Canada)
- Ontario Reptile and Amphibian Atlas (ORAA) (Ontario Nature)
- Atlas of the Mammals of Ontario (AMO) (Dobbyn, 1994)
- MECP SAR in Ontario List
- Ontario Butterfly Atlas (OBA) (Toronto Entomologists' Association)
- MECP SAR in Ontario List (MECP)

These documents and/or online publicly available databases were searched for the presence of the following:

- Aquatic Environment
- Natural Heritage Features, including
  - Provincially Significant Wetland (PSW)
  - Significant Woodlands
  - Significant Valleylands
  - Area's of Natural or Scientific Interest (ANSI)
  - Significant Wildlife Habitat (SWH)
  - Fish Habitat

## 2.2 Description of the Proposal

This section of the report provides a brief description of the proposal and the understood project activities (during construction & post-construction). The details provided in this section reflect the information available at this stage of the planning process. This information is used to assess the anticipated impacts on the natural heritage features understood to occur within the Study Area.

## 2.3 Preliminary Impacts Assessment

This section of the report provides the assessment of likely environmental impacts associated with the proposal on the Natural Heritage features understood to occur within Study Area. Given the lack of biophysical inventory information due to project schedule, the anticipated natural heritage impacts were determined based a reasonable assumed presence of the natural heritage features and species identified during the background screening. The assumption of presence was largely based on habitat availability or other characteristics identified through air photo interpretation and a single site visit.

This section will also identify the need to complete additional biophysical surveys, agency consultation, or potential permitting based on a preliminary understanding of the proposed Project.

## 2.4 Draft Mitigation Measures

The recommended avoidance or mitigation measures are outlined following the impact assessment of each natural heritage feature. The measures presented are intended to be general in nature and prioritize the avoidance of impacts on the natural heritage system over mitigative solutions. The overarching goal of these measures is to aid the planning and design process with actionable recommendations that promote responsible development within a highly urbanized context.



Upper Kerr Village Project No. 137021 Urban Strategies Inc.

# 3 Background Screening

The following sections provide a desktop screening of natural heritage records and background information available within the Study Area. This information provides the background information upon which this Scoped EIA will be based.

## 3.1 Historic Land Use

A desktop review of recent and historic aerial images highlights the land use within and adjacent to the Study Area (Explore Oakville, 2022) (**Figure 2**). It was observed that the broader landscape has been heavily urbanized since well before the 1995 aerial photos available online, likely several decades before.

The Study Area itself has historically limited natural heritage features or vegetation cover. What vegetation that is present is limited to largely ornamental street trees and other incidental vegetation typical of an urbanized center. The properties that make up this the proposed development area have historically consisted of retail, commercial, automotive service centre (former Canadian Tire), and a movie cinema.



FIGURE 2 LAND USE CHANGE

## 3.2 Aquatic Environment

The majority of the Study Area, including the subject sites, are within the Sixteen Mile Creek Watershed. The creek is located approximately 25 metres north of the Study Area, at the bottom of the associated Valleyland. The surface water quality for this reach of Sixteen Mile Creek is considered 'good' according to the Watershed Report Card (Conservation Halton, 2018).

No permanent or temporary tributaries and/or watercourses occur within the project Study Area. The majority of the Study Area is covered by impervious surfaces (parking lots, roof tops, roadways, etc.), this likely contributes to the 'Very Poor' *Impervious Land Cover Classification* described by Conservation Halton in the Watershed Report Card (Conservation Halton, 2018).

## 3.3 Floodplain and Regulated Limit

Conservation Halton (CH) is the governing body that regulates flood potential, protects natural heritage features, and enhances the ecosystems within the Sixteen Mile Creek watershed. Development within regulated areas is governed the *Policies and Guidelines for the Administration of Ontario Regulation 162/06 and Land Use Planning Policy Document.* CH also maintains, monitors, and collects information related to water quality/quantity, fisheries resources, forestry, land use, and wetlands.

The CH Regulated Limit for Sixteen Mile Creek is located within the northeastern portion of the Study Area as shown as shown on the Conservation Halton Regulations Map in **Appendix B**. However, the subject properties located approximately 55 meters from the regulation limits.

## 3.4 Natural Heritage System

Based on a records review of online sources and background material, the following natural heritage features are present within the Study Area. These include (and shown on the maps in **Appendix B**):

- Natural habitats that may provide candidate Significant Wildlife Habitat (SWH) (e.g. woodlands, wetlands, thickets, meadow).
- Significant Valley Land (NHIC)
- Natural Heritage System (NHS) (Town of Oakville OP)
- Greenbelt Urban River Valley (Town of Oakville OP)
- Regional natural Heritage System (Halton Region OP)

These features are generally associated with the small portion of the Study Area along the Sixteen Mile Creek corridor

## 3.4.1 Wetlands

The NHIC database and aerial imagery shows the presence of wetland associated with the downstream reaches of Sixteen Mile Creek. However, these wetlands are well outside of the Study Area (See **Appendix B**).

No significant (or other) wetlands were identified within the Study Area.

## 3.4.2 Woodlands

The NHIC database and aerial imagery shows the presence of woodland along the Sixteen Mile Creek corridor. However, these woodlands are located outside of the Study Area.

No significant woodlands were identified within the Study Area.

