

**Scoped Environmental Impact Statement
951 Gladstone Avenue and 145 Loretta Street
Ottawa, Ontario**

Final Report

July 19, 2021

Submitted To:

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TABLE OF CONTENTS

1.0 INTRODUCTION	2
1.1 ENVIRONMENTAL POLICY CONTEXT	3
2.0 PROPERTY IDENTIFICATION.....	4
3.0 DESCRIPTION OF THE SITE AND THE NATURAL ENVIRONMENT	4
3.1 SURFACE WATER, GROUNDWATER, AND FISH HABITAT	4
3.2 VEGETATION COVER	4
3.3 SPECIES AT RISK	5
3.3.1 Birds.....	5
3.3.2 Bats.....	7
4.0 PROPOSED PROJECT	8
5.0 IMPACT ASSESSMENT AND MITIGATION	10
5.1 VEGETATION / TREES	10
5.2 SPECIES AT RISK	10
5.3 GENERAL WILDLIFE MANAGEMENT	11
6.0 CONCLUSION.....	12
7.0 LITERATURE CITED.....	13



List of Figures

Figure 1 Area context (Site indicated in red)	2
Figure 2 Map showing existing conditions on the Site	6
Figure 3 A) General Site plan. B) Artist concept.....	9

List of Tables

Table 1 Summary of dates and weather conditions of morning breeding bird surveys, 2021	7
Table 2 Species observed during morning breeding bird surveys, 2021	7

List of Acronyms and Abbreviations

ELC – Ecological Land Classification
ESA – <i>Endangered Species Act</i>
EIS – Environmental Impact Statement
FWCA – <i>Fish and Wildlife Conservation Act</i>
KAL – Kilgour & Associates Ltd.
MBCA – <i>Migratory Birds Convention Act</i>
MECP – Ministry of Environment, Conservation and Parks
PPS – Provincial Policy Statement
SAR – Species at risk
SARA – <i>Species at Risk Act</i>



1.0 INTRODUCTION

This report is a scoped Environmental Impact Statement (EIS) prepared by Kilgour & Associates Ltd. (KAL) on behalf of CLV Group Developments Inc. in support of a site plan application for 951 Gladstone Avenue and 145 Loretta Street, Ottawa, Ontario (hereafter referred to collectively as “the Site”). The proposed site plan would lead to the redevelopment of the Site from general industrial usage to a high-density tower complex with 931 residential units, 140,000 square feet of office space and 21,000 square feet of retail space. The tallest tower would be 41 storeys while the other two towers would be 35 storeys and 30 storeys.

In the City of Ottawa (“the City”), site plan applications must be supported by an EIS when proposed development will be located within proximity to natural heritage system elements (City of Ottawa, 2021). The purposes of an EIS are to 1) identify natural heritage features or elements on or adjacent to a site, 2) identify potential impacts of the proposed development to those features, and 3) identify mitigation measures to minimize or eliminate those impacts.

The City requested a scoped EIS for this project specifically to address the potential presence of the following species at risk (SAR): Chimney Swifts (*Chaetura pelagica*), Barn Swallows (*Hirundo rustica*) and at-risk bats (Little Brown Myotis [*Myotis lucifugus*] is considered the most likely potential SAR bat).



Figure 1 Area context (Site indicated in red)



1.1 Environmental Policy Context

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

The Provincial Policy Statement, 2020

The PPS was issued under Section 3 of the *Planning Act* (1990). The current PPS came into effect May 1, 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 (NHRM; MNR, 2010). This manual recommends the approach and technical criteria for protecting natural heritage features and areas in Ontario.

Species at Risk Act, 2002

The federal *Species at Risk Act* (SARA; 2002) is administered by Environment and Climate Change Canada (ECCC) and provides direction to protect and ensure the survival of wildlife species in Canada. 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* (MBCA; 1994) and listed as Endangered, Threatened, or Extirpated under Schedule 1 of SARA are protected wherever they occur in Canada, regardless of land ownership.

Endangered Species Act, 2007

The provincial *Endangered Species Act* (ESA; 2007) is administered by the Ministry of Environment, Conservation, and Parks (MECP) and provides protection for 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.

Migratory Birds Convention Act, 1994

Nesting migratory birds are protected under the *Migratory Birds Convention Act* (MBCA; 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 which 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 which 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 that 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.

