

Scoped Environmental Impact Study

**308 Four Mile Creek Road
Niagara-on-the-Lake, ON**

Prepared For:

Sleek Developments Inc.

Prepared By:

Beacon Environmental Limited

Date:

2025-09-23

Project:

222403



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Report Versions Issued

Version	Date	Revisions
1.	September 2025	First Submission

1. Introduction

Beacon Environmental Limited (Beacon) was retained by Sleek Developments Inc. to prepare a scoped Environmental Impact Study (EIS) in relation to a proposed townhouse development at 308 Four Mile Creek Road in the settlement area of St. Davids in the Town of Niagara-on-the-Lake (the “Town”), Regional Municipality of Niagara (Region), hereafter referred to as the “subject property.” The location of the subject property is illustrated in **Figure 1**.

The subject property contains a reach of Four Mile Creek, which is identified as a key hydrological feature of the Natural Environment System (NES) in the Region’s Official Plan (OP). Lands associated with Four Mile Creek are mapped as “Conservation” in the Town’s OP. The section of Four Mile Creek within the subject property was realigned and enhanced in 2021. The work was completed in accordance with a permit issued by the Niagara Peninsula Conservation Authority (NPCA; Permit NO. 201900660 dated August 23, 2019 and Permit Amendment May 15, 2021). The design for the realignment of the creek, prepared by Upper Canada Consultants, created a 30 m wide corridor through which a new centrally located creek channel meanders.

The subject property is approximately 1.42 hectares and will be developed in two phases. Phase 1, in the north portion of the subject property, consists of nine (9) townhouse units. Phase 2, in the southern portion, consists of six (6) townhouse units. Applications for an Official Plan Amendment (OPA), Zoning By-law Amendment (ZBA) and Draft Plan of Vacant Land Condominium Applications were previously submitted for the Phase 1 lands. In their letter dated October 27, 2023, the Region provided conditional approval of the OPA, ZBA, and Draft Plan for Phase 1.

In their pre-consultation comments regarding the proposed ZBA and Draft Plan of Condominium for the Phase 2 development (the “proposed development”), Niagara Region requires a scoped EIS to support the development application if a 15 m buffer from the top of bank of the watercourse is not provided. The limits of the proposed development align with the 30 m wide naturalized creek block within the subject property. Due to the meandering design of the channel within the 30 m wide corridor, the watercourse does not have a consistent 15 m buffer on both sides; therefore, a scoped EIS has been prepared for the proposed development.

Terms of Reference for the scoped EIS were prepared by Beacon and submitted to the Region and the NPCA. In their comments, the Region approved the Terms of Reference and also requested that the EIS address the 2022 Niagara Official Plan policies, including Policies 3.1.15 and 3.1.16 associated with “supporting features and areas and enhancement areas.” NPCA requested that the EIS include:

- A discussion on the *Conservation Authorities Act*, Ontario Regulation 41/24 and associated policies and procedures;
- Characterization and assessment of NPCA regulated features onsite and on adjacent land including downstream hazards such as flooding and erosion risk; and
- An evaluation of buffer widths and mitigation measures.

The Terms of Reference and comments received from the Region and NPCA are included in **Appendix A**.

2. Policy Review

2.1 *Endangered Species Act (2007)*

On June 5, 2025, the Province of Ontario enacted *Bill 5, Protecting Ontario by Unleashing the Economy Act*. This legislation makes amendments to the *Endangered Species Act* (ESA) and enacts the *Species Conservation Act, 2025* (SCA), which will come into force at a later date.

Under the ESA, species in Ontario are identified as extirpated, endangered, threatened, or of special concern and each species receives different levels of protection. The ESA regulates species and habitat listed as threatened or endangered by the Committee on the Status of Species at Risk in Ontario (COSSARO), or at the discretion of the Province.

Section 9 of the ESA generally prohibits the killing or harming of a threatened or endangered species, as well as the destruction of its habitat. Section 10 of the ESA prohibits the damage or destruction of the habitat of all endangered or threatened species.

2.2 Regional Municipality of Niagara Official Plan (2022)

Section 3 of the Region's OP details the policies regarding the NES within the Niagara Region, which is composed of a Natural Heritage System (NHS) and a Water Resource System.

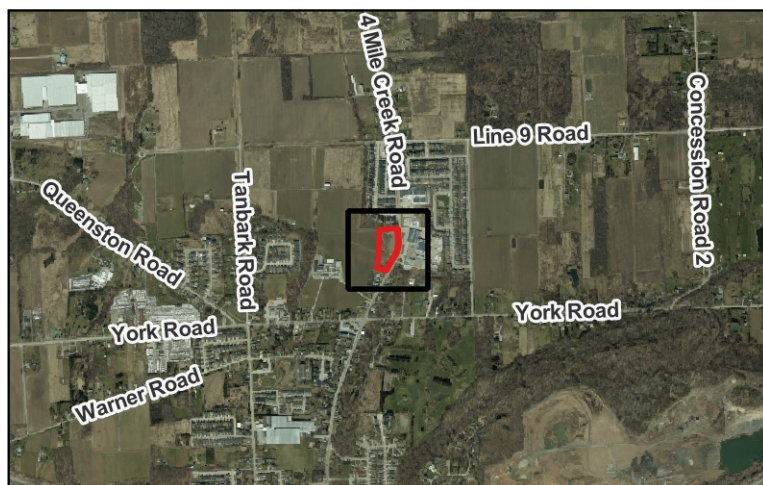
The NHS includes wetlands, valleylands, wildlife habitat, and components such as supporting features and areas, linkages, buffers, and enhancement areas.

The NHS is presented in Schedule C1 of the Regional OP and individual features and components of the NES are presented in Schedule C2. Components and features of the NES illustrated in Schedule C2 include:

- Significant woodlands;
- Other woodlands;
- Provincially significant wetlands;
- Other wetlands and non-provincially significant wetlands;
- Life science areas of natural and scientific interest (ANSI);
- Earth science ANSI;
- Permanent and intermittent streams;
- Inland lakes; and
- Linkages.

Key hydrologic areas are part of the NES and are mapped as a separate overlay on Schedule C3. Hydrological features identified on Schedule C3 include:

- Shoreline areas;
- Significant Groundwater Recharge Areas;



Site Location

Figure 1

Niagara-on-the-Lake - 308 Four Mile Creek Road



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Last Revised: September 2025

Client: Sleek
Developments Inc

Prepared by: BD
Checked by: DW



1:2,000

Inset Map: 1:35,000

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- Highly Vulnerable Aquifers; and
- Permanent and intermittent streams.

Other features and components of the NES for lands outside of the Provincial NHS and the Niagara Escarpment Plan Area listed in Schedule L of the Regional OP that are not individually mapped on Schedules C2 or C3 include:

- Significant Valleylands;
- Significant Wildlife Habitat (SWH);
- Habitat of Threatened and Endangered Species;
- Seepage Areas and Springs;
- Significant Surface Water Contribution Areas;
- Supporting Features and Areas;
- Minimum and Mandatory Buffers, Vegetation Protection Zones;
- Setbacks to regulated features/areas in accordance with NPCA policies; and
- Hazardous lands associated with flooding and erosion.

Not all of the features and components of the NES have been mapped in the Regional OP. Additional features may be identified through area-specific or site-specific studies such as an EIS, hydrological evaluation, or subwatershed study.

Changes to the limits or classification of individual features or components of the natural environment system identified through Regional criteria may be considered based on the findings of EIS, hydrological evaluation, or subwatershed study approved by the Region.

Four Mile Creek, which traverses the subject property, is identified as a “Permanent/Intermittent Stream” in the Region’s OP, which makes it a key hydrologic feature.

The subject property is subject to the policies of Section 3.1.9 of the Region’s OP, pertaining to lands outside of a Provincial NHS and outside of the Niagara Escarpment Plan Area.

Per Policy 3.1.9.6.1, development and site alteration is not permitted in provincially significant wetlands, significant coastal wetlands, or significant woodlands.

