

**Environmental Impact Statement -
Zoning By-Law Amendment for 363 Entrepreneur Crescent**

2023-09-15

Final Report

Submitted to: Dustin Wilson

KILGOUR & ASSOCIATES LTD.
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Project Number: EHC 1568



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List of Acronyms and Abbreviations

EIS – Environmental Impact Statement	
HDF – Headwater Drainage Feature	
HDFA – Headwater Drainage Feature Assessment	
KAL – Kilgour & Associates Ltd.	
SAR – Species at Risk	
TCR - Tree Conservation Report	



1.0 INTRODUCTION

This report is an Environmental Impact Statement (EIS) prepared by Kilgour & Associates Ltd. (KAL; Appendix A) on behalf of Mr. Dustin Wilson in support of a proposed zoning by-law amendment at 363 Entrepreneur Crescent in Ottawa, Ontario (the “Property”). An EIS is conducted when development or site alteration is proposed in or adjacent to natural heritage features, as outlined in the Ottawa Official Plan (City of Ottawa, 2021). The EIS is intended to:

- Identify natural heritage features on or adjacent to the development site;
- Assess potential impacts of the proposed development on existing features; and
- Recommend mitigation measures to minimize or eliminate identified impacts.

2.0 ENVIRONMENTAL POLICY CONTEXT

Natural heritage policies and legislation relevant to this EIS are outlined below.

2.1 The Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) was issued under Section 3 of the *Planning Act* (City of Ottawa, 2021). The current PPS came into effect on May 1, 2020 (Government of Ontario, 2020). Natural features are afforded protections under Section 2.1 of the PPS. Protections may include maintenance, restoration, and improved function of diversity, connectivity, ecological function, and biodiversity of natural heritage systems. These protections restrict development and site alteration in significant natural areas (e.g. woodlands, wetlands, wildlife habitat) unless it can be demonstrated that there will be no negative effects on the features and ecological functions of those natural areas. Technical guidance for implementing the natural heritage policies of the PPS is found within the second edition of the *Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005* (MNR, 2010). This manual recommends the approach and technical criteria for protecting natural heritage features and areas in Ontario.

2.2 City of Ottawa Official Plan

The City of Ottawa Official Plan (City of Ottawa, 2021) provides direction for future growth in the City and is a policy framework to guide physical development to 2031. The Official Plan was developed in accordance with the PPS (and relevant provincial legislation). The City of Ottawa reviews development applications within its boundaries that must be in accordance with the Official Plan

2.3 *Species at Risk Act, 2002*

The federal *Species at Risk Act* (Government of Canada, 2002) is administered by Environment and Climate Change Canada (ECCC) and provides direction to protect and ensure the survival of wildlife species in Canada. The purpose of the SARA is to prevent populations of wildlife from becoming Extirpated, Endangered, or Threatened, provide recovery Endangered or Threatened species, and to manage other species to prevent them from becoming Endangered or Threatened.



All species listed on Schedule 1 of SARA are afforded protection on federal lands. Aquatic species and species of migratory birds protected by the *Migratory Birds Convention Act* (Government of Canada, 1994) and listed as Endangered, Threatened, or Extirpated under Schedule 1 of SARA are protected wherever they occur in Canada, regardless of land ownership.

2.4 *Endangered Species Act, 2007*

The provincial *Endangered Species Act* (Government of Ontario, 2007) is administered by the Ministry of Environment, Conservation, and Parks (MECP) and provides protection for species at risk (SAR) and their habitat. The ESA states that it is illegal to harm the habitat of species listed as Extirpated, Endangered, and Threatened. It is also illegal to kill, harm, harass, possess, transport, buy or sell Extirpated, Endangered, and Threatened species, whether it is living or dead. Species listed as Endangered, Threatened, or Extirpated and their habitats (e.g. areas essential for breeding, rearing, feeding, hibernation, and migration) are automatically afforded legal protection under the ESA.

2.5 *Fisheries Act, 1985*

The federal *Fisheries Act* (Government of Canada, 1985) is administered by Fisheries and Oceans Canada (DFO) and provides protections to fish, fish habitat, and fisheries. Specifically, the *Fisheries Act* in its current version provides:

- Protection for all fish and fish habitat
- Prohibition against the "harmful alteration, disruption or destruction of fish habitat"
- Prohibition against causing "the death of fish by means other than fishing"

Projects with a scope that does not fall within DFO's defined standards and codes of practice require submission of a request for review to DFO.

2.6 *Migratory Birds Convention Act, 1994*

Nesting migratory birds are protected under the MBCA (Government of Canada, 1994). No work is permitted that would result in the destruction of active nests (nests with eggs or young birds) or the wounding or killing of bird species protected under the MBCA and/or associated regulations (e.g. SARA). The "incidental take" of migratory birds and the disturbance, destruction, or taking of the nest of a migratory bird is prohibited. "Incidental take" is the killing or harming of migratory birds due to actions that are not primarily focused on taking migratory birds (e.g. economic development) and no permits exist for the incidental take of migratory birds or their nest/eggs as a result of activities that are not focused on taking migratory birds. These prohibitions apply throughout the year. The Government of Canada has compiled nesting calendars that apply across Canada and can be used to greatly reduce the risk of harming/destroying active nests by ensuring works that may impact nests are performed outside of the nesting period.



2.7 Fish and Wildlife Conservation Act, 1997

The provincial *Fish and Wildlife Conservation Act* (Government of Ontario, 1997) governs the hunting and trapping of a variety of wildlife including mammals, birds, reptiles, amphibians, and fish in Ontario, thereby facilitating the protection of wildlife and their habitat. The FWCA outlines the prohibition of hunting or trapping specially protected species and the requirement for provincially issued licenses for the hunting or trapping of “fur-bearing” or “game” animals. Examples of specifically protected animals include, for example, Southern Flying Squirrel (*Glaucomys volans*), Northern Harrier (*Circus cyaneus*), American Kestrel (*Falco sparverius*), Blue Jay (*Cyanocitta cristata*), Midland Painted Turtle (*Chrysemus picta marginata*), Northern Watersnake (*Nerodia sipedon*) and Gray Treefrog (*Hyla versicolor*). In particular, raptors that are not protected under the MBCA (including Peregrine Falcon) are protected under the FWCA.

2.8 Conservation Authorities Act, 1990

Conservation Authorities were created to address erosion, flooding, and drought concerns regionally by managing at the watershed level. Conservation Authorities were given the ability to regulate under Section 28 of the *Conservation Authorities Act* (Government of Ontario, 1990). The Act provides mechanisms to regulate works and site alterations that have potential to affect erosion, flooding, land conservation, and alterations to waterbodies within their jurisdiction. It is the obligation of all Conservation Authorities to implement Ontario Regulations 42/06 and 146/06 to 182/06 *Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* under Section 28 of the Conservation Authorities Act for relevant works.