Fish and Wildlife Conservation Act, 1997

The provincial *Fish and Wildlife Conservation Act* (FWCA; 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 of specially protected species and the requirement for provincially issued licenses for the hunting or trapping of “furbearing” or “game” animals. Examples of specifically protected animals include, for example, Little Brown Bat, Southern Flying Squirrel (*Glaucomys volans*), Northern Harrier (*Circus cyaneus*), American Kestrel (*Falco sparverius*), Blue Jay (*Cyanocitta cristata*), Midland Painted Turtle (*Chrysemys picta marginata*), Northern Watersnake (*Nerodia sipedon*), and Gray Treefrog (*Hyla versicolor*). In particular, raptors not protected under the MBCA (including Peregrine Falcon) are protected under the FWCA.

2.0 PROPERTY IDENTIFICATION

The Site is a 0.99 ha area on two parcels - 951 Gladstone Avenue and 145 Loretta Street (Nepean Township, Concession 1, Lot 38; Figure 1). The property is owned by TIP Gladstone Limited Partnership. The zoning of the property currently is General Industrial (IG1). The Site, apart from the buildings located there, is almost fully paved.

The Site is bordered by:

- An industrial building on a paved lot to the north;
- Loretta Street and the Canadian Bank Note Company to the west;
- The Confederation Line of the O-Train LRT system (currently under reconstruction) to the east;
- Hazeldean Road, the provincially significant Goulbourn Wetland Complex, and forest to the south; and
- Gladstone Avenue, a three-storey office building, and a municipal works yard to the south.

3.0 DESCRIPTION OF THE SITE AND THE NATURAL ENVIRONMENT

3.1 Surface Water, Groundwater, and Fish Habitat

There are no headwater features or other surface water features on or adjacent to the Site (Figure 2). The Site is located within the urban core of the city; it, and all surrounding properties, are on municipal services. The Site is not in or near a wellhead protection area.

3.2 Vegetation Cover

Other than a small (133 m²) lawn located in front of the building at 145 Loretta St., the Site is hardened by pavement and lacking vegetation (Figure 2). A 20 m wide band of trees had been located adjacent to the northeast side of the Site along the O-Train corridor, though the construction of an access road there to support the development of the new O-Train station has removed most of these trees. The only trees remaining along this hedgerow are two dead ash (*Fraxinus sp.*) trees and an apple tree (*Malus sp.*; 25 cm



diameter at breast height [DBH]; Figure 2). Four Japanese Lilacs (*Syringa reticulata*; all with DBH ~12 cm) have been planted along the parking lot edge beside Loretta St. Four trees are growing immediately adjacent to the east side of the Site buildings in gaps in the hardened surface: two Manitoba Maples (*Acer negundo*; 38 and 40 cm DBH) and two Norway Spruce (*Picea abies*; each with DBH ~25 cm).

3.3 Species at Risk

This scoped EIS focuses on the following SAR listed as threatened or endangered under the ESA: Chimney Swift, Barn Swallow, and at-risk bats. There are four bat species listed as SAR under the ESA that occur within the Ottawa area: Little Brown Myotis, Eastern Small-footed Myotis (*Myotis leibii*), Northern Long-eared Bat (*Myotis septentrionalis*) and Tri-coloured Bat (*Perimyotis subflavus*); Little Brown Myotis is considered the most likely to be present within the urban milieu of the Site.

3.3.1 Birds

Methods

Morning breeding bird surveys were performed on the Site to investigate the possible presence of the two listed bird species of concern (i.e. Chimney Swifts and Barn Swallows) using point counts following the Ontario Breeding Bird Atlas Guide for Participants (Bird Studies Canada et al., 2009). Breeding bird surveys are to be completed from survey stations that, combined, provide suitable viewing of all habitats on a site on calm weather days with light wind (less than 3 on the Beaufort Scale) and no precipitation. As per the Ontario Breeding Bird Atlas, two rounds of surveys must take place between sunrise and five hours after sunrise between May 24 and July 10, with a minimum of 15 days between survey dates.







The surveys were conducted on June 8, 2021, and June 22, 2021, from two points, with Station 1 located in the parking lot along Gladstone Avenue and Station 2 in the parking lot at the north end of the Site (Table 1; Figure 2). Surveys at Station 1, which provides a view of the brick chimney at the rear of Enriched Bread Artists Studios (951 Gladstone Avenue; “Chimney 1”), began near sunrise with a special focus on possible Chimney Swifts there. Surveys at Station 2 provided a view of the (smaller) main chimney on the north side of the building at 145 Loretta Street (“Chimney 2”), though this chimney appeared to have a metal cap. Following the surveys, all sides of the Site buildings were visually searched for the presence of Barn Swallow nests.