## 3.4.3 Valleylands

The northern portion of the Study Area lies adjacent to the Significant Valleyland that is associated with the Sixteen Mile Creek. However, the Study Area does not conflict with the Valleyland itself.

No significant Valleylands are located within the Study Area.

## 3.4.4 Area's of Natural or Scientific Interest (ANSI)

No ANSI'S were identified within the Study Area.

## 3.4.5 Significant Wildlife Habitat (SWH)

The MNRF has identified four categories of SWH within the SWH Criteria Schedules for Ecoregion 7E (MNRF, 2015b). They include:

- Seasonal Concentration Areas of Animals
- > Rare Vegetation Communities or Specialized Habitat for Wildlife
- Habitat for Species of Conservation Concern (excluding Endangered or Threatened Species)
- Animal Movement Corridors

The potential for candidate SWH was reviewed using *SWH Criterial Schedule for Ecoregion 7E* (MNRF, 2015b), available background information, and air-photo interpretation. The following sections outline the results of this assessment.

#### Seasonal Concentration Areas of Animals

Seasonal Concentration Areas are where a large abundance of a species gathers together at one time of year, or where several species congregate (MNRF, 2015b).

Based on the criteria for candidate SWH (MNRF, 2015b) and the general lack of natural habitat within the Study Area, no known Seasonal Concentration of Animals occur within the Study Area.

#### **Rare Vegetation Communities**

Rare vegetation communities or Specialized habitat for wildlife are areas of rare vegetation communities that often contain rare species which depend on these habitats for their survival (MNRF, 2015b).

Based on the criteria for candidate SWH (MNRF, 2015b) and the general lack of natural habitat within the Study Area, no known Rare Vegetation Communities occur within the Study Area.

#### Specialized Habitat for Wildlife

Specialized Habitat for Wildlife are areas that provide suitable habitat for the species' long-term survival and require contiguous areas that are not fragmented (MNRF, 2015b).

Based on the criteria for candidate SWH (MNRF, 2015b) and the general lack of natural habitat within the Study Area, no known Specialized Habitat for Wildlife occur within the Study Area.

#### Habitat for Species of Conservation Concern

The SWH Technical Guide (MNRF, 2000) defines Species of Conservation Concern (SCC) as provincially, regionally, locally rare, and those listed as Special Concern under COSSARO. This does not include species designated as Threatened or Endangered under COSSARO and/or COSEWIC. Unlike species listed as Endangered and Threatened, species listed as Special Concern do not receive legislative protection. The table found in **Appendix A**, lists Special Concern or provincially rare species with occurrence records within 10 km of the Study Area.

Based on the habitat criteria described in **Appendix A**, the following SCC may be found within the Study Area:

- **Monarch:** found in association with Milkweed which is likely to be found growing along the CNR Rail corridor.
- American Bumble Bee: Meadow and thicket areas adjacent to the proposed development area may provide suitable habitat.
- **Eastern Wood-Pewee:** Thickets along the CNR tracks may provide suitable habitat.

#### Animal Movement Corridors

Specialized Habitat for Wildlife are long, linear, areas used by wildlife to move from one habitat to another. These habitats are important to ensure genetic diversity in populations, to allow seasonal migration of animals and to also animals to move through their home range from feeding areas to cover areas (MNRF, 2015b).

Based on the criteria for candidate SWH (MNRF, 2015b) no known Animal Movement Corridors occur within the Study Area.

## 3.4.6 Fish Habitat

As noted above, the NHIC database and aerial imagery does not identify any watercourses or waterbodies within the Study Area that would provide fish Habitat.

No Fish Habitat is present within the Study Area.

## 3.4.7 Species at Risk and Species

Background data was collected and reviewed to identify SAR with occurrence records within the Study Area. Publicly available databases (**Table 1**) were consulted to develop a list of SAR that have a record within a 1 km<sup>2</sup> to 10 km<sup>2</sup> grid (dependent on the database being consulted) encompassing the project Study Area. Due to natural changes and

anthropogenic developments in the Study Area, the review was restricted to current records (i.e.  $\leq$  30 years) that occurred within the Study Area.

The table in **Appendix A** provides a list of these species along with corresponding federal, provincial, SAR and/or SCC designations (i.e. S-Ranks). S-Ranks are a provincial status used by the NHIC to set protection priorities for rare species and is based on the number of occurrences in Ontario. The MNRF tracks species with S1 to S3 (vulnerable to critically imperiled) designations and are therefore, considered provincially rare and/or SCC.

Furthermore, species listed within **Appendix A** were further evaluated based on their habitat preferences and likelihood of occurrence for the Study Area. The habitat screening was built on habitat requirements defined by the MNR (2000), background records, and air-photo interpretation to identify the presence of suitable habitat for SAR within the Study Area.

Based on the habitat criteria described in **Appendix A**, the following SAR or SAR habitat may be found within the Study Area:

- **Butternut [END]:** Common in Oakville and may be found incidentally within the Study Area.
- **Northern Bobwhite [END]:** Cultural meadows and thickets along the CNR tracks may provide suitable habitat for this species.
- **Barn Swallow [THR]:** Buildings on site may provide suitable nesting opportunities.
- **Northern Myotis [END]:** Buildings found on site may provide suitable roosting habitat for Northern Myotis.
- **Tricolored Bat [END]:** Buildings found on site may provide suitable roosting habitat for Northern Myotis.