3.0 PROPERTY IDENTIFICATION AND CONTEXT

The Property (Figure 1), located at 363 Entrepreneur Crescent in Ottawa Ontario, is situated south of Highway 417, east of Boundary Road, and North of Entrepreneur Cres. The current zoning is Rural Industrial Subzone Two (RG2). The site has a surface water feature (herein the “Watercourse”) adjacent to the north property boundary (i.e. situated on the adjacent parcel. The adjacent parcel serves as a large commercial snow dump. To the east and west of the site there are other rural industrial properties, and to the south is Entrepreneur Crescent. The Simpson municipal drain is located about 280m south of the site.



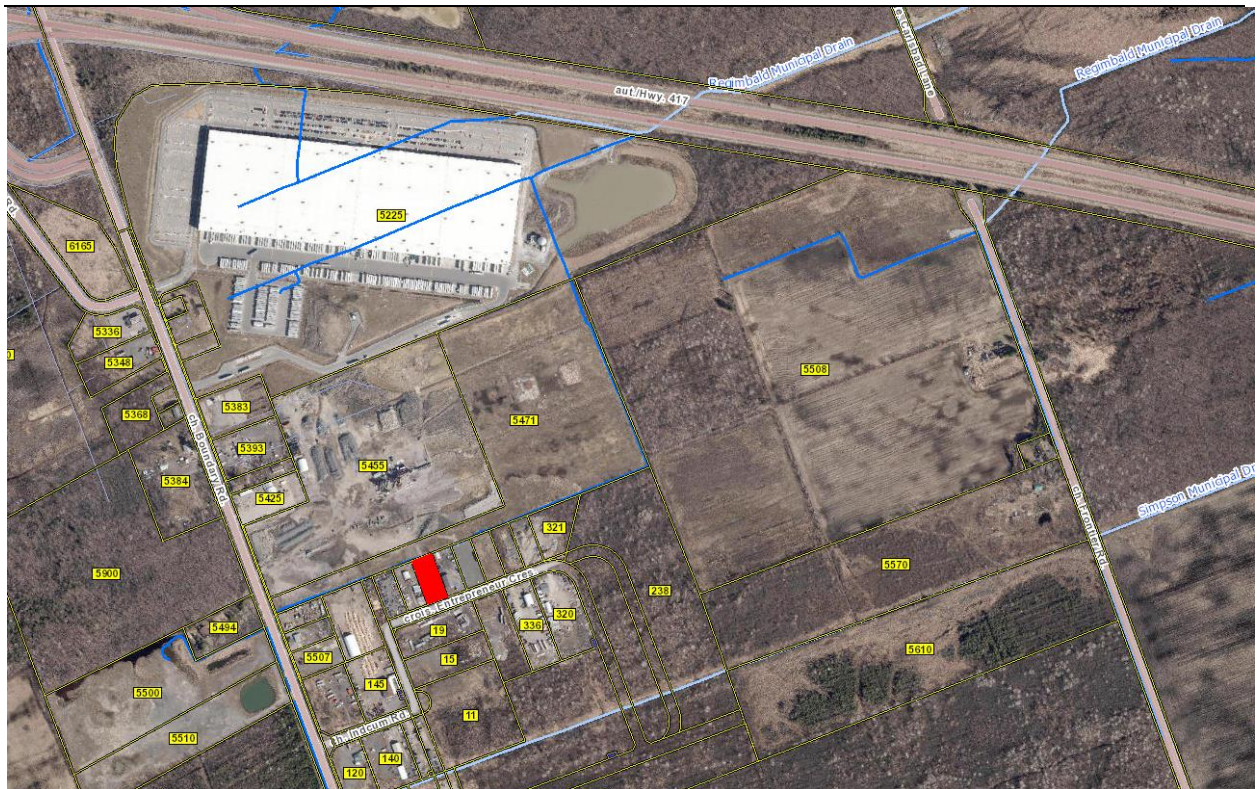


Figure 1 Site Context – the Site location is indicated in red. Watercourses on adjacent properties are indicated per the geoOttawa mapping system but are not considered current

4.0 STUDY METHODOLOGY

4.1.1 Background Review

Background information was obtained from online databases and geographic information system mapping applications to review relevant information. Aerial imagery was used to identify existing features and confirm information found in the background review. Background information was obtained from available resources, which include:

- Natural Heritage Information Centre (MNR, 2023c);
- Land Information Ontario (MNR, 2023b);
- Species at Risk in Ontario (MECP, 2023);
- Species at Risk Public Registry (Government of Canada, 2022);
- Aquatic Species at Risk Map (DFO, 2023);



- Bumble Bee Sightings (Wildlife Preservation Canada et al., 2023);
- Atlas of the Breeding Birds of Ontario (Birds Canada et al., 2021);
- Ontario Reptile and Amphibian Atlas (Ontario Nature, 2019);
- eBird (The Cornell Lab of Ornithology, 2023);
- iNaturalist (California Academy of Sciences and National Geographic Society, 2023);
- *Recovery Strategy for the Little Brown Myotis (Myotis lucifugus), Northern Myotis (Myotis septentrionalis) and Tri-colored Bat (Perimyotis subflavus) in Ontario* (Humphrey & Fotherby, 2019);
- *Recovery Strategy for the Eastern Small-footed Myotis (Myotis leibii) in Ontario* (Humphrey, 2017); and
- Fish ON-Line (MNRF, 2023a).

4.2 Field Survey

KAL biologist Rob Hallett completed a survey of both the Water Course (between Boundary Road to the west and the southern edge of the Amazon distribution centre property to the northeast) and the Property on June 12, 2023. The survey reviewed existing site habitat to confirm the results of the background review assessed the ecological functionality of the surface water located behind the Site, contributing to a Headwater Drainage Features Assessment (“HDFA”; Appendix C). Land cover on and adjacent to the Property was described based on Ecological Land Classification (ELC) methods for Ontario (Lee et al., 1998). This system provides a consistent approach to identify, describe, and map vegetation communities or physiographic features on the landscape based on dominant plant species and soil composition. It results in a standardized description of each vegetation community to capture the natural diversity and variability of communities within a site, and to provide insight into available habitat and the type of species that may be present. More specifically, the classifications from ELC provide a basis for determining whether potential habitat for a given SAR or other ecological value may be present.

5.0 EXISTING CONDITIONS

5.1 Surface Water Features

The HDFA (Appendix C) noted that the Water Course had recently been dredged/cleaned out. The deeper, cleaned-out section of the Water Course, however, is separated at its western from the roadside ditch of Boundary Road by a long stretch of debris, soil buildup and dense vegetation. It is similarly cut off from downstream surface water features near the Amazon site. The downstream end of the Watercourse at the Amazon property line had been a minimal swale prior to the construction of the Amazon facility (Kilgour & Associates Ltd. (KAL), 2015). Grading at that location was raised and leveled during the construction of the facility and the Watercourse now generally peters out there. The



Watercourse thus functions primarily as a trough. This is supported by the lack of any flows observed, even during the spring freshet (Appendix C).

Water chemistry measurements taken in the Watercourse indicated high salt loading, likely from the adjacent snow dump (Figure 2). While it is not impossible that fish could gain access to the Watercourse during a high spring freshet, any fish entering would be trapped there and would likely soon perish given the high salt contamination. The Watercourse is similarly considered to lack utility as either anuran or turtle habitat, and would not be anticipated to support fisheries downstream. As such, the Watercourse has very limited natural heritage value and only requires a 5m setback.