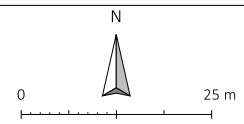




Figure 2 Map showing existing conditions on the Site

Legend

-  Project Site
-  Property Parcels
-  **Tree**
 - CA- Common Apple
 - DA- Dead Ash
 - JL- Japanese Lilac
 - MM- Manitoba Maple
 - NS- Norway Spruce
-  Chimney
- Survey Stations**
 -  Bats
 -  Birds/Swifts



Project: Map Template
 MTM Zone 9
 (NAD 83)
 Printed on: 2021-07-19



Table 1 Summary of dates and weather conditions of morning breeding bird surveys, 2021

Date	Start Time	Cloud Cover/ Precipitation	Air Temperature (°C)	Wind (Beaufort)
2021-06-16	05:00	clear / dry	26	0
2021-06-21	06:00	20% / dry	20	2-3

As conducted, the morning surveys can identify all bird species generally present in the area including Barn Swallows. The protocol, however, is not optimized for Chimney Swifts. Site surveys specifically for swifts were repeated following the Ontario SwiftWatch Protocol (Birds Canada, 2020). This protocol requires observers to begin watching chimneys with a potential to support swifts beginning 30 minutes before sunset. Observation of the chimney lasts for at least one hour and until either fifteen minutes after the last swift (of a group in the area) enters or it becomes too dark to count. Two surveys are to be completed in June.

Evening swift surveys were conducted on June 16, 2021, and June 21, 2021. On each evening, two KAL biologists monitored from Station 1 and Station 2 respectively the associated chimneys. Surveys began at 20:23 and 20:24 respectively, with each survey lasting for 70 minutes.

Observations

Morning bird surveys resulted in the identification of 11 species (Table 2), all of which are relatively common throughout urban Ottawa. No SAR birds were heard or observed during morning surveys.

Table 2 Species observed during morning breeding bird surveys, 2021

Common Name	Species	Common Name	Species
American Crow	<i>Corvus brachyrhynchos</i>	House Finch	<i>Haemorhous mexicanus</i>
American Goldfinch	<i>Spinus tristis</i>	Morning Dove	<i>Zenaida macroura</i>
American Robin	<i>Turdus migratorius</i>	Ring-billed Gull	<i>Larus delawarensis</i>
Common Raven	<i>Corvus corax</i>	Rock Dove	<i>Columba livia</i>
Common Yellow-throat	<i>Geothlypis trichas</i>	Song Sparrow	<i>Melospiza melodia</i>
European Starling	<i>Sturnus vulgaris</i>		

Evening bird surveys, however, noted four Chimney Swifts entering Chimney 1 on the June 16. On June 21, a total of eight swifts were observed in the vicinity though only three were noted entering Chimney 1. No swifts were observed entering Chimney 2, which appears to be capped, during either survey.

3.3.2 Bats

Methods

Buildings on the Site were subject to bat exit surveys following the Guelph District Ministry of Natural Resources and Forestry's Survey Methods (MNRF, 2014). Exit surveys involve monitoring potential bat exit points on the buildings for two nights each in June using a combination of visual observations and acoustic



monitoring equipment. This method allows for the detection of bats as they exit buildings in the early evening to forage, to ascertain possible occupation or use as a maternity colony. The method is suitable for detecting Little Brown Myotis as well as Northern Myotis, Tri-colored Bat, and Eastern Small-footed Bat. Maternity colonies are most likely to use anthropogenic structures that provide consistent daytime temperatures within approximately 26 to 32°C or that are sufficiently insulated that body warmth is easily trapped (Gerson 1984).

Surveys were conducted on the same evenings as the evening Chimney Swift surveys (i.e. June 16 and 21, 2021). On each evening, two additional KAL biologists were stationed on the southeast corner and in the central alley of the site (Station 3 and 4 respectively; Figure 2). Each biologist employed a Wildlife Acoustics Echo Touch acoustic data recorder and observed the Site from 30 minutes before dusk to 40 minutes after dusk. Surveyors maintained visual contact with the buildings throughout the duration of each survey and recorded any bats observed. Bat calls were identified using the automatic ID function of Wildlife Acoustics Kaleidoscope app associated with Echo Touch meters, which run off Apple iPhones. Recorded sonograms were vetted immediately following the survey period for accuracy by a qualified biologist.

The opposite side of each building was directly in the line-of-site of the other two biologists present conducting swift surveys, allowing for additional visual scans for bats.