Per Policy 3.1.9.6.2 development and site alteration may be permitted in the following in the following natural heritage features and areas if it has been demonstrated through the preparation of an EIS that there will be no negative impacts on the natural features or their ecological functions:

- Other woodlands;
- Significant valleylands;
- SWH; and
- ANSI.

Per Policy 3.1.9.8.1, a proposal for new development or site alteration adjacent to a natural heritage feature or area requires an EIS and/or hydrological evaluation to determine that there will be no negative impacts on the feature or its ecological and/or hydrological functions.

Per Policy 3.1.9.10.1, within settlement areas, mandatory buffers from natural heritage features and areas are required. The width of an ecologically appropriate buffer must be determined through an EIS and/or hydrological evaluation.

Per Policy 3.1.9.10.2, development or site alteration is not permitted in the mandatory buffer unless it has been demonstrated through an EIS that there will be no negative impacts and the buffer will continue to provide the ecological function for which it was intended.

Per Policy 3.1.10.1 pertaining to Key Hydrologic Areas, Key Hydrologic Features, and Other Important Water Resources:

Development or site alteration shall not be permitted unless it can be demonstrated that it will not have negative impacts on:

- a. the quantity and quality of water in key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive ground water features;*
- b. the hydrologic functions of key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive groundwater features;*
- c. the interaction and linkage between key hydrologic areas, key hydrologic features, sensitive surface water features, and sensitive groundwater features and other components of the natural environment system;*
- d. the natural hydrologic characteristics of watercourses such as base flow, form and function, and headwater drainage areas;*
- e. natural drainage systems and shorelines areas; and*
- f. flooding or erosion.*

Policies 3.1.15 and 3.1.16 refer to “supporting features and areas” and “enhancement areas”, which may be considered for inclusion within the NES.

Per Policy 3.1.15.1:

Supporting features and areas are lands that have been restored or have the potential of being restored, and include:

- a. grasslands, thickets, and meadows that support the ecological functions of adjacent key natural heritage features, key hydrologic features, and/or natural heritage features and areas;*
- b. valleylands, which includes lands that may have ecological and/or hydrologic functions, that are not significant valleylands, and are not the site of a permanent or intermittent stream that is regulated by the Conservation Authority;*
- c. wildlife habitat that is not considered to be significant wildlife habitat; and*
- d. enhancement areas, which are the subject of Section 3.1.16 of this Plan.*

Policy 3.1.15.3 states:

If supporting features and areas are identified through an environmental impact study, hydrological evaluation, or subwatershed study an evaluation shall determine:

- a. the extent of the supporting feature or area along with its ecological functions and relationship to nearby key natural heritage features, key hydrologic features and/or natural heritage features and areas;*

- b. whether the supporting feature or area should be protected because it supports the ecological and/or hydrologic functions of nearby key natural heritage features, key hydrologic features and/or natural heritage features and areas; and*
- c. conditions to be attached to the approval of the proposed development or site alteration.*

Policy 3.1.16.1 states:

Enhancement areas are intended to consist of natural self-sustaining vegetation that increase the ecological resilience and function of individual key natural heritage features, key hydrologic features and/or natural features and areas, or groups of such features, by:

- a. increasing the size of key natural heritage features, key hydrologic features and/or natural heritage features and areas;*
- b. connecting key natural heritage features, key hydrologic features and/or natural heritage features and areas to create larger contiguous natural areas;*
- c. improving the shape of key natural heritage features, key hydrologic features and/or natural heritage features and areas to increase interior habitat conditions;*
or
- d. including critical function zones and important catchment areas for sustaining ecological functions.*

Per 3.1.16.3, to determine if enhancement areas should be identified within or adjacent to a feature, an evaluation shall be completed that assesses the potential ecological benefit of an enhancement area, considers an appropriate shape and size of an enhancement area for ecological benefit, considers how the enhancement area can be incorporated into the design and layout of the proposed development; and assesses potential compatible uses within the enhancement area (e.g. stormwater management).

2.3 Town of Niagara-on-the Lake Official Plan

Section of 16 of the Town's OP has policies pertaining to lands designate "Conservation/Wetland", which includes a portion of the subject property.

The Conservation/Wetland designation applies to lands considered environmentally significant or where lands are considered unsuitable for buildings purposes due to the potential for loss of life and property damage.

The designation includes Provincially Significant Wetlands (PSW), flood prone and shoreline erosion areas, ANSI, woodlots, and fish habitat.

Relevant policies pertaining to the Conservation/Wetland designation on the subject property include:

6.14 (2) No buildings or structures, or addition thereto nor the placement or removal of fill material, shall be permitted within or adjacent to the Niagara River, Lake Ontario or any inland watercourse, and its associated valley system, without the prior written authorization of the Conservation Authority or the Ministry of Natural Resources and Forestry.

6.14 (3) No buildings or structures or additions to such buildings or structures nor the placement or removal of fill material shall be permitted in any floodline or fill line as established by the Niagara Peninsula Conservation Authority without written approval from the Conservation Authority. Floodlines along One and Eight Mile Creek are regulated to the 1:100 year storm flood level. Two and Four Mile Creeks are regulated to the Regional Storm Flood level.

6.14 (7) Any applications for the redesignation of Conservation lands will be carefully reviewed and shall not adversely impact on the natural environment. Council shall, in conjunction with appropriate public agencies including the Conservation Authority, the Ministry of Natural Resources and Forestry and the Region, require a proponent to submit a study prepared by a qualified environmental specialist. Such a study shall contain:

- a) A description of the natural environment and existing physical characteristics including a statement of environmental quality.
- b) A description of the proposed development and the potential effect on the natural environment.
- c) A description of the costs and benefits in economic, social, and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects.
- d) An evaluation of alternatives including other locations to the proposal.

There is no public obligation, however, either to change the designation of, or to purchase any area within the Conservation designation, particularly if the environmental hazard would be difficult or costly to overcome.

6.14 (10) In interpreting the boundary of any conservation designation the following principals shall apply:

- a) Where lands abut the Lake Ontario or the Niagara River the boundary of the conservation designation shall be the top of the bank adjacent to the Lake or river. On undeveloped land a minimum 15 metres (49.2 feet) natural buffer area shall be provided along the lake or river to protect fish habitat. Where development is anticipated or an addition to an existing building, variations to the natural buffer area may be considered, subject to the approval of the Town of Niagara-on-the-Lake in consultation with the Ministry of Natural Resources and Forestry and the Niagara Peninsula Conservation Authority. The Town where deemed necessary may also request within the buffer area a maintenance area (generally 8 metres (26.2 feet) wide).
- b) Where lands abut any other watercourse or valley area designated conservation the boundary of the conservation designation shall be the floodline as established by the Niagara Peninsula Conservation Authority. In the absence of any floodline mapping the boundary of the conservation designation shall be the top of the bank adjacent to the watercourse or valley area. Where deemed necessary an appropriate maintenance area (generally 8 metres (26.2 feet) wide) may be required by the Town of Niagara-on-the-Lake.
- c) Where lands designated conservation are within an Urban Boundary as shown in this Plan and does not form part of any shoreline, watercourse or valley area

development may be permitted but restricted to preserve existing trees or other natural feature.

- d) *Where lands designated conservation are outside of an Urban Boundary as shown on this Plan and does not form part of any shoreline, watercourse or valley area, main agricultural uses shall be permitted but may be restricted to preserve existing trees or other natural features. Agricultural activities may be permitted within a floodline subject to the approval of the authority having jurisdiction.*

2.4 Conservation Authorities Act and Related Policies

Under Ontario Regulation 41/24 of the *Conservation Authorities Act*, NPCA regulates land use activities in and adjacent to wetlands and natural hazards (areas prone to flooding and erosion), including watercourses, valleylands, steep slopes, floodplains.