Figure 2 A snow dump adjacent to the Watercourse appears to be the primary water source within the feature, which is otherwise isolated.

5.2 Vegetation Cover and Site Trees

The Property itself comprises only a gravel paddock covered with industrial equipment; it is completely devoid of any vegetation. Adjacent properties to the east and west are similar. Sparse grass and common, weed forbs occur directly along the banks of the Watercourse and within the open areas of



adjacent property to the north, though that parcel is mostly barren is has been highly disturbed by its use as a snow dump. Small trees do occur within portions of the Watercourse to the east and west of the Property where less dredging/cleanout is evident. The Property and all surrounding lands qualify as single, non-natural, “Light Industrial” ecosite (CVC-2).

5.3 Species at Risk

A preliminary SAR screening for species listed under the federal SARA and provincial ESA following the *Draft Client’s Guide to Preliminary Screening for Species at Risk* (MECP, 2019) identified 24 species as having recorded occurrences in the broader vicinity of the Property. These included various birds, bats and turtles (Appendix B).

Considering the general lack of habit suitability in the vicinity, all the species were deemed to have negligible or low potential to occur on or adjacent to the Property. For those ranked as low (Common Nighthawk and bats), only a limited potential for brief, transient occurrence was considered possible.

6.0 DESCRIPTION OF THE PROJECT

The project proponent is proposing the construction of a ~1400 m² warehouse facility on the Property. While a warehouse is allowed under its existing “RG2” zoning designation, the setback from the Watercourse would need to be reviewed. This EIS is not intended to review specific building design site plan details, but to review setback requirements for the Property related to the presence of the Watercourse in consideration of site development.

The HDFA (Appendix C) generated a formal management recommendation for the Watercourse of “Minimal Management Recommendation”. As the Watercourse was found to have only limited potential to provide positive ecological functionality to the broader catchment as a surface water feature (as defined and considered within the City of Ottawa Official Plan), the Zoning By-law Amendment supporting the desired site usage need only require a 5m setback. This EIS report, however, does advise some mitigative strategies to be included in the overall consideration of future site development to the protect natural heritage of the broader area.



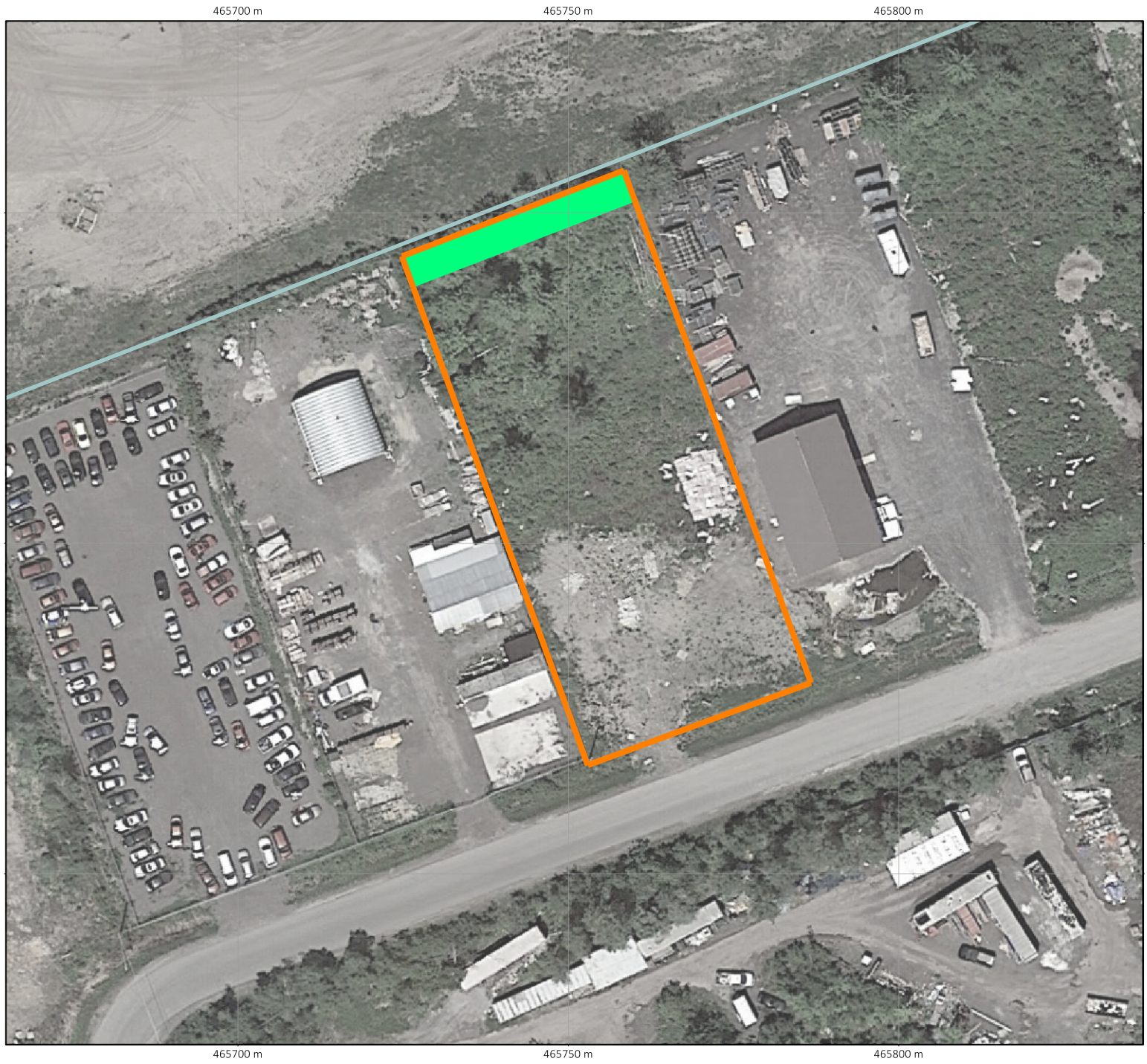


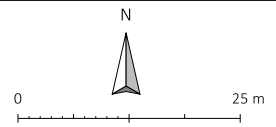


Figure 3 Site map showing the property boundary and 5m wide naturalized berm location

Legend

-  Property Boundary
-  Ditch
-  5 m wide naturalized berm



Project: KILGOUR PROJECT CODE
 Map File: EHC 1568-2306a.map
 Universal Transverse Mercator - Zone 18 (N)
 Printed on: 2023-06-27



7.0 IMPACT ASSESSMENT AND PROPOSED MITIGATIONS

7.1 Surface Water and Aquatic Habitat

Development within the site is unlikely to alter the hydrology, riparian functions, or terrestrial or aquatic habitat functions of the Watercourse. The HDFA (Appendix C) determined that the Watercourse has extremely high salinity and is acting primarily as a trough. While the Watercourse may have a marginal connection to downstream features during the spring freshet, which could provide a limited and temporary entry point for fish, any fish entering the feature would certainly perish from the extreme environment. A setback of 5 m is anticipated to be sufficient to protect and maintain (and likely the negligible natural heritage value of the Watercourse if it includes the creation of a raised berm within the setback width. The berm is to be shaped so that site runoff is conveyed to the stormwater management (SWM) systems associated with Entrepreneur Crescent rather than the Watercourse. The primary function of the berm is to protect the surface water of the broader catchment by limiting mixing in the salty trough of the Watercourse.