## 3.5 General Urban Wildlife

In addition to the listed species noted above, wildlife common to the urban environment are expected to be found within and adjacent to the project Study Area. These may include, but are not limited to:

- Coyotes
- Raccoons
- Squirrels (Grey and Red)
- Skunks
- Garter Snakes

- Canada Geese
- American Crows
- Foxes
- Rabbits
- Songbirds

It is expected that this urban wildlife would be primarily associated with the limited greenspace along the CNR rail corridor and the Sixteen Mile Creek ravine. Limited habitat availability exists within the proposed development area.

General urban wildlife is expected to be present within the Study Area.

## 4 Description of the Proposal

The Proposal and its implementing OPA aim to deliver a mixed-use, high-density intensification of a large, underutilized area within a planned Growth Area in the Town of Oakville and adjacent to a Regional Transit Corridor. Based on the 2021 Planning Justification Report published by Urban Strategies Inc., the proposed development consists of a mixed-use vertical community containing multiple urban development blocks that are connected by an integrated street network. The comprehensive development plan is shown in **Figure 3** below.



#### FIGURE 3 COMPREHENSIVE DEVELOPMENT PLAN

A mix of residential, retail, and non-residential uses are planned for the Site and will be integrated within urban development blocks, as shown in Figure 4. Mixed use buildings are proposed across the site with heights ranging from 8 to 28 storeys, and a total of 1,847 units. Retail frontages have been proposed to include active and non-residential uses. The planned retail component also includes a grocery store.

According to the 2021 Planning Justification Report, (Urban Strategies Inc., 2021), the proposed street network aims to connect the development to the surrounding urban areas by the extension of Shepherd Road and St. Augustine Drive and will be integrated into the site through a phased approach. As illustrated in Figure 4, the private road and mid-block connections are also proposed to create connectivity to the proposed central public park. At the site's ultimate build out design, the private road will frame the park in its entirety and present an opportunity for buildings to front onto the park. A total of seven development blocks are proposed and will be organized in a manner that frames the street network.

Given the large scale of the Site, the Proposal will commence in phases in response to the existing uses and various ownership parcels. Details of this phasing will be considered upon submission of future site-specific development applications.

## 4.1 Anticipated Construction Activities

It is assumed the development of this property will include the following major project components:

- Surveying and staking out the development.
- Phased demolition of existing buildings and infrastructure.
- Phased clearing, excavation, and grading property to accommodate construction.
- Installation of storm water drainage network and related infrastructure.
- Excavation to accommodate underground utilities including water, sewer, gas, and hydro.
- Construction of buildings, driveways, and access roads.
- Paving parking areas and access roads.
- Landscaping and fencing.
- On-going occupation and maintenance.

## 5 Impact Assessment and Proposed Mitigation

The following sections describe the anticipated environmental impacts associated with the Proposal and the general measures that should be considered to mitigate the associated impacts. The impact assessment and mitigation consider both temporary (i.e. construction related) impacts and permanent impacts associated with the occupation of the development.

## 5.1 Aquatic Environment

The Study Area contains no aquatic habitat and is largely covered by impervious surfaces. Therefore, it is expected that the Proposal will have no direct impact on the aquatic environmental. Under the current conditions the extent of impervious surfaces and the dated stormwater management system likely contribute poor water quality to the nearby Sixteen Mile Creek with poor quantity control.

It is understood that in the proposed post-development condition the quality control will provide an enhanced 80% Total Suspended Solids (TSS) removal which is expected to be a significant improvement over the existing condition. Further, the proposed site plan reduces the extent of impervious surfaces through the inclusions of parks and other urban green spaces which would reduce the peak runoff leaving the site. This would result in an overall improvement in water quantity control and contribute to improving the *Impervious Land Cover Classification* tracked by Conservation Halton.

## Proposed Mitigation Measures – Planning and Design Stage

The following general mitigation measures are recommended to address impacts on the Aquatic Habitat within the proposed development area:

✓ <u>Low Impact Design (LID)</u> measures are recommended to further improve water quality, specifically storm water quantity control.

With the successful implementation of LID measures and updated stormwater management design for this project, it is expected that the Project will have a significant net benefit on the water quality and quantity leaving the Study Area.

## 5.2 Floodplain and Regulated Limit

As illustrated in Figure 3, the regulation limits are located within the Study Area. However, the proposed development area is located approximately 55 metres from the regulation limit and is physically separated by the CNR tracks and Kerr Street.

It is expected that the Proposal will not be impacted by the development constraints associated with Conservation Halton's Regulation Limits.

## 5.3 Natural Heritage Features

## 5.3.1 Vegetation Communities and Woodlands

It is anticipated that the Proposal will require the removal of the ornamental street trees that currently represent the only substantive vegetation cover within the proposed development area. Impacts to the vegetation community north of the CN rail tracks or adjacent to the Sixteen Mile Creek valley are not anticipated given that both communities are physically separated from the Proposal by the CN rail tracks or Kerr Street.

While direct impact on vegetation communities are not anticipated, indirect impacts on general vegetation communities in the area may occur. These include:

- Accidental damage or loss of trees and other vegetation features because of site alteration or construction activities.
- Erosion and sedimentation into adjacent vegetation communities.
- Increased spread of invasive vegetation and noxious weeds.