Observations

No bats were observed exiting the Site buildings during either survey. On each evening, a single Hoary Bat (*Lasiurus cinereus*) was observed and recorded flying over Station 3 in a single pass. Hoary Bats rarely roost in human structures and tend to forage in long, linear flight lines over distances of many kilometres (Gerson, 1984). Neither Hoary Bat, nor any other species of bat, is considered to reside on the Site.

4.0 PROPOSED PROJECT

The proposed site plan would lead to the redevelopment of the Site from general industrial usage to a high-density tower complex with 931 residential units, 140,000 square feet of office space and 21,000 square feet of retail space. The tallest tower would be 41 storeys while the other two towers would be 35 storeys and 30 storeys (Figure 3).

The current site plan would require the removal of most of the buildings and all vegetation on the Site. The Enriched Bread Artists building, however, received heritage designation from the City of Ottawa in February 2020. As such, that building will be preserved, though the extensive renovations to be undertaken and the proximity of the building's chimney to new site structures will likely preclude the ability for it to continue providing functional habitat for Chimney Swifts.



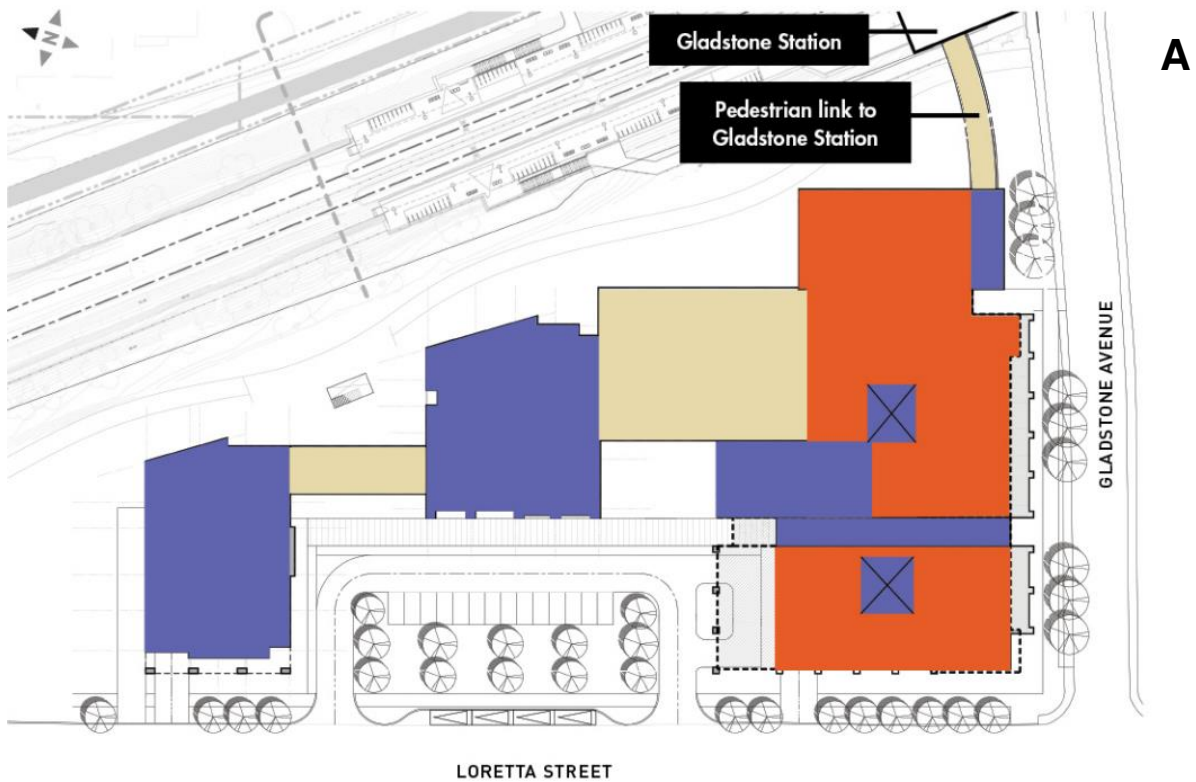


Figure 3 A) General Site plan. B) Artist concept.



5.0 IMPACT ASSESSMENT AND MITIGATION

5.1 Vegetation / Trees

All trees and other vegetation will be removed from the Site. This report does not constitute permission to remove those trees. The removal of trees from the Site must be completed under a tree removal permit to be issued by the City and in accordance with the stipulations of that permit.