7.2 Vegetation and Trees

There is currently no vegetation on site. As an industrial site, there are, and likely will continue to be, limited opportunities for tree planting. The raised berm on the rear side of the property, however, intended to direct site runoff southward, provides an opportunity for an area of revegetation and tree planting. It is the recommendation of this study that this area be replanted with at least five trees and seeded with a grass mix suitable for use along the Watercourse. Specific species selection would be part of a future landscape plan.

7.3 Species at Risk and Wildlife Mitigation

Consider the general lack of habit suitability on and in the vicinity of all the species was considered negligible or low potential to occur on or adjacent to the Property. For those ranked as low (Common Nighthawk and bats), only a limit potential for brief, transient occurrence was considered possible and the individuals would not be anticipated to be affected by changes in site development made permissible under a zoning by-law amendment. Per our assessment in Appendix B, this is not Blanding's habitat as agreed to by the MECP (Appendix D).

No specific wildlife mitigations are required for this site.

8.0 CLOSURE

This report was prepared for exclusive use by Dustin Wilson and/or Pain Train Productions Inc. (i.e. the Proponent) and may be distributed only by the Proponent. Questions relating to the data and interpretation can be addressed to the undersigned.

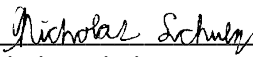


9.0 CONCLUSION

It is our professional opinion that potential future development on the Site is not expected to result in negative impacts on natural features or ecological functions of the Site.

Respectfully submitted,

KILGOUR & ASSOCIATES LTD.



Nicholas Schulz, BSc

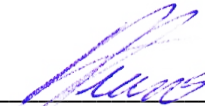
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[_Approximation_and_Its_Application/links/560e7abd08ae48337515fd59/Ecological-Land-Classification-for-Southern-Ontario-First-Approximation-and-Its-Application.pdf](#)

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Appendix A Qualifications of Report Authors



Anthony Francis , PhD

Dr. Francis is a Senior Ecologist with 24 years' consulting experience to both government agencies and private industry. He has worked on a diversity of projects relating to species at risk, invasive species, terrestrial and aquatic habitat, environmental effects monitoring and mitigation, and fate/effects of contaminants. Within each of these subject areas, Dr. Francis has completed projects addressing specific site concerns and broader policy initiatives. He has extensive experience in preparing Environmental Impact Statements, Integrated Environmental Reviews and Tree Conservation Reports in support of land development and property severances. He has carried out literature reviews for government agencies, performed complex geospatial analyses of plant and animal distributions, and completed numerous field programs in support of environmental impact statements and assessments.

Nicholas Schulz, BSc

Nicholas completed his BSc and soon his MSc at Carleton University. He began his research in biology, studying food waste on small scale farms in Eastern Ontario and thereafter transitioned to the Aquatic Ecosystems & Environmental Change (AEEC) lab where studied land use impacts on algae in ponds within the Ottawa area. During this project he gained experience conducting large scale studies and producing reports for a variety of stakeholders including Ducks Unlimited and the Canadian Museum of Nature.

As a student he worked for both the public and private sector gaining valuable knowledge of both the policy and, hands on aspects of the environmental industry. Through his work and school experience Nicholas has obtained a plethora of field and laboratory experience to analyze and document the natural environment. He has experience with a multitude of terrestrial field work including erosion and sediment control inspections, environmental effects monitoring, and various field surveys (birds, bats, anurans, turtles etc).



Appendix B Species at Risk Screening



Species at Risk Screening

Species Name (Taxonomic Name)	Status under Endangered Species Act (ESA)	Status under Schedule 1 of the Species at Risk Act (SARA)	General Habitat Requirements	Site Suitability	Potential for Protected Elements ¹		Potential for Negative Interactions with Protected Elements ²
					Habitat	Individuals	
Birds							
Bald Eagle (<i>Haliaeetus leucocephalus</i>)	Special Concern	Not at Risk	Nest in mature forests near open water. In large trees such as pine and poplar.	Habitat not suitable	Negligible	Negligible	Negligible
Bank Swallow (<i>Riparia riparia</i>)	Threatened	Threatened	Colonial nester; burrows in eroding silt or sand banks, sand pit walls, and human-made sand piles. Often found on banks of rivers and lakes.	Habitat not suitable	Negligible	Negligible	Negligible
Barn Swallow (<i>Hirundo rustica</i>)	Special Concern	Threatened	Nests on barns and other structures. Forages in open areas for flying insects. Lives in close association with humans and prefers to nest on structures such as open barns, under bridges, and in culverts.	Habitat not suitable	Negligible	Negligible	Negligible
Bobolink (<i>Dolichonyx oryzivorus</i>)	Threatened	Threatened	Breeds in hayfields, pastures, agricultural fields, and abandoned fields with tall grass that are ≥5 ha, and preferably >30 ha.	Habitat not suitable	Negligible	Negligible	Negligible
Canada Warbler (<i>Cardellina canadensis</i>)	Special Concern	Threatened	Prefers moist forests with dense shrub layers. Nests located on or near the ground on mossy logs or roots, along stream banks or on hummocks. Area-sensitive species that usually require a minimum of 30 ha of continuous forest for breeding habitat (OMNR, 2000).	Habitat not suitable	Negligible	Negligible	Negligible
Chimney Swift (<i>Chaetura pelagica</i>)	Threatened	Threatened	Nests in traditional-style open brick chimneys (and rarely in hollow trees). Tends to stay close to water.	No chimney's observed on site	Negligible	Negligible	Negligible



Environmental Impact Statement -
Zoning By-Law Amendment for 363 Entrepreneur Crescent
EHC 1568
2023-09-15