## Proposed Mitigation Measures – Planning and Design Stage

The following general mitigation measures are recommended to address impacts on the vegetation communities within the proposed development area during the planning and design stage of the project:

- <u>Erosion and sediment control plan</u> should be implemented to prevent sedimentation outside of work areas.
- <u>Landscaping plans should use appropriate native species</u> to improve local biodiversity.

## Proposed Mitigation Measures – Construction Implementation

The following general mitigation measures are recommended to address impacts on the vegetation communities within the proposed development area during construction of the project:

- ✓ <u>Machinery will arrive on site in a clean condition</u> and will be free of fluid leaks, invasive species, and noxious weeds.
- ✓ <u>All excess construction material will be removed</u> from site and the area restored with seeding of native species upon project completion as required.

## Proposed Mitigation Measures – Post-Construction

The following general mitigation measures are recommended to address impacts on the vegetation communities within the proposed development area after construction of the project is complete:

- ✓ <u>Installation of garbage bins in public spaces</u> is recommended to limit trash from encroaching into habitats adjacent to the development area.
- ✓ <u>'No Littering' signage</u> is recommended around the parks and open spaces to discourage littering.

With the successful implementation of the mitigation measures outlined above and with the additional landscaping proposed, it is expected that the Proposal will have a net benefit on the vegetation communities and urban forest cover within the Study Area.

## 5.3.2 Significant Wildlife Habitat

#### Habitat for Species of Conservation Concern

The meadow and thicket communities located north of the CNR tracks within the Study Area may provide habitat for Monarch, American Bumble Bee, and Eastern Wood-Pewee. However, lack of detailed biophysical surveys during the growing season makes it difficult to determine the true suitability of these habitats for an accurate evaluation of ecological impact magnitude or severity.

Given that no direct impacts to these habitats are anticipated from the proposed development and the areas are already highly impacted by regular train and road traffic, it is expected that any impacts on these three species will be indirect and relatively minor. Further, the available habitat within the study area represents a fraction of the generally poor-quality habitat in this area and any impacts to this habitat would not be a limiting for the species.

#### Proposed Mitigation Measures – All phases of the project

For the purpose establishing avoidance and mitigation measures, it is assumed that these three SCC are present within the habitats described above. Therefore, the following general mitigation measures are recommended during the planning and design stage of the Project:

- ✓ <u>A 6-8 foot high visual and physical barrier</u> should be installed along the fence that separates the proposed development area from the CNR rail corridor and meadow habitat to the south. (These measures may be deemed unnecessary through the results of subsequent biophysical surveys).
- ✓ <u>Landscaping plans</u> should consider use of appropriate native species and incorporate bee friendly habitat features within the park block to provided additional habitat for pollinators within the development area.
- Vegetation that benefits native pollinators should be considered during landscape planning.

With the successful implementation of the mitigation measures outlined above and with the additional landscaping proposed, it is expected that the Proposal will have a net benefit on the habitat for Species of Special Concern.

## 5.3.3 Species at Risk

Butternut [END] is common within the Oakville and may be found within the Study Area. However, given that most of the trees within the proposed development area are ornamental street trees that are primarily non-native or are ornamental cultivars, impacts to naturally growing Butternut Trees are unlikely.

Additional field surveys should be completed within the growing season to determine if any Butternut occur within the Study Area and ensure compliance with the Endangered Species Act.

Habitat for Northern Bobwhite [END] may be found within the meadow and thicket habitats located north of the CNR tracks. Given that no direct impacts to these habitats are anticipated and the areas are highly impacted by regular train and road traffic, it is expected that any impacts on this species will be indirect, minor, and will not limit the habitat availability for Northern Bobwhite.

# Additional field surveys are not necessary to confirm the presence of this species.

The commercial, retail, and residential buildings located within the Study Area may provided suitable nesting and roosting habitat for Barn Swallows [THR], Northern Myotis [END], and Tricolored Bat [END]. However, the lack of biophysical surveys makes it difficult to evaluate the magnitude and severity of the potential impacts. It is expected that impacts to these species and their habitat will be minor and indirect, and outside the proposed development area.

Additional field surveys should be completed within the proposed development area to evaluate the habitat suitability and potential environmental impacts and ensure compliance with the Endangered Species Act.

#### Proposed Mitigation Measures – Planning and Design Stage

The following general mitigation measures are recommended to address impacts on SAR within the proposed development area during the planning and design stage of the project:

- ✓ <u>Biophysical surveys</u> should be completed within the appropriate seasons to confirm the presence of Butternut trees within the Study Area.
- ✓ <u>Acoustic Screening and Habitat Surveys</u> should be compiled within the appropriate season to evaluate the potential impacts on Northern Myotis [END], Tricolored Bat [END]. It is expected that if these species are present on site, it will be in low numbers and direct impacts can be avoided.
- <u>Landscaping plans</u> should consider use of appropriate native species to offset the loss of species and biodiversity from vegetation removals.
- ✓ <u>Species at Risk permits</u> may be required if survey results suggest direct impacts to these species or their habitat is unavoidable.