NPCA prepared a policy document entitled *Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (2024). NPCA relies on the policies contained in this policy document permitting and administering Ontario Regulation 41/24. The document defines the features and areas regulated by NPCA and sets out the policies regarding development and site alteration within and adjacent to such features.

3. Methodology

The scoped EIS relies on existing background information to characterize the features associated with the subject property, evaluate buffers, assess impacts of the proposed development, and recommend mitigation measures. Background resources include:

- EIS for property adjacent to the subject property at 538 Four Mile Creek Road (Beacon 2018a);
- Geomorphic Assessment for 538 Four Mile Creek Road (Beacon 2018b);
- Channel realignment plan for 308 Four Mile Creek Road (Upper Canada Consultants 2025);
- Ministry of Natural Resources (MNR) aquatic habitat information; and
- Stormwater Management Report (Upper Canada Consultants 2025).

4. Summary of Existing Conditions

The subject property contains a reach of Four Mile Creek. The MNR classifies Four Mile Creek as a warmwater system. The EIS for 538 Four Mile Creek Road (Beacon 2018a), located on adjacent lands directly north of the subject property, confirmed that this section of Four Mile Creek as Type 2 Moderate Fish Habitat. Aside from fish habitat, the EIS for lands to the north (Beacon 2018a) determined that the creek corridor and adjacent lands do not support other significant natural heritage features, identified under the PPS.

The section of Four Mile Creek through the subject property was realigned and enhanced in 2021 in accordance with an NPCA permit. The realigned watercourse meanders approximately centrally within the 30 m wide corridor as illustrated in **Figure 2**.

Riparian vegetation within the corridor consists of meadow interspersed with tree and shrub plantings, with some remnant mature Black Walnut trees (*Juglans nigra*). The creek block was extensively planted with native trees and shrubs as part of the creek realignment.

The tableland portion of the subject property outside the creek corridor supports an existing single detached dwelling with associated lawn and several planted trees.

5. Summary of Natural Heritage Features and Constraints

Based on information collected through the background review and field investigations, features on the subject property were identified/evaluated for significance according to criteria and guidance provided in the Niagara Region Official Plan and provincial guidelines, including the Significant Wildlife Habitat Technical Guide (OMNR 2000) and the Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E (MNRF 2015).

5.1 Habitat for Threatened or Endangered Species

A screening for habitat of threatened or endangered species was completed for the subject property. As part of the assessment, Beacon conducted a review of available natural heritage information resources including:

- Provincially Tracked Species Layer from Geospatial Ontario (GEO);
- Ontario Breeding Bird Atlas;
- Ontario Reptile and Amphibian Atlas;
- Natural Heritage Information Centre (NHIC) Data via the Make-A-Map application; and
- Species at risk range maps <https://www.ontario.ca/environment-and-energy/species-risk-ontario-list>.

The subject property was examined during field investigations to determine if it supports habitat or potential habitat for threatened or endangered species for which records are available in the Niagara on the Lake area. The assessment is provided in **Table 1**.



Legend

- Subject Property
- Development Plan
- Phase 1
- Proposed Development - Phase 2
- 100 Year Floodline (Upper Canada Consultants)
- Engineered Top of Bank (Upper Canada Consultants)
- Creek Block

Proposed Development

Figure 2

Niagara-on-the-Lake - 308 Four Mile Creek Road



Project: 222403
Last Revised: September 2025

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Prepared by: BD
Checked by: DW



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Table 1. Assessment of Habitat for Threatened or Endangered Species

Common Name	Scientific Name	ESA	SARA	Assessment of subject property
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>	END	END	No suitable habitat
Least Bittern	<i>Ixobrychus exilis</i>	THR	THR	No suitable habitat
Chimney Swift	<i>Chaetura pelagica</i>	THR	THR	No suitable habitat
Bank Swallow	<i>Riparia riparia</i>	THR	THR	No suitable habitat
Bobolink	<i>Dolichonyx oryzivorus</i>	THR	THR	No suitable habitat
Eastern Meadowlark	<i>Sturnella magna</i>	THR		No suitable habitat
Little Brown Myotis	<i>Myotis lucifugus</i>	END	END	No suitable habitat
Northern Myotis	<i>Myotis septentrionalis</i>	END	END	No suitable habitat
Tricolored Bat	<i>Perimyotis subflavus</i>	END	END	No suitable habitat
Eastern Red Bat	<i>Lasiurus borealis</i>	END	END	No suitable habitat
Hoary Bat	<i>Lasiurus cinereus</i>	END	END	No suitable habitat
Silver-haired Bat	<i>Lasionycteris noctivagans</i>	END	END	No suitable habitat
Eastern Small-footed Myotis	<i>Myotis leibii</i>	END		No suitable habitat
Butternut	<i>Juglans cinerea</i>	END	END	No suitable habitat
Northern Dusky Salamander	<i>Desmognathus fuscus</i>	END		No suitable habitat
Allegheny Mountain Dusky Salamander	<i>Desmognathus ochrophaeus</i>	END		No suitable habitat
Acadian Flycatcher	<i>Empidonax virescens</i>	END	END	No suitable habitat

Based on this screening, there is no suitable habitat for threatened or endangered species on the subject property.

5.2 Wetlands (Significant or Other)

There are no wetlands on or adjacent to the subject property.

5.3 Areas of Natural and Scientific Interest

There are no ANSIs on or adjacent to the subject property.

5.4 Significant Valleylands

The subject property contains a watercourse corridor associated with Four Mile Creek.

The Regional OP defines Significant Valleylands as features identified in any of the following three categories:

- a. all streams with well-defined valley morphology (i.e., floodplains, riparian zones, meander belts and/or valley slopes) of an average width of 25 metres or more; the

physical boundary is defined by the stable top of bank (as defined by the conservation authority);

- b. all spillways and ravines with the presence of flowing or standing water for a period of no less than two months in an average year. Such features must be greater than 50 metres in length (as defined from the point of valley formation downstream to the confluence of the valley being assessed); 25 metres in average width with a well-defined morphology (i.e., two valley walls of 15 per cent slope or greater with a minimum height of 5 metres, and valley floor), and having an overall area of 0.5 hectares or greater; or*
- c. additional features or areas beyond the ones described above that have been identified by the Region, Local Area Municipality, or the Niagara Peninsula Conservation Authority as providing one or more of the features or functions described in the table contained in Appendix A of the Greenbelt Plan 2005 Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside Area (MNRF, 2012).*

As discussed, extensive work has occurred to realign the watercourse through the subject property and restore the 30 m creek corridor. Based on the above criteria, it is not possible to make a determination of valleyland significance based solely on the valley form and hydrological and geomorphological conditions with the subject property. A broader watershed analysis would be required, which is beyond the scope of this EIS. Regardless of valleyland significance, it is acknowledged that the watercourse corridor is a component of the Regional NHS.

5.5 Significant Wildlife Habitat

According to the significant Wildlife Habitat Technical Guidelines (MNR 2000), there are four main categories of SWH:

- Seasonal Concentration Areas of Animals;
- Rare Vegetation Communities or Specialized Habitat for Wildlife;
- Habitat for Species of Conservation Concern; and
- Animal Movement Corridors.

Within each of these categories, there are multiple types of SWH, each intended to capture a specialized type of habitat that may or may not be captured by other existing feature-based categories (e.g., significant wetlands, significant woodlands). The SWH Criteria Schedules for Ecoregion 7E (MNRF 2015) was reviewed for potential SWH on the subject property. Based on a review of the criteria, there is no SWH associate with the subject property.

5.6 Woodlands (Significant or Other)

There are no significant woodlands or other woodlands on the subject property. Other woodlands have been identified in the Regional OP east of the subject property (on the east side of Four Mile Creek Road).

5.7 Fish Habitat

Four Mile Creek is warmwater fish habitat.

5.8 Supporting Features and Areas and Enhancement Areas

The subject property consists of anthropogenic lands and the restored Four Mile Creek corridor. There are no features or areas within the subject property that provide supportive ecological function to the NES features (Four Mile Creek) that warrant inclusion within the NES.