Species Name (Taxonomic Name)	Status under Endangered Species Act (ESA)	Status under Schedule 1 of the Species at Risk Act (SARA)	General Habitat Requirements	Site Suitability	Potential for Protected Elements ¹		Potential for Negative Interactions with Protected Elements ²
					Habitat	Individuals	
Common Nighthawk (<i>Chordeiles minor</i>)	Special Concern	Threatened	Nests in a wide variety of open sites, including beaches, fields, and gravel rooftops with little to no ground vegetation. They also nest in cultivated fields, orchards, urban parks, mine tailings and along gravel roads/railways but tend to occupy more natural sites.	Tends to live in natural sites and not industrial but still presents a small possibility of being there	Low	Low	Low
Eastern Meadowlark (<i>Sturnella magna</i>)	Threatened	Threatened	Breeds in hayfields, pastures, agricultural fields, and abandoned fields with tall grass that are ≥5 ha, and preferably >30 ha.	There is no open water near the Site, which would not provide feeding habitat suitable to support the species.	Negligible	Negligible	Negligible
Eastern Wood-Pewee (<i>Contopus virens</i>)	Special Concern	Special Concern	Woodland species often found in the mid-canopy layer near clearings and edges of intermediate age and mature deciduous and mixed forests with little understory.	There is no near by forested landscape for feeding habitat. There are also no banks suitable for nesting evident on or adjacent to the Site.	Negligible	Negligible	Negligible
Evening Grosbeak (<i>Coccothraustes vespertinus</i>)	Special Concern	Special Concern	Nests in trees or large shrubs. Prefers mature coniferous forests (fir and/or spruce dominated), but will also use deciduous forests, parklands, and orchards. Its abundance is strongly linked to the cycle of Spruce Budworm.	No nearby forested area	Negligible	Negligible	Negligible
Golden Eagle (<i>Aquila chrysaetos</i>)	Endangered	Not at Risk	Nests in remote, undisturbed areas, usually building their nests on ledges on a steep cliff/riverbank or large trees if needed. Most hunting is done near open areas such as large bogs or tundra. Migration only; no reported nests in Ottawa.	Habitat not suitable	Negligible	Negligible	Negligible
Golden-winged Warbler (<i>Vermivora chrysoptera</i>)	Special Concern	Threatened	Ground-nests in areas of young shrubs surrounded by mature forest. Often found in areas that have recently been disturbed such as field edges, hydro or utility right-of-ways, or logged areas. Requires >10 ha of habitat (OMNR, 2000).	Habitat not suitable	Negligible	Negligible	Negligible
Henslow's Sparrow	Endangered	Endangered	Prefers poorly drained grasslands with tall, dense grass where it can easily conceal its small ground nest. Tends to avoid fields that	Breeding was not reported in eastern Ontario during the second	Negligible	Negligible	Negligible



Species Name (Taxonomic Name)	Status under Endangered Species Act (ESA)	Status under Schedule 1 of the Species at Risk Act (SARA)	General Habitat Requirements	Site Suitability	Potential for Protected Elements ¹		Potential for Negative Interactions with Protected Elements ²
					Habitat	Individuals	
(<i>Ammodramus henslowii</i>)			have been grazed or are crowded with trees and shrubs. Prefer ≥50 ha areas, but can inhabit ≥5 ha.	(most recent) OBBA from 2001 to 2005 (Birds Canada et al., 2009).			
Horned Grebe (<i>Podiceps auritus</i>)	Special Concern	Special Concern	Nest in small ponds, marshes, and shallow bays that contain areas of open water and emergent vegetation. Migrant only; no reported nests in Ottawa.	Habitat not suitable	Negligible	Negligible	Negligible
Least Bittern (<i>Ixobrychus exilis</i>)	Threatened	Threatened	Found in a variety of wetland habitats, but strongly prefers cattail marshes with a mix of open pools and channels. They prefer larger marshes >5 ha in size and are intolerant of loss of habitat and human disturbance (OMNR, 2000).	Habitat not suitable	Negligible	Negligible	Negligible
Rusty Blackbird (<i>Euphagus carolinus</i>)	Special Concern	Special Concern	Prefers wet wooded or shrubby areas. Nests at edges of boreal wetlands and coniferous forests. These areas include bogs, marshes, and beaver ponds.	Habitat not suitable, not a boreal or coniferous forest	Negligible	Negligible	Negligible
Wood Thrush (<i>Hylocichla mustelina</i>)	Special Concern	Threatened	Lives in mature deciduous and mixed forests. They seek moist stands of trees with well-developed undergrowth and tall trees for singing and perching. Prefers nesting in large forest mosaics, but will also use fragmented forests. Usually build nests in Sugar Maple or American Beech.	Habitat not suitable	Negligible	Negligible	Negligible
Mammals							
Eastern Small-footed Myotis (<i>Myotis leibii</i>)	Endangered	Not Listed	In the spring and summer, Eastern Small-footed Myotis will roost in a variety of habitats, including in or under rocks, in rock outcrops, in buildings, under bridges, or in caves, mines, or hollow trees. Overwinters in caves and abandoned mines.	Habitat on site is not suitable	Negligible	Low	Low
Little Brown Myotis (<i>Myotis lucifugus</i>)	Endangered	Endangered	During the day they roost in trees and buildings. They often select attics, abandoned buildings, and barns for summer colonies where they can raise their young. They can squeeze through very tiny spaces (as small as six millimetres across) allowing them access to many different roosting areas.	Habitat on site is not suitable	Negligible	Low	Low
Northern Myotis / Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Endangered	Endangered	Associated with deciduous and mixed forests, choosing to roost under loose bark and in the cavities of trees. They forage along and within forests as well as in hayfields and pastures adjacent to mixed forests.	Habitat on site is not suitable	Negligible	Low	Low



Species Name (Taxonomic Name)	Status under Endangered Species Act (ESA)	Status under Schedule 1 of the Species at Risk Act (SARA)	General Habitat Requirements	Site Suitability	Potential for Protected Elements ¹		Potential for Negative Interactions with Protected Elements ²
					Habitat	Individuals	
Tri-colored Bat / Eastern Pipistrelle (<i>Perimyotis subflavus</i>)	Endangered	Endangered	Roosts mainly in trees during summer; overwinters in caves and mines along with other species, but often uses deeper parts of the hibernaculum. Foraging occurs in forested riparian areas, over water, and within gaps in forest canopies.	Habitat on site is not suitable	Negligible	Low	Low
Reptiles							
Blanding's Turtle (<i>Emydoidea blandingii</i>)	Threatened	Endangered	Quiet lakes, streams, and wetlands with abundant emergent vegetation. Also frequently occurs in adjacent upland forests.	While there is water adjacent to site it has extremely high salinity and is not suitable for turtles	Low	Low	Negligible The site is fully fenced with no access for turtles. The Watercourse is likely too salt contaminate to support nesting or other life activities.
Snapping Turtle (<i>Chelydra serpentina</i>)	Special Concern	Special Concern	Spend most of their lives in the water. Prefer shallow waters so they can hide under the soft mud and leaf litter with only their noses exposed to the surface to breathe.	While there is water adjacent to site it has extremely high salinity and is not suitable for turtles	Low	Low	Negligible The site is fully fenced with no access for turtles. The Watercourse is likely too salt contaminate to support nesting or other life activities.
Vascular Plants							
Black Ash (<i>Fraxinus nigra</i>)	Endangered	No Status	Predominantly a wetland species found in swamps, floodplains, and fens.	No wetland on site	Negligible	Negligible	Negligible
Butternut (<i>Juglans cinerea</i>)	Endangered	Endangered	Commonly found in riparian habitats but is also found on rich, moist, well-drained loams and well-drained gravels, especially those of limestone origin.	Habitat is not suitable for this species and none were observed during the site visit	Negligible	Negligible	Negligible



1 The potential for occurrence of protected habitats and individuals within the project area is estimated based on the following considerations:

	Habitat	Individuals
None	It is not possible for the habitat of the species to occur in proximity to the project site	The species is documented as no longer occurring in the ecoregion or could not occur in proximity to the project area.
Negligible	The usage of the project site as habitat is possible but would be highly unlikely/unusual.	Transient occurrence near the project area is possible but is very unlikely.
Low	The project site includes areas that could be used by the species as habitat, but such usage is considered unlikely given the quality of the feature, a lack of individuals in the broader area, or other (relative) site considerations.	Transient occurrence near the project area possible, but the species would be unlikely to use or require the area.
Moderate	The project site includes areas that could reasonably be expected to provide confirmed or defined habitat within a time frame relevant to the project.	The species occurs in the vicinity and could actively use the site, or transient occurrence should be anticipated.
High	The project site includes areas confirmed to actively provide habitat or to constitute habitat based on official habitat description guidance documents.	The species is confirmed as present on, and actively using the site.