## Proposed Mitigation Measures – Construction Implementation

The following general mitigation measures are recommended to address impacts on SAR within the proposed development area during the Construction stage of the project:

- ✓ <u>Tree protection fencing</u> may be required around retainable butternut trees found within the study area.
- ✓ <u>Removal of buildings should be avoided during the general active and maternity</u> roosting periods for bats (May 1 to October 15) if suitable bat habitat is determined to be present through biophysical surveys.

While further field investigations are recommended to confirm the environmental impacts, it is expected that with the successful implementation of the mitigation measures outlined above no significant impacts on Species at Risk are expected. This assumes that impact that may be identified through subsequent surveys are easily avoided or mitigated – which is anticipated given the site conditions and the species in question.

## 5.3.4 Wildlife

The following sections highlight the direct and indirect impacts that the proposed development plan is expected to have on breeding birds and other local wildlife respectively.

#### **Breeding Birds**

Given the proximity of the Study Area to the Sixteen Mile Creek corridor and to Lake Ontario, the Proposal is expected to have an indirect impact on breeding birds. These impacts included:

- Potential physical harm to birds or birds' nests during clearing and construction activities.
- The increased potential for fatal bird collisions associated with building windows following construction; and
- Predation by domestic cats during occupation.

#### Other Wildlife

The Proposal is expected to have a negligible impact on local wildlife due primarily to the direct and indirect impacts related to construction activities. Potential impacts to wildlife resulting from the Proposal include the following:

- Displacement, injury, or death resulting from contact with heavy equipment during clearing and grading activities.
- Loss of general natural habitat suitable for the life processes of common urban and rural wildlife.
- Disturbance to wildlife resulting from noise associated with construction activities, particularly during breeding periods.
- Outdoor lighting may result in disturbance to wildlife within woodland habitats.
- Conflict between wildlife and humans following development, including mortality from vehicles.

## Proposed Mitigation Measures – Planning and Design Stage

The following general mitigation measures are recommended to address indirect impacts on the breeding birds within the development area during the planning and design stage of the Project:

- <u>"Bird-friendly" building design</u> principals should be considered in the design of the development. The following specific mitigation is recommended where applicable:
  - General building design should incorporate the <u>*Bird-friendly Building Design*</u> standards where possible (Canadian Standards Association, 2019);
- Planting native vegetation where appropriate (i.e. the park block) should be considered to maintain available nesting and foraging habitat for breeding birds.

#### **Proposed Mitigation Measures – Construction Implementation**

The following mitigation measures are intended to address potential impacts to breeding birds resulting from the Proposal:

✓ <u>Clearing of vegetation</u> should be avoided during the breeding bird season, between April 1st and August 31st. Should any clearing be required during the breeding bird season, nest searches conducted by a qualified person must be completed 48 hours

prior to clearing

activities. If nests are found, an appropriate setback will be established by the qualified professional. No work will be permitted within this setback in accordance with the federal MBCA, 1994.

- ✓ A <u>qualified wildlife rehabilitation centre</u> should be contacted if any wildlife is injured or found injured during construction activity. Injured wildlife should be transported to a qualified care facility for care.
- ✓ <u>Heavy Duty silt fence (OPSD 219.130)</u> should be installed along the chain-link fence separating the proposed development area from the CNR rail line to the northwest and the open meadow to the west to deter snakes, and other small animals from entering the site during construction.
- ✓ Construction crews working on site should be <u>educated on local wildlife</u> and take appropriate measures for avoiding harming wildlife.
- ✓ Wildlife found within the construction area should be <u>relocated to an appropriate safe</u> <u>area</u> outside of the development as necessary.

With the successful implementation of the mitigation measures outlined above, it is anticipated that there will be negligible short-term impacts to wildlife populations within the Study Area. However, in the long-term, the proposed landscaping associated with the development will provided a net benefit to local wildlife

## 5.4 Cumulative Impacts

The Proposal is part of a highly urbanized district within the Town of Oakville. Kerr Village is identified on Schedule 01 within Oakville's Official Plan as a growth area consisting of predominantly higher density residential and retail. The redevelopment of this area is expected to modernize the existing infrastructure and promote a more livable community with increased value on greenspace, trees, and other environmental benefits.

Cumulative impacts must be considered in the context of the local and regional environment in which the site is situated. The following outlines the anticipated cumulative impacts associated with the Proposal.

Corridors: It is expected that the CN rail corridor and Sixteen Mile Creek valley both function as ecological linkages for local wildlife. Coyotes are known to utilize rail corridors to navigate the landscape and likely use both these features. Impacts to these corridors are not anticipated.
Biodiversity: Given the limited native vegetation within the Study Area, it is anticipated that impacts to native biodiversity will be negligible. The addition of new parkland and other landscaping associated

with the Proposal will likely have a net benefit to native

**Urban Forest Cover:** The Proposal will have a negligible short-term negative impact on the general urban forest cover through the removal of the existing ornamental street trees. This is mitigated to a large extent by the fact that many of the trees located within or adjacent to the Proposal are non-native. In the longer term, the proposed plantings associated with the development will likely improve the urban forest cover in this area.

biodiversity in the area.

