

**Boat Harbour Remediation Project Draft EA Report
Environment and Climate Change Canada (ECCC) Comments
November 14, 2024**

1. Quote (Section 5.2.1, pg. 37): *“Species at risk with the potential to occupy the SSA, LSA, or RSA can be found in Appendix C of this report.”*

ECCC notes that the incorrect Appendix is referenced above. Appendix D presents “Species at Risk and COSEWIC-listed species that may be found near the Boat Harbour Remediation Project, including the Site Study Area.”

2. Quote (Section 5.2.1, pg. 40): *“To discourage barn swallows and other ground-nesting or burrow-nesting birds (e.g., common nighthawk, bank swallow) from nesting in work areas, the Proponent stated that any large piles or patches of bare soil would be covered during the nesting season. Environment and Climate Change Canada noted that birds and nests are protected until the young have naturally fledged and recommended that if demolition activities can’t be avoided during the migratory bird breeding season, surveys should be conducted to identify if there is evidence of nesting. If a nest is discovered, any activities that could cause the nest to be abandoned or destroyed should be avoided until any chicks have fledged and left the area.”*

This statement implies that the Barn Swallow nests on the ground/in stockpiles, but it does not. ECCC recommends adjusting the text as follows (added text in bold, removed text in strikethrough): “To discourage **bank swallows** barn swallows and other ground-nesting or burrow-nesting birds (e.g., common nighthawk, bank swallow) from nesting in work areas, the Proponent stated that any large piles or patches of bare soil would be covered during the nesting season.”

Additionally, it is unclear that ECCC’s recommendation for nesting surveys prior to building demolition applies to Barn Swallow nests. ECCC recommends specifying that pre-demolition nest surveys should target Barn Swallow (and possibly Chimney

Swift [SARA-listed Threatened], if suitable habitat is present) that may be nesting inside or on the exterior of the building.

ECCC adds that stockpiles or patches of bare soil left uncovered for any period of time should be inspected by a qualified individual for evidence of burrows/nests of Bank Swallow, Common Nighthawk, or other ground- or burrow-nesting migratory birds prior to initiating any activities that could destroy or disturb the burrows/nests.

Additionally, ECCC notes that some migratory bird nests protected under the MBCA are afforded additional protections under SARA (see Comment #3 above), including Barn Swallow (SARA-listed Threatened) and Bank Swallow (SARA-listed Threatened). Therefore, ECCC recommends adjusting the wording of the final sentence as follows (added text in bold): “If a nest is discovered, any activities that could cause the nest to be abandoned or destroyed should be avoided until any chicks have fledged and left the area **or, for applicable migratory bird SAR listed under Schedule 1 of SARA, until the nest (i.e., residence) is no longer protected under SARA, whichever is later.**”

3. ECCC notes that the “Typical nesting habitat” and “Typical nesting time” columns were removed from the table of SAR and COSEWIC-assessed migratory bird species with potential to occur in/near the SSA (currently Appendix D). During all phases of the Designated Project, site personnel should be made aware of where and when these species are most likely to nest in and near the SSA, and protocols to follow should a nest be discovered onsite. Therefore, ECCC recommends that this nesting habitat and timing information, in addition to the information currently presented in Appendix D, be included in the Designated Project’s Wildlife Response Plan and/or Wildlife Management Plan.
4. Quote (Section 5.2.1., pg. 40): *“Environment and Climate Change Canada noted that migratory birds listed on Schedule 1 of the Migratory Birds Regulations, such as the pileated woodpecker and great blue heron which have been observed within the SSA, have year-round nest protection. Environment and Climate Change Canada*

noted that the SSA contains suitable habitat for both of these species, and recommended the development of additional measures to protect any nests that extend beyond the general nesting window.”

ECCC recommends specifying that the proponent should implement the following additional measures:

- complete a Pileated Woodpecker nest cavity survey and a Great Blue Heron rookery survey in areas with suitable breeding habitat that will be cleared or otherwise altered by Project activities; and
- if an occupied or unoccupied nest(s) or nesting cavity(ies) of these species be identified in areas to be cleared or altered, a buffer zone must be identified and the nest(s) must be reported, monitored, and protected until demonstrated unoccupied for 24 months in the case of Great Blue Heron and 36 months for the Pileated Woodpecker.

ECCC also recommends adding the following to this section of the report: Nests of Schedule 1 species cannot be disturbed or destroyed unless under authorization of an MBR permit, or unless an unoccupied nest is reported to ECCC’s Minister and remains unoccupied by any migratory bird for the duration of the Designated Waiting Period specified in Schedule 1. Including this specificity in the EA Report may ensure recommendations and requirements are clear to the Proponent and specific outcomes are achieved.