2 The potential for negative project interaction with species and/or their habitat is estimated considering both the likelihood of presence and the general details of the project (e.g., timing, extent), and following the definitions below. If the potential differs for habitat and individuals, the higher value is reported, unless otherwise justified

	Habitat	Individuals
None	It is not possible for the species to occupy the site area due to access barriers.	The species is documented as no longer occurring in the ecoregion
Negligible	Negligible habitat potential, or low habitat potential and the project would not be anticipated to alter the habitat.	Negligible occurrence potential for presence, or absence during the entire span of the project.
Low	Low habitat potential, or medium habitat potential and the project would not be anticipated to alter the habitat.	Low occurrence potential for presence, or the project design excludes individuals in a non-harassing manner by default.
Moderate	Medium habitat potential, or high habitat potential and the project would not be anticipated to alter the habitat (as expressed by MECP).	Medium occurrence potential for presence, or the project design excludes individuals in accordance with agency guidelines/directives by default (i.e., outside of mitigation measures prescribed in this report).
High	The project area will alter identified habitat.	The project will interact with individuals.



Appendix C HDFA



Headwater Drainage Feature Assessment for Entrepreneur Holding Group, 363 Entrepreneur Cres

2023-06-21

Report

KILGOUR & ASSOCIATES LTD.
www.kilgourassociates.com

Project Number: EHC 1568



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1.0 INTRODUCTION

This report is a Headwater Drainage Feature Assessment (HDFA) prepared by Kilgour & Associates Ltd. (KAL) on behalf of Entrepreneur Holding Corporation in support of land use change located at 363 Entrepreneur Crescent in Ottawa, Ontario (hereafter referred to as “the Site”). It assesses a single Headwater Drainage Feature (HDF), located adjacent to the Site (). The Site consists of a lightly used industrial area. The adjacent property to the north, upon which the HDF is located, is currently used as a snow dump ().

2.0 HDF REVIEW

2.1 Study Approach

The assessment of the HDF follows a study approach adapted from the *Evaluation, Classification and Management of Headwater Drainage Features Guidelines* (Toronto and Region Conservation Authority & Credit Valley Conservation, 2013), herein referred to as the “HDF Guidelines”. The initial inspection of the HDF, conducted by Dustin Wilson (the project proponent) on April 5 and May 15, 2023, identified flow conditions during the spring within the reach directly behind the Site (Figure 6, Figure 7).

A second inspection of the feature was conducted by KAL Biologist Rob Hallett on June 16, 2023, to review its habitat potential. During the inspection, the HDF was reviewed along the length from Boundary Road to the west to the edge of Amazon warehouse site to the northeast. The inspection noted water conditions and chemistry, substrate structure, and adjacent landcover. While a formal fish survey was not completed on the HDF, the recently dredged substrate provided was fully visible and included no structure allowing for a visual inspection for fish presence.

2.2 General HDF Description

The HDF was evidently dredged/cleaned along much of the reach behind the Site and lacks in-stream vegetation (Figure 5). Remaining debris and vegetation within the feature at either end (i.e. both near Boundary Road to the west and near the Amazon facility to the northeast) isolate the reach, effectively forming a trough. Shallow standing water (i.e. no flow) was present during the spring freshet (Figure 4). Standing water levels within the trough were likely maintained into June by ongoing meltwater runoff from the adjacent snow dump as evidenced by the very high conductivity (2657 $\mu\text{S}/\text{cm}$) recorded in the feature.

Land cover on the south side of the HDF includes some weedy plant growth the occasional small tree, but consists mostly of gravel paddock and light industrial usage to within 1-2 m of the top of bank. Land cover on the north side consists of the highly disturbed area associated with the snow dump (Figure 2).

While a formal fish survey was not completed on the HDF, the recently dredged substrate provided no structure, and no fish were evident in very shallow standing water. The HDFA completed by KAL ((2015)) for the development of the nearby Amazon property included a fisheries study of feature adjacent to that site. Only three (3) Brook Stickleback were caught there at the former confluence of the HDF with previously existing, larger channels on the Amazon site. Those larger downstream channels have since



been removed and the current reach is cut off by debris and vegetation build up to the northeast of the Site. No access by fish is considered likely to HDF. If fish did gain access during the peak of the spring freshet, they would most likely become trapped and perish in the highly saline waters. The high salinity would similarly be anticipated to limit the utility of the HDF by turtle or anuran species.

2.3 Component Classifications

Tables 1-4 below summarize the functions provided by the HDF.

Table 1 Hydrology Classification

Hydrology Classification					
Assessment Period	Flow Conditions		Flow Classification	Modifiers	Hydrological Function
	Description	(OSAP Code)			
April 5, 2023	Frozen	2	Ephemeral - based on modifiers	<i>The feature is an isolated trough. Following spring freshet, hydration supported only by contaminated melt water from the adjacent snow dump</i>	Limited Function *
May 15, 2023	Standing water	2			
June 16, 2023	Standing water	2			

* While the feature likely provides "Recharge" functionality, its water supply is salt contaminated.

Table 2 Riparian Classification

Riparian Classification			
OSAP Descriptions	OSAP Riparian Codes	ELC Codes	Riparian Conditions
RUB – Light Industrial LUB - Light Industrial	RUB - 1 LUB - 1	RUB - CVC_2 LUB - CVC_2	Limited Function

Table Notes: RUB – right upstream bank, LUB – left upstream bank

Table 3 Fish and Fish Habitat Classification

Riparian Classification		
Fish Observation	Initial Fish & Fish Habitat Designation	Modified Fish & Fish Habitat Designation
Fishing effort		
<ul style="list-style-type: none"> No fish access to feature No fish observed on June 16, 2023 	Contributing Function <i>But this supposes allochthonous transport</i>	Limited Function <i>No downstream transport of allochthonous material in an isolated feature</i>



Table 4 Terrestrial Classifications on the Entrepreneur Cres, 2023

Description	Amphibians	Terrestrial Classification
Channelized trough between two industrial areas with almost no connection to downstream water courses and not have any signs of animal life	No amphibians were observed in the feature and are not likely to be present for breeding or transit given the high salinity	No Function