- **Hydrologic Function:** As noted, nearly 100 percent of the development area currently consists of impermeable surfaces. The Proposal will include the addition of parkland and other green spaces which will provide a significant net improvement to the hydrologic function of this area.
- Landscape Context: Much of the land uses surrounding the Proposal has remained relatively consistent over the past 30+ years, with a slow move to modernization and increasing density. The Proposal is consistent with the general change in land use in this region and the cumulative impacts on the natural environment reflect this change.

# 6 Summary and Conclusions

This report provides an evaluation of the anticipated environmental impacts associated with the delivery of a comprehensive, phased development of a mixed-use complete community at 530, 550, 580 Kerr Street and 131, 171 Speers Road (Figure 1). Due to the seasonality of the OPA project schedule, the environmental impacts described herein are based largely on a desktop screening and single confirmatory site visit undertaken on January 26th, 2022.

Despite the limitations of assessing the natural heritage impacts without completing seasonal biophysical surveys, the limited natural environment present within the proposed development area and the highly urbanized conditions within the Study Area meant that opportunities for natural heritage features to be present were highly limited.

It is expected that the Proposal will provide a net improvement to the natural heritage values within the general area. The reduction of impervious surfaces and improvements to the storm water management system will improve water quality leaving the site. This is an important consideration for a sub-watershed that is considered by Conservation Halton to have a 'very poor' *Impervious Land Cover Classification*.

The inclusion of parkland and other landscaped spaces within the development area will also have a net benefit to local native vegetation and wildlife. These features, while predominately providing a social and aesthetic function, will also provide some incidental natural heritage benefits. It is recommended that landscape plans consider appropriate native trees, shrubs, and vegetative plantings to increase this co-benefit.

It is recommended that additional field investigations be completed to evaluate the potential impacts that this proposed project may have on Butternut [END], Barn Swallows [THR], Northern Myotis [END], and Tricolored Bat [END]. The results of these survey will be used to establish additional avoidance/mitigation measures and establish if SAR permitting is required through the relevant MECP process. However, given the limited habitat potential on site, it highly likely that impacts to these species can be easily managed should they occur.

Based on the results of this Scoped EIA it is our opinion that the Proposal and its implementing OPA should not be limited by natural heritage constraints, with the condition that the mitigation measures recommended herein are implemented.

## 6.1 Standard of Care and Limitations

In evaluating the proposed development, IBI has relied in good faith on information provided by others. IBI has assumed that the information provided is correct and assumes no responsibility for the accuracy, completeness, or workmanship of any such information.

The results and findings of this study have been reported without bias or prejudice. Thus, conclusions have been based on our own professional opinion, substantiated by the results of this study, and have not been influenced in any way.

As disclosed throughout the report, due to the project schedule the inability to undertake seasonally appropriate biophysical surveys following industry standard methods are a limitation of this study. However, given the general absence of natural heritage values within the proposed development area this limitation is not expected to dramatically alter the fundamental findings of this EIA. Further site investigations are proposed to address specific areas of uncertainty.

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# Appendix A: Species at Risk & Species of Special Concern Screening

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TABLE A1: S	PECIES AT RISK & SP	ECIES OF SPECIAL CONSERN HABITAT SCREENING	3			1		
		GENERAL HABITAT ACCORDING	CONSE	RVATION STATUS				
SCIENTIFIC NAME	COMMON NAME	GUIDE (MNRF SIGNIFICANT WILDLIFE HABITAT TECHNICAL GUIDE (MNRF, 2000)	S-RANK <sup>1</sup>	SARA (SCHEDULE 1) <sup>2</sup>	ESA <sup>3</sup>	SOURCE⁴	HABITAT WITHIN STUDY AREA	
		· · · · · ·		Vascular Plants	5	•	1	
Juglans cinerea	Butternut	Grows alone or in small groups in deciduous forests; prefers moist, well- drained soil and is often found along streams, also occurs on well-drained gravel sites and rarely on dry rocky soil; does not grow well in shade and will often grow in sunny openings and near forest edges	S3?	END	END	NHIC	Yes	Butternut
Mertensia virginica	Virginia Bluebells	moist or wet deciduous woods and thickets, usually on floodplains, occasional escape from cultivation	S3	NAR	NAR	NHIC	No	No suitab
		· · · · · ·		Insects	1	1		
Danaus plexippus	Monarch	The habitat is typically a combination of field and forest and provides the butterflies with a location to rest. Caterpillars eat exclusively milkweed and adults require the nectar of wildflowers to feed.	S2N, S4B	SC	SC	OBA	Yes	Milkwee
Bombus affinis	Rusty-Patch Bumble Bee	found in open habitat such as mixed farmland, urban settings, savannah, open woods and sand dunes. Built-up areas such as roads and parking lots are considered unsuitable.	S1	END	END	NHIC	No	Study are covered l
Bombus pensylvanicus	American Bumble Bee	American Bumble Bee is a habitat generalist, and foraging workers, queens, and nests are most often found in or adjacent to open fields and meadows	S3, S4	NAR	SC	NHIC	Yes	Meac proposed
				Reptiles				
Chelydra serpentina	Snapping Turtle	Permanent, semi-permanent freshwater; marshes, swamps or bogs; rivers and streams with soft muddy banks or bottoms; often uses soft soil or clean dry sand on south-facing slopes for nest sites; may nest at some distance from water; often hibernate together in groups in mud under water; home range size ~28 ha.	S4	SC	SC	ORAA	No	No suitab
Graptemys geographica	Northern Map Turtle	Large bodies of water with soft bottoms, and aquatic vegetation; basks on logs or rocks or on beaches and grassy edges, will bask in groups; uses soft soil or clean dry sand for nest sites; may nest at some distance from water; aquatic corridors (e.g. stream) are required for movement.	S3	SC	SC	NHIC	No	No suitab