5.9 Natural Hazards

Due to flooding and erosion risks, Four Mile Creek is regulated by NPCA. The floodline of Four Mile Creek on the property is illustrated in **Figure 2**.

The meander belt allowance is normally used to define the erosion hazard for unconfined river and stream systems. The meander belt for the reconstructed section on Four Mile Creek through the subject property is confined within the 30 m wide creek block.

5.10 Summary of Natural Heritage Features and Constraints

The subject property supports a realigned reach of Four Mile Creek, which is a key hydrological feature of the Region's NES. The realigned watercourse meanders approximately centrally within a 30 m wide corridor/creek block as illustrated in **Figure 2**.

Policy 3.1.9.9.1 of the Niagara Region OP (2022) states:

Within settlement areas, mandatory buffers from natural heritage features and areas are required. The width of an ecologically appropriate buffer would be determined through an environmental impact study and/or hydrological evaluation at the time an application for development or site alteration is made, or through the completion of a subwatershed study in support of a secondary plan or other large scale development. The width of the buffer would be based on the sensitivity of the ecological functions from the proposed development or site alteration, and the potential for impacts to the feature and ecological functions as a result of the proposed change in land use.

Furthermore, Policy 3.1.9.9.3 states:

Notwithstanding any other policy in this Plan, the Conservation Authority has its own buffer requirements for watercourses which shall apply. Reductions in any buffer required by the Conservation Authority may be considered in settlement areas where supported by a site-specific study that is approved by the Local Area Municipality, the Region, and the Conservation Authority.

The NPCA development policies for watercourses are detailed in Section 9 of the November 2024 planning document *Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority*. Regarding buffer requirements to a watercourse, Section 9.2.5.1 states the following:

A 15 metre buffer shall be provided for watercourses containing intermittent flow. Notwithstanding this requirement, the buffer may be reduced where supported by an EIS in accordance with the NPCA Procedural Manual.

According to Town OP policy 16.4 (10):

Where lands abut any other watercourse (other than the Niagara River) or valley area designated conservation the boundary of the conservation designation shall be the floodline as established by the Niagara Peninsula Conservation Authority. In the absence of any floodline mapping the boundary of the conservation designation shall be the top of the bank adjacent to the watercourse or valley area. Where deemed necessary an appropriate maintenance area (generally 8 metres (26.2 feet) wide) may be required by the Town of Niagara-on-the-Lake.

In Beacon's opinion, the limits of fish habitat should not be based on the engineered/constructed top of bank. Instead, a buffer to protect the watercourse and fish habitat associated with this reach of Four Mile Creek should be considered from the edge of the watercourse/normal flow channel wetted width rather than the engineered/constructed "top of the bank". The distance from the watercourse edge to the southern edge of the creek block ranges from approximately 9 m to 19 m, with an average width of 13 m (**Figure 2**). This is consistent with the setback for the draft plan approved Phase 1, which ranges from 6.7 m to 19 m wide, with an average width of about 13.5 m (**Figure 2**). The variability in distance between the edge of the realigned creek and the development limit is largely due to the intentional meandering design of the watercourse channel. In Beacon's opinion, the provision of a variable, fully restored buffer averaging 13 m in width to the watercourse channel as established within the creek block is sufficient to protect the watercourse and its functions. Therefore, it is recommended that development limits for the Phase 2 lands be established as the edge of the 30 m creek block, which is consistent with the Phase 1 lands.

6. Description of Proposed Development

The proposed development for the Phase 2 lands consists of six townhouse units. The development will be accessed from Four Mile Creek Road by an extension of the private condo road from the Phase 1 development in the northern part of the subject property. The proposed development is illustrated in **Figure 2**.

Stormwater from the proposed development will ultimately discharge to the existing box culvert in Four Mile Creek (Upper Canada Consultants 2025).

In order to meet the allowable conditions for future stormwater flows, an outlet control such as orifice and site stormwater storage will be implemented at the site. The storage will be achieved through the use of underground and above ground storage (Upper Canada Consultants 2025).

Based on the small size of the subject property and limited areas for total suspended solids (TSS) production, catch basin shields will be utilized to improve the quality of the stormwater flows (Upper Canada Consultants 2025).

7. Impact Assessment and Mitigation

Four Mile Creek is identified as a key hydrologic feature of the NES in the Region's OP. Development limits were established based on the limits of the 30 m creek block, which provides a variable buffer (9-19 m wide) to the watercourse with an average width of 13 m. In Beacon's opinion, the provision of a variable, fully restored buffer to the watercourse within the creek block is sufficient to protect the watercourse and its functions. This is also consistent with the limits of the draft plan approved Phase 1 development area.

No development is proposed within the Four Mile Creek corridor/creek block, with the exception of a SWM outfall connecting to the existing culvert. Areas of disturbance resulting from installation of the outfall will be restored with native species following construction.

A private road crossing of the creek along the eastern property limit parallel to Four Mile Creek Road is proposed, which links the Phase 1 development in the northern portion of the property to the proposed development in the south. An existing concrete box culvert at the location of the creek crossing was previously constructed in conjunction with the realignment work that was undertaken through NPCA Permit NO. 201900660 (August 23, 2019). An existing dirt and gravel laneway crosses Four Mile Creek at the location of the culvert. A new crossing is not required to facilitate access to the proposed development; however, the surface of the crossing will be upgraded to a paved private road. No impacts on the creek are anticipated to result from upgrading and formalizing the road crossing.

Construction works such as grading, grubbing and excavation have the potential to result in the movement of sediment into the watercourse, which could degrade aquatic habitat. An Erosion and Sediment Control (ESC) plan will be required to minimize the risk of sedimentation, siltation, and contaminants to the tributary. Prior to site alteration, silt fence should be installed at the limit of development/construction and be maintained throughout the construction period. Silt fence should be removed once the lands are sufficiently stabilized and there is no further risk to the watercourse related to erosion and sedimentation.

8. Policy Conformity

A summary of provincial and municipal environmental protection and planning policies and regulations applicable to the subject property were discussed in **Section 2**. An evaluation of how the proposed development complies with the applicable environmental policies and legislation is summarized below in **Table 2**.

Table 2. Policy Conformity Assessment

Applicable Policy / Legislation	Policy Intent/Summary	EIS Findings
Ontario <i>Endangered Species Act</i> (2007)	Provides legal protection to endangered and threatened species and their habitats	There is no potential habitat for threatened or endangered species on the subject property.
Provincial Planning Statement (2024)		
1. Habitat for Threatened and Endangered Species	The PPS does not permit development or site alteration in habitat for threatened and endangered species except in accordance with provincial and federal requirements.	Same as above.
2. Significant Wetlands	The PPS does not permit development or site alteration in Significant Wetlands, except for conservation, wildlife management and stewardship purposes. The PPS allows for development or site alteration on lands adjacent to Significant Wetlands if it can be demonstrated that such activities will not adversely impact upon the feature and its functions.	There are no PSWs on or adjacent to the subject property.
3. Significant Woodlands	The PPS does not permit development or site alteration in Significant Woodlands unless it can be demonstrated through an EIS that there will be no negative impacts.	There are no significant woodlands on the subject property.
4. Significant Valleylands	The PPS allows for development or site alteration in Significant Valleylands if it can be demonstrated through an EIS that there will be no negative impacts.	The subject property contains a valleyland/watercourse corridor associated with Four Mile Creek. Insufficient information is available to determine if this feature is a significant valleyland. The development limits were established based on the limits of the 30 m realigned and restored creek block/corridor. The watercourse corridor will be protected.
5. Significant Wildlife Habitat	The PPS allows for development or site alteration in SWH if it can be demonstrated through an EIS that there will be no negative impacts.	There is no SWH associated with the subject property.
6. Significant Areas of Natural and Scientific Interest (ANSI)	The PPS allows for development or site alteration in Significant ANSIs if it can be demonstrated through an EIS that there will be no negative impacts.	There are no ANSIs on or adjacent to the subject property.
7. Fish Habitat	Development and site alteration are not permitted in fish habitat except in accordance with provincial and federal requirements.	Four Mile Creek provides warm water fish habitat. The proposed development will be setback appropriate 9-19 m from the creek, with an average buffer of 13 m. No impacts on fish habitat are anticipated provided the mitigation measures recommended in this report are implemented.
Region of Niagara Official Plan (2022)		