2.4 Chemistry Summary

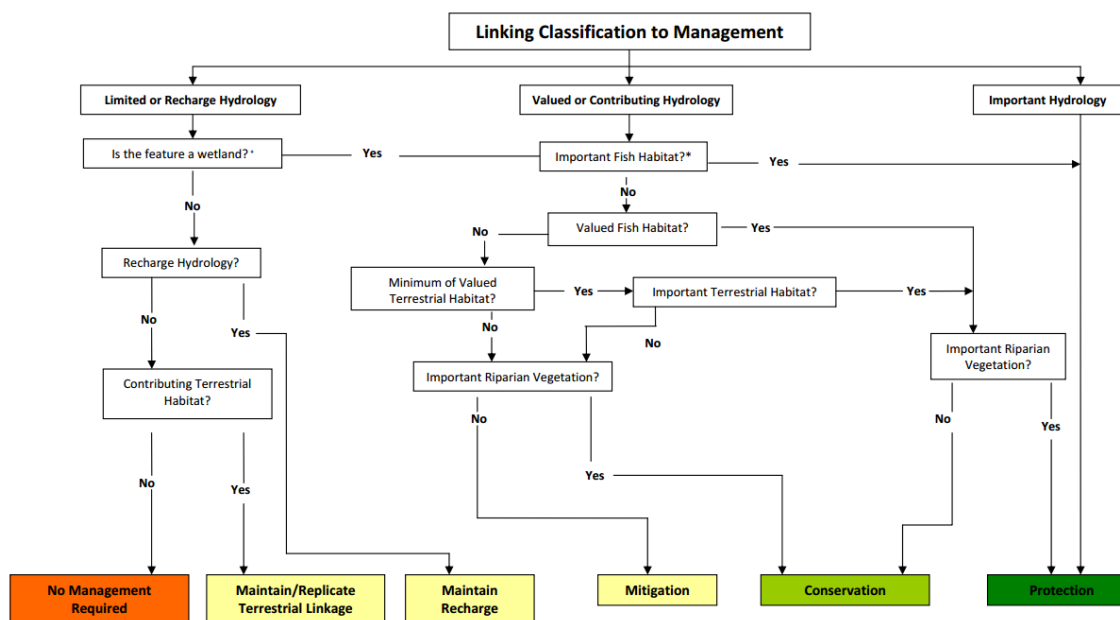
Chemistry of Tributary A is summarized in Table 5 below.

Table 5 Water chemistry

Temperature (°C)	Conductivity (µS/cm)	Dissolved Oxygen (%)	Alkalinity (pH)
18.07	2657	75.2	7.50

3.0 HEADWATER FEATURE ASSESSMENT AND MANAGEMENT RECOMMENDATIONS

This HDF is a now-isolated, former drainage ditch forming a trough that is generally unconnected to surrounding water features. It primarily functions as a collection area for salt contaminated runoff from the adjacent snow dump. The management recommendation for the feature is based on the following decision tree from the HDF Guidelines:



Following the HDF Guide flow chart linking component classification to management directives, this reach:

1. Provides Limited Hydrology;
2. Is not a wetland;
3. Does not provide recharge hydrology (in an ecologically valuable way considering the salt contamination); and
4. Does not provide terrestrial habitat.

This chain of classification descriptors leads to a management directive of **No Management Required** for this feature.

It is understood that the feature will likely be removed as the site upon which is located is redeveloped in the (near) future. In the interim, it is recommended that site runoff from the subject property be fully directed away from the HDF (i.e. towards the existing roadside stormwater management (SWM) systems for the properties along Entrepreneur Crescent, to prevent increasing local infiltration of salt-contaminated water. Surface runoff directed to the existing SMW systems there should be anticipated to be treated and returned to the broader catchment better serving the area hydrology and ecology.

4.0 CLOSURE

This report provides detailed descriptions of the Headwater Drainage Features adjacent to Entrepreneur Holding Corporation's property and provides management recommendations to direct future development near those features. Questions may be addressed to the undersigned.

Respectfully submitted,

KILGOUR & ASSOCIATES LTD.



Nicholas Schulz, BSc

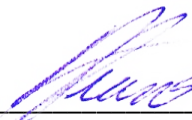
Biologist

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Project Director

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5.0 LITERATURE CITED

Kilgour & Associates Ltd. (KAL). (2015). *Headwater Drainage Feature Assessment 5341 Boundary Road*.

Toronto and Region Conservation Authority & Credit Valley Conservation. (2013). *Evaluation, Classification and Management of Headwater Drainage Features Guidelines*.

https://trcaca.s3.ca-central-1.amazonaws.com/app/uploads/2021/08/31112457/HDF-EVALUATION-CLASSIFICATION-MANAGEMENT_2014.pdf