## RATIONAL

is common in Oakville and may be found within the Study Area.

ble habitat available within the Study Area

ed present in meadow marsh on eastern edge of subject property

rea is highly urbanized and predominantly by parking lot making the area unsuitable as habitat.

dow and thicket areas adjacent to the d development area may provide suitable habitat.

ble wetland or aquatic habitat found within the Study Area

ble wetland or aquatic habitat found within the Study Area

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		GENERAL HABITAT ACCORDING	CONSERVATION STATUS					
SCIENTIFIC NAME	COMMON NAME	TO THE MNRF SIGNIFICANT WILDLIFE HABITAT TECHNICAL GUIDE (MNRF, 2000)	S-RANK <sup>1</sup>	SARA (SCHEDULE 1) <sup>2</sup>	ESA <sup>3</sup>	SOURCE⁴	POTENTIAL FOR HABITAT WITHIN STUDY AREA	
Chrysemys picta marginata	Midland Painted Turtle	quiet, warm, shallow water with abundant aquatic vegetation such as ponds, large pools, streams, ditches, swamps, marshy meadows; eggs are laid in sandy places, usually in a bank or hillside, or in fields; basks in groups; not territorial	S4	NAR	SC	NHIC	No	No suitat
Lampropeltis triangulum	Eastern Milksnake	Habitat generalists, prefer open habitats including outcrops and meadows; require suitable microhabitats for egg laying, hibernation and thermoregulation; well known for occupying barns, sheds, and houses in rural landscapes; abundance of species appears to correlate with regions where forest cover is relatively high.	S4	SC	NAR	NHIC	Yes	Cultur provide : this is n p
				Birds				
Antrostomus vociferus	Eastern Whip- poor-will	dry, open, deciduous woodlands of small to medium trees; oak or beech with lots of clearings and shaded leaflitter; wooded edges, forest clearings with little herbaceous growth; pine plantations; associated with >100 ha forests; may require 500 to 1000 ha to maintain population	S5B	THR	THR	OBBA	No	No suita
Chaetura pelagica	Chimney Swift	Commonly found in urban areas near buildings; nests in hollow trees, crevices of rock cliffs, chimneys; highly gregarious; feeds over open water.	S4B, S4N	THR	THR	OBBA	No	No suitabl
Chlidonias niger	Black Tern	Wetlands, coastal or inland marshes; large cattail marshes, marshy edges of rivers, lakes or ponds, wet open fens, wet meadows; returns to same area to nest each year in loose colonies; must have shallow (0.5 to 1 m deep) water and areas of open water near nests; requires marshes >20 ha in size; feeds over adjacent grasslands for insects; also feeds on fish, crayfish and frogs.	S3B	SC	NAR	OBBA	No	No suit
Colinus virginianus	Northern Bobwhite	Grassland, prairie or hay fields with woody cover in form of thickets, tangles of vines, shrubs; fence rows or woodland edges; cropland growing corn, soybeans or small grains and clover or grass; well- drained sandy or loamy soil; pond edges	S1	END	END	NHIC	Yes	Cultura tracks ma
Contopus virens	Eastern Wood- Pewee	Open, deciduous, mixed or coniferous forest; predominated by oak with little understory; forest clearings, edges; farm woodlots, parks.	S4B	SC	SC	OBBA	Yes	Thickets a

#### RATIONAL

ble wetland or aquatic habitat found within the Study Area

ral meadows along the CNR tracks may suitable habitat for this species. Although not an at-risk species provincially and not protected under provincial policies.

able forest habitat found within the Study Area

le buildings or hollow trees observed within Study Area.

able habitat found within the Study Area

al meadows and thickets along the CNR ay provide suitable habitat for this species.

along the CNR tracks may provide suitable habitat for this species.