Applicable Policy / Legislation	Policy Intent/Summary	EIS Findings
	The Regional Official Plan identified a Natural Environment System (NES) comprised on natural heritage and hydrological features. Policies pertaining to the protection of features and components of the Natural Environment System depend on the geographic area in which a property is located. The subject property is subject to the policies of Section 3.1.9 for lands located within a settlement area outside of Provincial Natural Heritage Systems and the Niagara Escarpment Plan Area. Per the policies of Section 3.1.9, development and site alteration is not permitted in provincially significant wetlands, significant coastal wetlands, or significant woodlands. Development and site alteration may be permitted in the following in the following natural heritage features and areas if it has been demonstrated through the preparation of an EIS that there will be no negative impacts on the natural features or their ecological functions: • other woodlands; • significant valleylands ; • SWH • ANSIs Buffers are required for natural heritage features. Within settlement areas, the buffer width must be determined by an EIS. For Key Hydrologic Features, and Other Important Water Resources, development or site alteration shall not be permitted unless it can be demonstrated that it will not have negative impacts on the feature or its hydrological functions. Policies 3.1.15 and 3.1.16 refer to “supporting features and areas” and “enhancement areas”, which may be	The subject property supports a realigned reach of Four Mile Creek, which is a key hydrological feature of the Region's NES. The realigned watercourse meanders approximately centrally within a 30 m wide corridor/creek block. The EIS recommends that development limits be established as the edge of the 30 m wide creek block. The provision of a variable, fully restored buffer averaging 13 m in width to the watercourse channel as established within the creek block is sufficient to protect the watercourse and its ecological functions. No development is proposed within the creek block, with the exception of an SWM outfall to that connect to the existing culvert. Areas disturbed by construction of the outfall will be restored with native species. A proposed driveway crossing of the creek utilizes an existing box culvert constructed in 2021. Potential indirect impacts on the watercourse during construction can be avoided by implementing the recommendation of this report. No supporting features or areas or enhancement areas were identified within the subject property.

Applicable Policy / Legislation	Policy Intent/Summary	EIS Findings
	considered for inclusion within the NES, subject to the findings and recommendations of an EIS.	
Town of Niagara on the Lake Official Plan		
	The Town OP has policies for the protection of lands designed "Conservation/Wetland". It is Town policy that no buildings or structures, or addition thereto nor the placement or removal of fill material, shall be permitted within or adjacent to the Niagara River, Lake Ontario or any inland watercourse, and its associated valley system, without authorization from the Conservation Authority or the Ministry of Natural Resources. For watercourses and valley areas other than the Niagara River, the boundary of the conservation designation shall be the floodline as established by the NPCA. In the absence of any floodline mapping the boundary of the conservation designation shall be the top of the bank adjacent to the watercourse or valley area. A maintenance area (generally 8 metres in width) may be required adjacent to the floodline or top of bank. Where lands designated "Conservation/Wetland" are within an Urban Boundary and does not form part of any shoreline, watercourse, or valley area, development may be permitted but restricted to preserve existing trees or other natural features.	The subject property supports a realigned reach of Four Mile Creek, which is designed "Conservation/Wetland". The realigned watercourse meanders approximately centrally within a 30 m wide corridor/creek block. The EIS recommends that development limits be established at the edge of the 30 m wide creek block. The provision of a variable, fully restored buffer averaging 13 m in width to the watercourse channel as established within the creek block is sufficient to protect the watercourse and its ecological functions. No development is proposed within the creek block, with the exception of an SWM outfall to that connect to the existing culvert. Areas disturbed by construction of the outfall will be restored with native species. A proposed driveway crossing of the creek utilizes an existing box culvert construed in 2021. Potential indirect impacts on the watercourse during construction can be avoided by implementing the recommendation of this report.
Conservation Authorities Act		
	Under Ontario Regulation 41/24 of the <i>Conservation Authorities Act</i> , NPCA regulates land use activities in and adjacent to wetlands and natural hazards (areas prone to flooding and erosion), including watercourses, valleylands, steep slopes, floodplains.	The meander belt and floodplain of the reconfigured Four Mile Creek are contained within the 30 m creek block. No development or site alteration is proposed within the creek block with the exception of a SWM outfall to connect to the existing culvert. Permit requirements for construction or site alteration what the regulated area should be confirmed with NPCA.

9. Summary

This scoped EIS was prepared for proposed townhouse development at 308 Four Mile Creek Road in the settlement area of St. Davids in the Town of Niagara-on-the-Lake, Regional Municipality of Niagara.

The subject property contains a reach of Four Mile Creek, which is identified as a key hydrological feature of the Natural Environment System (NES) in the Region's OP. Lands associated with Four Mile Creek are mapped as "Conservation" in the Town's OP. The section of Four Mile Creek within the subject property was realigned and enhanced in 2021 through an NPCA permit.

The subject property will be developed in two phases. Phase 1, in the north portion of the subject property, consists of nine (9) townhouse units. Phase 2, in the southern portion, consists of six (6) townhouse units.

The realigned reach of Four Mile Creek meanders approximately centrally within a 30 m wide corridor/creek block, which was planted with native trees and shrubs in conjunction with the creek realignment.

Development limits were established at the limits of the 30 m wide creek block, which provides an average 13 m wide buffer from the watercourse, accounting for the meandering form of the creek.

Based on the relatively low sensitivity of the aquatic habitat, the extensive creek restoration work that has occurred to improve aquatic habitat on the property, and the establishment of a 30 m wide, fully naturalized corridor, it is Beacon's opinion that the setbacks to the watercourse and the proposed development limit (based on limits of the 30 m wide corridor) are supported from an ecological perspective and comply with municipal and conservation authority policies.

Prepared by:
Beacon Environmental Ltd.



Dan Westerhof, B.Sc., M.E.S.
Senior Terrestrial Ecologist,
ISA Certified Arborist (ON-1536A)

Reviewed by:
Beacon Environmental Ltd.



Carolyn Glass, B.Sc. M.E.S.
Senior Ecologist

10. References

- Beacon Environmental Limited. 2018a.
Environmental Impact Study 358 Four Mile Creek Road, St. Davids, Niagara-on-the-Lake, Niagara Region. October 2018.
- Beacon Environmental Limited. 2018b.
Geomorphic Assessment 358 Four Mile Creek Road St. Davids, Niagara on the Lake, Niagara Region. July 2018.
- Ontario Ministry of Municipal Affairs and Housing (MMAH). 2024.
Provincial Planning Statement. Toronto, Ontario.
- Ontario Ministry of Natural Resources. 2000.
Significant Wildlife Habitat Technical Guide. October 2000.
- Ontario Ministry of Natural Resources. 2010.
Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005. Second Edition. March 18, 2010.
- Ontario Ministry of Natural Resources. 2015.
Significant Wildlife Habitat Criteria Schedules for Ecoregion 7E. January 2015.
- Ministry of the Environment, Conservation, and Parks (MECP). Undated.
Maternity Roost Surveys (Forests/Woodlands).
- Ministry of the Environment, Conservation, and Parks (MECP). 2022.
Species at Risk Bats Survey Note 2022.
- Upper Canada Consultants. 2025.
Functional Servicing Report. 308 Four Mile Creek Road (R.R. #100), Town of Niagara-On-The-Lake

Appendix A



EIS Terms of Reference

November 14, 2024

BEL 224022

Mr. Adam Boudens
Senior Environmental Planner / Ecologist
Public Works Department
Niagara Region

via email: adam.boudens@niagararegion.ca

Re: Environmental Impact Study Terms of Reference - 308 Four Mile Creek Road, Niagara-on-the-Lake.