With the ongoing construction of the new O-Train Station directly east of the Site, it is considered unlikely that any neighbouring trees will remain adjacent to the Site. As such, no impacts to neighbouring trees are anticipated.

Following the removal of trees on and adjacent to the Site, no specific mitigation measures will be required to protect area trees as none will be left. If trees are planted along the O-Train corridor, however, prior to the completion of development on the Site, we recommend the following general protection measures during construction to limit impacts to those trees:

- Erect a fence beyond the critical root zone (CRZ; i.e., 10x the DBH) of trees. The fence should be highly visible (orange construction fence) and paired with erosion control fencing. Pruning of branches is recommended in areas of potential conflict with construction equipment;
- Do not place any material or equipment within the CRZ of trees;
- Do not attach any signs, notices, or posters to any trees;
- Do not raise or lower the existing grade within the CRZ of trees without approval;
- Tunnel or bore when digging within the CRZ of a tree;
- Do not damage the root system, trunk, or branches of any remaining trees; and
- Ensure that exhaust fumes from all equipment are not directed towards any tree's canopy.

5.2 Species at Risk

Chimney Swift is the only SAR likely to be impacted by the proposed development on the Site. The loss of Chimney 1 can be offset through the creation of constructed chimney-like habitat features following MECP permitting requirements (MECP, 2019).

As part of the planning process for the proposed development, the proponent must register the work by filing a Notice of Activity in accordance with Ontario Regulation 242/08, Section 23.8. Completing the registration will permit the proposed work to proceed without contravening the ESA, but will impose restrictions/obligations on the work. These include but are not necessarily limited to:



- Minimizing the effects of development activities on Chimney Swift primarily through the use of timing windows (i.e., no work can occur that would disturb a chimney nest site while the birds are present);
- Creating and maintaining new alternative habitat structures for Chimney Swift prior to their return during the following breeding season;
- Reporting new sightings of rare species (and updating registration documents, if needed);
- Preparing and implementing a monitoring plan for the new habitat structures; and
- Maintaining records related to species activity and habitat usage, along with submitting annual reports to the MECP for a period of three years.

5.3 General Wildlife Management

The following mitigation measures shall be implemented during project works to generally protect wildlife:

- Tree and vegetation clearing should not take place during sensitive times of the year for wildlife (breeding season; early spring throughout summer) unless mitigation measures are implemented and/or the habitat has been inspected by a qualified biologist.
 - The MBCA protects migratory birds and the nests and young of migratory birds in Canada. No clearing of vegetation shall occur during the breeding bird window (between April 15 and August 15; City of Ottawa, 2015) to prevent impacts to birds. Combining the breeding bird window with the bat roosting season (May to September; MNRF, 2014), no clearing of vegetation shall occur between April 15 and September 30 inclusive to prevent impacts to both birds and bats.
- Do not harm, feed, or unnecessarily harass wildlife.
- Manage waste to prevent attracting wildlife to the Site. Effective mitigation measures include litter prevention and keeping all trash secured in wildlife-proof containers and promptly removing it from the Site, especially during warm weather.
- Manage stockpiles and equipment on Site to prevent wildlife from being attracted to artificial habitat. Cover and contain any piles of soil, fill, brush, rocks and other loose materials and cap ends of pipes where necessary to keep wildlife out. Ensure that trailers, bins, boxes, and vacant buildings are secured at the end of each workday to prevent access by wildlife.
- Check the entire work site for wildlife prior to beginning work each day.
- Inspect erosion and sediment control measures and protective fence and/or other installed wildlife exclusion measures daily and after each rain event to ensure their integrity and continued function.



- Monitor construction activities to ensure compliance with the project-specific protocol (where applicable) or any other requirements.
- Construction and maintenance of buildings shall follow the City's *Bird-Safe Design Guidelines* (City of Ottawa, 2020).

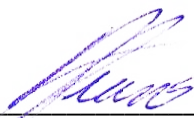
6.0 CONCLUSION

Based on our professional opinions, we do not expect potential future development of the Site to result in significant negative impacts to species at risk or other natural features if the recommended mitigation measures are implemented, especially as they relate to the completion of a Notice of Activity with regards to Chimney Swift, and the implementation of all measures intended to provide a net benefit for that species imposed by the Notice of Activity.

Questions relating to the data and interpretation of this report can be addressed to the undersigned.

Respectfully submitted,

KILGOUR & ASSOCIATES LTD.



Anthony Francis, PhD
Project Lead



7.0 LITERATURE CITED

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Appendix A Drop Pages in PDF....