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		GENERAL HABITAT ACCORDING	CONSERVATION STATUS					
SCIENTIFIC NAME	COMMON NAME	TO THE MNRF SIGNIFICANT WILDLIFE HABITAT TECHNICAL GUIDE (MNRF, 2000)	S-RANK <sup>1</sup>	SARA (SCHEDULE 1) <sup>2</sup>	ESA <sup>3</sup>	SOURCE⁴	POTENTIAL FOR HABITAT WITHIN STUDY AREA	
Riparia riparia	Bank Swallow	Sand, clay, or gravel river banks or steep riverbank cliffs; lakeshore bluffs of easily crumbled sand or gravel; gravel pits.	S4B	THR	THR	OBBA	No	No suita
Hirundo rustica	Barn Swallow	Farmlands or rural areas; cliffs, caves, rock niches; buildings or other man-made structures for nesting; open country near body of water.	S4B	THR	THR	OBBA	Yes	Buildin
Hylocichla mustelina	Wood Thrush	Carolinian and Great Lakes-St. Lawrence forest zones; undisturbed moist mature deciduous or mixed forest with deciduous sapling growth; near pond or swamp; hardwood forest edges; must have some trees higher than 12 m.	S4B	THR	SC	OBBA	No	No suitabl
Dolichonyx oryzivorus	Bobolink	Large, open expansive grasslands with dense ground cover; hayfields, meadows or fallow fields; marshes; requires tracts of grassland >50 ha.	S4B	THR	THR	NHIC, OBBA	No	No suita
Hylocichla mustelina	Wood Thrush	Carolinian and Great Lakes-St. Lawrence forest zones; undisturbed moist mature deciduous or mixed forest with deciduous sapling growth; near pond or swamp; hardwood forest edges; must have some trees higher than 12 m.	S4B	THR	SC	OBBA	No	No suitabl
Sturnella magna	Eastern Meadowlark	Open, grassy meadows, farmland, pastures, hayfields or grasslands with elevated singing perches; cultivated land and weedy areas with trees; old orchards with adjacent, open grassy areas >10 ha in size.	S4B	THR	THR	OBBA	No	No suitabl
				Mammals				
Myotis lucifugus	Little Brown Myotis	Uses caves, quarries, tunnels, hollow trees or buildings for roosting; winters in humid caves; maternity sites in dark warm areas such as attics and barns; feeds primarily in wetlands, forest edges.	S3	END	END	АМО	No	No suita
Myotis leibii	Eastern Small- footed Myotis	Roosts in caves, mine shafts, crevices or buildings that are in or near woodland; hibernates in cold dry caves or mines; maternity colonies in caves or buildings; hunts in forests.	S2S3	END	END	АМО	No	No suita
Myotis septentrionalis	Northern Myotis	Hibernates during winter in mines or caves; during summer males roost alone and females form maternity colonies of up to 60 adults; roosts in houses, man-made structures but prefers hollow trees or under loose bark; hunts within forests, below canopy.	S3	END	END	АМО	Yes	Buildir ro
Perimyotis subflavus	Tricolored Bat	Found in a variety of forested habitats during summer, forms day roosts and	S3?	END	END	AMO	Yes	Buildir

#### RATIONAL

able habitat found within the Study Area.

gs on site may provide suitable nesting opportunities.

le large, mature deciduous forests present within Study Area.

ble large grasslands, meadows, etc. are found within the Study Area

le large, mature deciduous forests present within Study Area

le large, mature deciduous forests present within Study Area

able habitat found within the Study Area.

able habitat found within the Study Area.

ngs found on site may provide suitable posting habitat for Northern Myotis

ngs found on site may provide suitable oosting habitat for Tricolored Bat

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		GENERAL HABITAT ACCORDING	CONSE	CONSERVATION STATUS				
SCIENTIFIC NAME	COMMON NAME	TO THE MNRF SIGNIFICANT WILDLIFE HABITAT TECHNICAL GUIDE (MNRF, 2000)	S-RANK <sup>1</sup>	SARA (SCHEDULE 1) <sup>2</sup>	ESA <sup>3</sup>	SOURCE⁴	POTENTIAL FOR HABITAT WITHIN STUDY AREA	
		maternity colonies in older forest and occasionally in barns or other structures; forage over water and along forested streams; hibernates in a cave or underground structure and roost individually.						
				Fish				
Anguilla rostrata	American Eel	Habitat use by eels appears to be extremely diverse. They are found throughout the Ottawa River, Lake Ontario, and St Laurence River watersheds.	S1 , S2	THR	END	NHIC	No	No aquat
Clinostomus elongatus	Redside Dace	Found in pools and slow-moving areas of small streams and headwaters with a gravel bottom.	S1	END	END	NHIC	No	No aquat
		<sup>1</sup> S-Rank is an indicator of commonness	s in the Province of <sup>2</sup> SARA = Specie	Ontario. A scale betwe s at Risk Act Status (Go	en 1 and 5 overnment	5, with 5 being ve t of Canada, 200	ery common and 1 being the leas )2)	st common.
			<sup>3</sup> ESA = Endanger	ed Species Act Status (	Governme	ent of Ontario, 20	007)	
		END = Endange	ered, THR = Threat	ened, SC = Special Cor	ncern, NAI	R = Not at Risk,	DD = Data Deficient	
				<sup>3</sup> Information sources	s include:			
	NHIC = Natural	Heritage Information Centre; OBBA = Ontario	Breeding Bird Atla	s; ORAA = Ontario Rep	tile and A	mphibian Atlas;	OBA = Toronto Entomologists' As	ssociation: O
			A٨	/IO = Atlas of the Mamn	nals of On	tario;		

## RATIONAL

tic habitat is found within the Study Area

atic habitat is found within the Study Area

Intario Butterfly Atlas;

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# Appendix B: Relevant Natural Heritage Mapping

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#### Legend

Earth Science Provincially Significant/sciences de la terre d'importance

Earth Science Regionally Significant/sciences de la terre d'importance régionale

Life Science Provincially Significant/sciences de la vie d'importance provinciale

Life Science Regionally Significant/sciences de la vie d'importance régionale

Provincially Significant/considérée

Non-Provincially Significant/non considérée

Conservation Reserve

Natural Heritage System



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# **Conservation Halton Regulation Mapping**

Conservation Halton, 2021 Conservation Halton, 2021