Dear Mr. Boudens:

Beacon Environmental Limited (Beacon) has prepared this Terms of Reference for a scoped Environmental Impact Study (EIS) in relation to a proposed apartment building within the southern portion of 308 Four Mile Creek Road in the Town of Niagara-on-the-Lake (NOTL). The location of the subject property is illustrated in **Figure 1**. A townhouse development was previously approved for the northern portion of the subject property.

The subject property contains a reach of Four Mile Creek. In 2018, Beacon completed an EIS and Geomorphic Assessment for a property directly north of the subject property at 538 Four Mile Creek Road, which included an assessment of a reach of Four Mile Creek that traverses the subject property. The section of Four Mile Creek through the subject property was subsequently realigned and enhanced in 2021. The work was completed in accordance with a permit issued by the Niagara Peninsula Conservation Authority (NPCA, Permit NO. 201900660 dated August 23, 2019 and Permit Amendment May 15, 2021). The design for the realignment of the creek, prepared by Upper Canada Consultants, created a 30 m wide corridor through which a new centrally located creek channel meanders. A planting plan was completed for the corridor by Beacon.

It is Beacon's understanding that the Region requires a Scoped EIS to support the development application to address buffer requirements for the watercourse. To accommodate this request, the Scoped EIS will rely on existing background information to characterize the hydrological features associated with the subject property, evaluate buffers, assess impacts of the proposed development, and recommend mitigation measures. No field work is proposed. Background resources include:

- EIS for 538 Four Mile Creek Road (Beacon 2018);
- Geomorphic Assessment for 538 Four Mile Creek Road (Beacon 2018);
- Channel realignment plan for 308 Four Mile Creek Road (Upper Canada Consultants); and
- Ministry of Natural Resources and Forestry (MNRF) aquatic habitat information.

We trust the scope of work outlined above is sufficient to meet the Region's requirements of a scoped EIS for the subject property. If you have any questions, please contact the undersigned.

Prepared by:
Beacon Environmental Ltd.

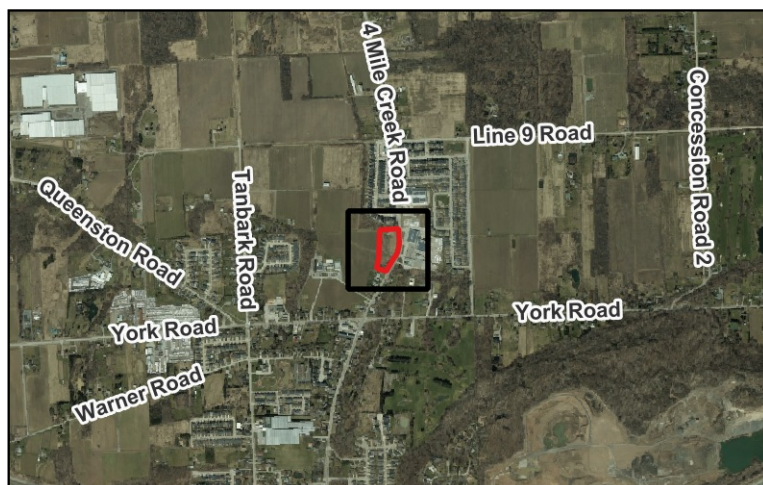
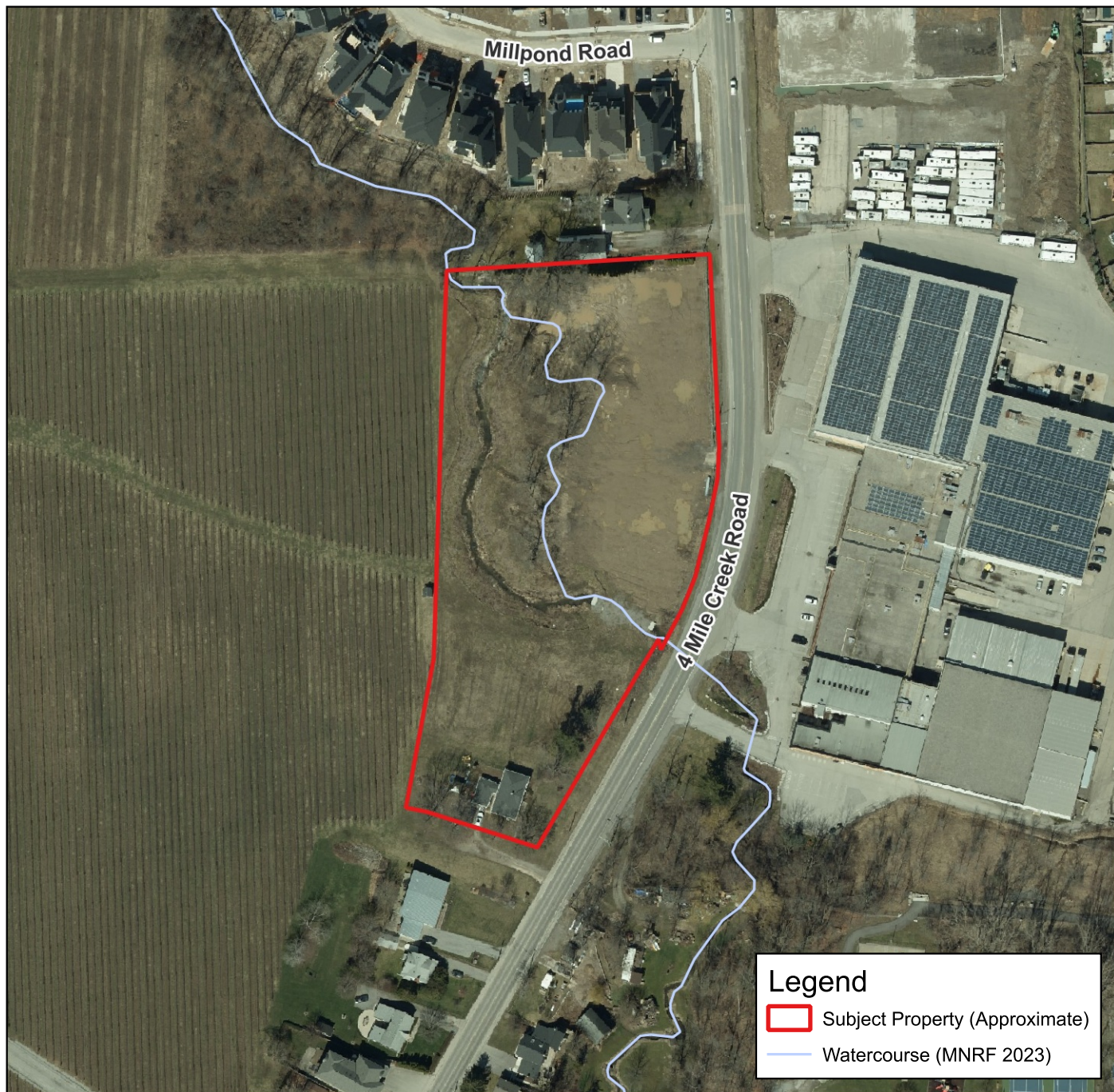


Dan Westerhof, B.Sc., M.E.S.
Senior Terrestrial Ecologist,
ISA Certified Arborist (ON-1536A)

Reviewed By:
Beacon Environmental Ltd.



Jamie Nairn, M.Sc., P.Ag.
Senior Ecologist



Site Location		Figure 1
Niagara-on-the-Lake 1520 --308 Four Mile Creek Road		
		Project: 224022 Last Revised: November 2024
Client: Hummel Properties		Prepared by: BD Checked by: DW
	1:2,000	Inset Map: 1:35,000
Contains information licensed under the Open Government License—Ontario Orthoimagery Baselayer: FBS Niagara Region (2023)		

From: [Kyle Riley](#)
To: [Dan Westerhof](#); [Boudens, Adam](#); [Jennifer Vida](#)
Cc: [Shanks, Amy](#)
Subject: Re: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)
Date: Monday, November 18, 2024 3:03:19 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[Outlook-pu1inhye.png](#)

Hello All,

As an EIS is being produced at the property, the Niagara Peninsula Conservation Authority (NPCA) would provide the following Terms of Reference to the report.