Appendix A: Site Photos and Maps

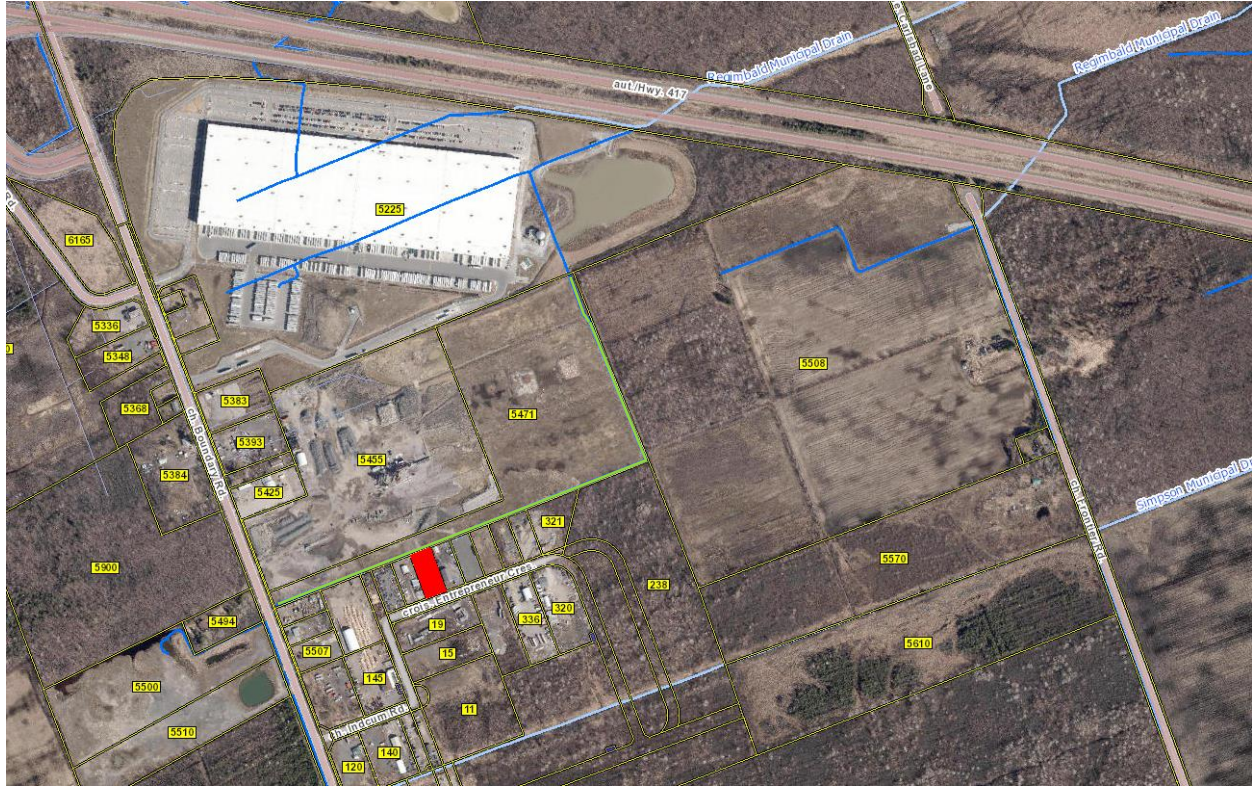


Figure 1 Site Map – the Site location is indicated in red. The HDF studied in this report is marked in green. Other watercourses on adjacent properties (blue) are indicated per the geoOttawa mapping system but are not considered current





Figure 2 Industrial Snow dump (April 5, 2023) taken by Dustin Wilson



Figure 3 Industrial Snow dump runoff (May 15, 2023)





Figure 4 Spring Freshet levels (May 15, 2023) taken by Dustin Wilson



Figure 5 Lack of vegetation in and around ditch (May 15, 2023) taken by Dustin Wilson





Figure 6 Headwater Drainage Feature (June 16, 2023) taken by Rob Hallett



Figure 7 Headwater Drainage Feature (June 16, 2023) taken by Rob Hallett



Appendix D MECP Letter



RE: New Turtle Project

Norman, Brandon (MECP) <Brandon.Norman@ontario.ca>

Tue 2023-08-08 1:56 PM

To:Anthony Francis <afrancis@kilgourassociates.com>

Cc:Kurtis Westbury <kurtis@kilgourassociates.com>

Hi Tony,

Understanding the site is located in a highly disturbed area, MECP would agree concerning your assessment that likely no suitable habitat is adjacent to the site for Blanding’s Turtle. Additionally, given there is fencing around the site already, this is likely sufficient mitigation to prevent turtles from accessing the site once development begins. That being said, we understand the City of Ottawa’s precautionary approach, especially in this part of the province where there is an abundance of Blanding’s Turtle observations and available habitat. Please see the below “letter of advice” confirming that an authorization under the ESA is likely not required:

The Ministry of the Environment, Conservation and Parks (MECP) has reviewed the information provided on the re-zoning and future development of 363 Entrepreneur Crescent submitted on August 1, 2023, to assess the potential impacts of the proposal on Blanding’s Turtles protected under the *Endangered Species Act, 2007* (ESA).

Based on our review of the project documentation and information that has been provided, neither sections 9 nor 10 of the ESA will likely be contravened for species identified above, therefore authorization is not required.

Should any of the project activities change, please notify MECP immediately to obtain advice on whether the changes require authorization under the ESA. Failure to carry out these projects as described could potentially result in contravention of the ESA. Further, it is recommended that Kilgour & Associates LTD. continue to monitor for species at risk activity during the course of site development to document changes, in the event that there should be any. You remain responsible for ensuring compliance with the ESA and may be subject to prosecution or other enforcement action if your activities result in any harm to an at-risk species or habitat.

Our position here is based on the information that has been provided by Kilgour & Associates LTD. and its project team. Should information not have been made available and considered in our review or new information come to light that changes the conclusions made by Kilgour & Associates LTD., or if on-site conditions and circumstances change so as to alter the basis for Kilgour & Associates LTD. conclusions, please contact the Species at Risk Branch as soon as possible to discuss next steps.

We also note that while it does not appear that an ESA permit will be required, the proposed activities may be subject to other approvals, such as those issued by local municipalities and conservation authorities. Please be advised that it is the responsibility of the proponent to be aware of and comply with all other relevant provincial or federal requirements, municipal by-laws or required approvals from other agencies. It is also the responsibility of the proponent to ensure that all required approvals are obtained and relevant policies adhered to.

Please let me know if you have any questions.

Sincerely,
Brandon Norman



Brandon Norman
A/Management Biologist
Permissions Section
Ministry of the Environment, Conservation and Parks
brandon.norman@ontario.ca
(705) 761-6850

From: Anthony Francis <afrancis@kilgourassociates.com>
Sent: August 1, 2023 11:15 AM
To: Norman, Brandon (MECP) <Brandon.Norman@ontario.ca>
Cc: Kurtis Westbury <kurtis@kilgourassociates.com>
Subject: New Turtle Project

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good morning Brandon,

We have a new project that with Blanding's Turtle issues. The property at 363 Entrepreneur Crescent is located within a small industrial park. The property consists of a fully fenced, gravel paddock that is currently used to store industrial equipment. The properties on either side are similar.



The site is currently zoned "Rural General". The property owners would like to build a small building on the site. The building would mostly serve as a warehouse, but would also include a small office space that would provide as some sort of studio for some of the media work they do. That site usage, however, does not quite mesh with the current zoning designation; they are seeking a rezoning that would eventually allow that type of building.

As a rezoning is a "development" project, it is subject to a full environmental review. Our EIS supporting the rezoning is attached. The EIS notes that there is an NHIC record of a Blanding's Turtle observation with 2 km of the site. There is an old ditch on the adjacent property immediately behind the site. That ditch is the purpose of this email.

The adjacent property to the rear is an active snow dump. The ditch runs along its southern boundary, immediately behind the subject property. It is a shallow feature with a maximum springtime water depth of ~15 cm. The snow dump operators keep the feature dredged within the property so that it has no organics or veg on the bottom. Water levels of up to 5 cm continue in the feature into the early summer fed from melt run off from the snow piles. That water though is highly saline because of the road salts.

The City will not permit a rezoning (i.e. a development project) within areas designated as SAR habitat. In reviewing the EIS, the City is concerned that ANY surface water feature within 2 km of a Blanding's observation should be used as basis for mapping Category 2 and 3 habitats. The 30m and 250 m buffers to the ditch (corresponding with potential Cat 2 and 3 Habitat) would then encompass the entire site.

The General Habitat Description for the species, however, indicates that Category 2 and 3 habitats are measured from SUITABLE aquatic features. Given the shallow depth, ephemeral to intermittent hydrology, regular disturbance, lack of organic substrate or vegetation, and very high salinity, it is our contention that this ditch would not be a suitable wetland feature. As such, the property would not be considered to include habitat for the species.

As a general mitigation measure/approach, the property is, and will continue to be fully fenced (i.e. chain link) to ensure any turtles transiting the broader vicinity are excluded from the site.

At this time, we are seeking a letter of advice from the MECP as to whether or not the ditch should be considered a "suitable" habitat, i.e. whether Category 2 and 3 habitat designations should extend from its edge across the subject site.

Thanks for any insight you can provide.

Best

Tony

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