The TOR should include:

1. discussion on the Conservation Authorities Act, Ontario Regulation 41/24 and associated policies and procedures (e.g. buffer reduction, Section 9.2.5).
2. The EIS should characterize and assess NPCA regulated features onsite and on adjacent land including downstream hazards such as flooding and erosion risk. For example, discussion on attenuation of runoff and preventing flooding.
3. An evaluation of buffer widths and mitigation measures are to be included within the EIS.

Thank you kindly for circulating us for a TOR prior to the studies undertaking.

Best,



Kyle Riley
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252
(Cell) 905.933.2541
www.npca.ca
kriley@npca.ca

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

From: Dan Westerhof <dwesterhof@beaconenviro.com>
Sent: Friday, November 15, 2024 10:26 AM
To: Boudens, Adam <Adam.Boudens@niagararegion.ca>; Jennifer Vida <jennifer@hummelproperties.net>; Kyle Riley <kriley@npca.ca>
Cc: Shanks, Amy <Amy.Shanks@niagararegion.ca>
Subject: RE: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

Hi Adam

Attached are EIS terms of reference. Let me know if you have any questions.

Thanks,

Dan Westerhof, B.Sc., M.E.S.
Senior Terrestrial Ecologist, ISA Certified Arborist
BEACON ENVIRONMENTAL
373 Woolwich Street, Guelph, ON N1H 3W4
T) 548.761.3839 C) 519.362.8595
www.beaconenviro.com

From: Boudens, Adam <Adam.Boudens@niagararegion.ca>
Sent: Monday, October 7, 2024 11:56 AM
To: Jennifer Vida <jennifer@hummelproperties.net>; Kyle Riley <kriley@npca.ca>; Dan Westerhof <dwesterhof@beaconenviro.com>
Cc: Shanks, Amy <Amy.Shanks@niagararegion.ca>
Subject: RE: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

Hi All,

Consistent with pre-consultation comments, Regional Staff are satisfied that the requirement for an EIS can be waived in lieu of a 15-metre naturalized buffer. That said, if a reduction in the 15 m buffer is proposed, an EIS will be required.

Please let me know if you have any questions.

Thanks,
Adam

Adam Boudens, MSc
Senior Environmental Planner /
Ecologist
Public Works Department
Niagara Region
P: (905) 980-6000 ext. 3770
W: www.niagararegion.ca



E: adam.boudens@niagararegion.ca



My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

From: Jennifer Vida <jennifer@hummelproperties.net>

Sent: Tuesday, October 1, 2024 2:20 PM

To: Kyle Riley <kriley@npca.ca>; Dan Westerhof <dwesterhof@beaconenviro.com>

Cc: Boudens, Adam <Adam.Boudens@niagararegion.ca>

Subject: RE: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Kyle, here is the proposed site plan, see attached. The plan shows all proposed Phase 2 development outside of the 30m creek block and setbacks to the block are noted on this plan (5.85m to top of bank and 3.8m to the property line of the 30m block). If we proceed with this site plan, will an EIS be required since all development is directed away from the property line of the creek as previously approved by the NPCA?

??

Thank you.

??

Sincerely,

??

Jennifer Vida

??

From: Kyle Riley <kriley@npca.ca>

Sent: October 1, 2024 2:13 PM

To: Dan Westerhof <dwesterhof@beaconenviro.com>; jennifer@hummelproperties.net

Cc: 'Boudens, Adam' <Adam.Boudens@niagararegion.ca>

Subject: Re: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

??

Hi Dan,

??

Subject to Comments given at the Pre-consultation for the mentioned address, the

NPCA has requested that a site-plan which clearly depicts the location of the building on-site, along with its distance from NPCA regulated features be circulated to our Offices. We can aid in accurately providing Terms of Reference once the former has been supplied.

??

We would like to ensure that we are circulated for Terms of Reference prior to the study commencing, so please, do not begin until you have received such Terms of Reference from our Offices.??

??

Providing Terms of Reference will carry an associated fee of \$2825, though, this amount will be used toward whatever Permitting and Planning fees are generated as a result of this Application.

??

Best,

??



Kyle Riley

Watershed Planner

??

Niagara Peninsula Conservation Authority (NPCA)

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252

(Cell) 905.933.2541

www.npca.ca

kriley@npca.ca

??

??For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/>??and utilize our Watershed Explorer App or GIS viewer.

??

From: Dan Westerhof <dwesterhof@beaconenviro.com>

Sent: Tuesday, October 1, 2024 1:59 PM

To: Boudens, Adam <Adam.Boudens@niagararegion.ca>; Kyle Riley <kriley@npca.ca>

Cc: Jennifer Vida <jennifer@hummelproperties.net>

Subject: FW: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

??

Hi Adam and Kyle:

??

I???d like to confirm the ??EIS requirements (if any) for the above noted project.?? ??As you are aware, the watercourse was previously realigned though this property as permitted by NPCA.?? The realigned watercourse meanders approximately centrally within a 30 m wide naturalized corridor, though the actual distance between the watercourse and the edge of the 30 m corridor is variable due to the intentional meandering design of the channel.?? ??The 30 m corridor was used as the limit of development for Phase 1 as approved by the Region and NPCA.?? If Phase 2 utilizes the same 30 m corridor as the limit of development, would the EIS

requirement be waived?

??

Thanks,

??

Dan Westerhof, B.Sc., M.E.S.

Senior Terrestrial Ecologist, ISA Certified Arborist

BEACON ENVIRONMENTAL

373 Woolwich Street, Guelph, ON N1H 3W4

T) 548.761.3839??? C) 519.362.8595

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??

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The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

From: [Boudens, Adam](#)
To: [Dan Westerhof](#); [Kyle Riley](#); [jennifer](#)
Cc: [Shanks, Amy](#); [Chelsea Liotta](#); [William Heikoop](#)
Subject: RE: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2
Date: Friday, June 13, 2025 11:17:27 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[Pre-Consultation Agreement - 308 Four Mile Creek, Phase 2 \(May 15, 2025\).pdf](#)
[2024-11-14_308 Four Mile EIS TOR_224022_FINAL.pdf](#)

Hi Dan,

Apologies for the delayed response.

Regional staff offer no objection to utilizing the same TOR for the current application. Further, staff maintain our previous position that the EIS requirement can be waived in lieu of a Restoration Plan should a 15-metre naturalized buffer be maintained. If a reduction in buffer width is proposed, please proceed with preparing an EIS that addresses the approved TOR requirements, including an analysis of NOP Policies 3.15 and 3.16 associated with *supporting features and areas* and *enhancement areas*.

Please let me know if you have any questions.

Thanks,
Adam



Adam Boudens, MSc
Senior Environmental Planner /
Ecologist
Public Works Department
Niagara Region
P: (905) 980-6000 ext. 3770
W: www.niagararegion.ca
E: adam.boudens@niagararegion.ca



My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

From: Dan Westerhof <dwesterhof@beaconenviro.com>
Sent: Tuesday, June 3, 2025 1:35 PM
To: Boudens, Adam <Adam.Boudens@niagararegion.ca>; Kyle Riley <kriley@npca.ca>; jennifer <jennifer@hummelproperties.net>
Cc: Shanks, Amy <Amy.Shanks@niagararegion.ca>; Chelsea Liotta <chelsea@ucc.com>; William

Heikoop <wheikoop@ucc.com>

Subject: RE: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2

**Niagara Region
Security Warning:**

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Hi Adam:

I'm writing regarding the attached pre-consultation agreement for 308 Four Mile Creek Road, Phase 2. The agreement indicates that an EIS is required and that a terms of reference (TOR) be submitted for approval. You may recall we agreed upon an EIS TOR for this property last year for different type of building. I proposed that we use the same TOR (attached) for the current application.

Also, comments from the Region following the pre-con last year indicated that an EIS could be waived if a 15 m buffer is maintained between the development and the creek, but an EIS would be required if a buffer of less than 15 m was provided. Can you confirm that this is still the case? Below is the email chain of our previous correspondence related to this site.

Thanks,

Dan Westerhof, B.Sc., M.E.S.

Senior Terrestrial Ecologist, ISA Certified Arborist

BEACON ENVIRONMENTAL

373 Woolwich Street, Guelph, ON N1H 3W4

T) 548.761.3839 C) 519.362.8595

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From: Boudens, Adam <Adam.Boudens@niagararegion.ca>

Sent: Wednesday, November 27, 2024 8:56 AM

To: Kyle Riley <kriley@npca.ca>; Dan Westerhof <dwesterhof@beaconenviro.com>; jennifer <jennifer@hummelproperties.net>

Cc: Shanks, Amy <Amy.Shanks@niagararegion.ca>

Subject: RE: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

Good Morning,

Apologies for the delay.

Regional environmental planning staff have reviewed the EIS Terms of Reference (attached) and offer no objection to the proposed work plan.

That said, please ensure that the EIS addresses 2022 Niagara Official Plan policies, including Policies 3.1.15 and 3.1.16 associated with *supporting features and areas* and *enhancement areas*.

Thanks,
Adam



Adam Boudens, MSc
Senior Environmental Planner /
Ecologist
Public Works Department
Niagara Region
P: (905) 980-6000 ext. 3770
W: www.niagararegion.ca
E: adam.boudens@niagararegion.ca



My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

From: Kyle Riley <kriley@npca.ca>

Sent: Monday, November 18, 2024 3:03 PM

To: Dan Westerhof <dwesterhof@beaconenviro.com>; Boudens, Adam
<Adam.Boudens@niagararegion.ca>; jennifer <jennifer@hummelproperties.net>

Cc: Shanks, Amy <Amy.Shanks@niagararegion.ca>

Subject: Re: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

**Niagara Region
Security Warning:**

This is an external email, use caution when opening
attachments or clicking links

Hello All,

As an EIS is being produced at the property, the Niagara Peninsula Conservation Authority (NPCA) would provide the following Terms of Reference to the report.

The TOR should include:

1. discussion on the Conservation Authorities Act, Ontario Regulation 41/24 and associated policies and procedures (e.g. buffer reduction, Section 9.2.5).
2. The EIS should characterize and assess NPCA regulated features onsite and on adjacent land including downstream hazards such as flooding and erosion risk. For example, discussion on attenuation of runoff and preventing flooding.
3. An evaluation of buffer widths and mitigation measures are to be included within

the EIS.

Thank you kindly for circulating us for a TOR prior to the studies undertaking.

Best,



Kyle Riley
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252

(Cell) 905.933.2541

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kriley@npca.ca

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

From: Dan Westerhof <dwesterhof@beaconenviro.com>

Sent: Friday, November 15, 2024 10:26 AM

To: Boudens, Adam <Adam.Boudens@niagararegion.ca>; Jennifer Vida
<jennifer@hummelproperties.net>; Kyle Riley <kriley@npca.ca>

Cc: Shanks, Amy <Amy.Shanks@niagararegion.ca>

Subject: RE: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

Hi Adam

Attached are EIS terms of reference. Let me know if you have any questions.

Thanks,

Dan Westerhof, B.Sc., M.E.S.
Senior Terrestrial Ecologist, ISA Certified Arborist
BEACON ENVIRONMENTAL
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www.beaconenviro.com

From: Boudens, Adam <Adam.Boudens@niagararegion.ca>

Sent: Monday, October 7, 2024 11:56 AM

To: Jennifer Vida <jennifer@hummelproperties.net>; Kyle Riley <kriley@npca.ca>; Dan Westerhof <dwesterhof@beaconenviro.com>

Cc: Shanks, Amy <Amy.Shanks@niagararegion.ca>

Subject: RE: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

Hi All,

Consistent with pre-consultation comments, Regional Staff are satisfied that the requirement for an EIS can be waived in lieu of a 15-metre naturalized buffer. That said, if a reduction in the 15 m buffer is proposed, an EIS will be required.

Please let me know if you have any questions.

Thanks,
Adam



Adam Boudens, MSc
Senior Environmental Planner /
Ecologist

Public Works Department
Niagara Region

P: (905) 980-6000 ext. 3770

W: www.niagararegion.ca

E: adam.boudens@niagararegion.ca



My workday may look different from your workday. Please do not feel obligated to respond outside of your normal working hours.

From: Jennifer Vida <jennifer@hummelproperties.net>

Sent: Tuesday, October 1, 2024 2:20 PM

To: Kyle Riley <kriley@npca.ca>; Dan Westerhof <dwesterhof@beaconenviro.com>

Cc: Boudens, Adam <Adam.Boudens@niagararegion.ca>

Subject: RE: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

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Hi Kyle, here is the proposed site plan, see attached. The plan shows all proposed Phase 2 development outside of the 30m creek block and setbacks to the block are noted on this plan (5.85m to top of bank and 3.8m to the property line of the 30m block). If we proceed with this site plan, will an EIS be required since all development is directed away from the property line of the creek as previously approved by the NPCA?

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Thank you.

??

Sincerely,

??

Jennifer Vida

??

From: Kyle Riley <kriley@npca.ca>

Sent: October 1, 2024 2:13 PM

To: Dan Westerhof <dwestenhof@beaconenviro.com>; jennifer@hummelproperties.net

Cc: 'Boudens, Adam' <Adam.Boudens@niagararegion.ca>

Subject: Re: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

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Hi Dan,

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Subject to Comments given at the Pre-consultation for the mentioned address, the NPCA has requested that a site-plan which clearly depicts the location of the building on-site, along with its distance from NPCA regulated features be circulated to our Offices. We can aid in accurately providing Terms of Reference once the former has been supplied.

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We would like to ensure that we are circulated for Terms of Reference prior to the study commencing, so please, do not begin until you have received such Terms of Reference from our Offices.??

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Providing Terms of Reference will carry an associated fee of \$2825, though, this amount will be used toward whatever Permitting and Planning fees are generated as a result of this Application.

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Best,

??



Kyle Riley

Watershed Planner

??

Niagara Peninsula Conservation Authority (NPCA)

3350 Merrittville Highway, Unit 9, Thorold, Ontario L2V 4Y6

(O) 905.788.3135 Ext 252

(Cell) 905.933.2541

www.npca.ca

kriley@npca.ca

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??For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/>??and utilize our Watershed Explorer App or GIS viewer.

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From: Dan Westerhof <dwesterhof@beaconenviro.com>

Sent: Tuesday, October 1, 2024 1:59 PM

To: Boudens, Adam <Adam.Boudens@niagararegion.ca>; Kyle Riley <kriley@npca.ca>

Cc: Jennifer Vida <jennifer@hummelproperties.net>

Subject: FW: Pre-Consultation Agreement - 308 Four Mile Creek Road, Phase 2 (September 5, 2024 Meeting)

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Hi Adam and Kyle:

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I???d like to confirm the ??EIS requirements (if any) for the above noted project.?? ??As you are aware, the watercourse was previously realigned though this property as permitted by NPCA.?? The realigned watercourse meanders approximately centrally within a 30 m wide naturalized corridor, though the actual distance between the watercourse and the edge of the 30 m corridor is variable due to the intentional meandering design of the channel.?? ??The 30 m corridor was used as the limit of development for Phase 1 as approved by the Region and NPCA.?? If Phase 2 utilizes the same 30 m corridor as the limit of development, would the EIS requirement be waived?

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Thanks,

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Dan Westerhof, B.Sc., M.E.S.

Senior Terrestrial Ecologist, ISA Certified Arborist

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