

## Aaron Raymond

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**From:** Struk, Roxanne (EC)  
**Sent:** Friday, July 19, 2019 9:51 AM  
**To:** Aaron Raymond  
**Subject:** Bank Swallows at Milton 111-75 Land Limited

Good morning Aaron,

I am following up on our telephone conversation on July 17, 2019 regarding the development at "Milton 111-75 Land Limited" off of Louis St. Laurent Ave. in Milton. As discussed the stockpiles of sand on this plot of land show signs of a Bank Swallow colony nesting at this site at one time. It appears that there is no recent nesting activity at present time so as long as that remains the case there is no issue with moving forward with development on this site, specifically moving the sand pile.

Further to our conversation, the purpose of me reaching out to you was to inform the Town of Milton and the developer for this land of the potential for future impact on nesting Bank Swallows. Any impact, of course, is dependent on the Bank Swallows returning to this site and time of year that development is planned. It is my intent that by reaching out to you and providing this information that future plans for the site (and other similar sites) can include awareness of this potential issue and preventative measures can be taken to mitigate any impact to nesting birds and thus minimize the possibility of contravening the Migratory Birds Convention Act.

I had indicated to you that I would forward you more information on this matter for your reference. I have included a link to a document for your review which is specific to [Bank Swallows](#). As well I have included an excerpt from information that the Canadian Wildlife Service provides in these matters.

"As you may know, under the Migratory Birds Convention Act, 1994 (MBCA), all migratory birds, eggs and nests are protected. For a list of the species protected, please refer to the [Birds Protected in Canada webpage](#). It is important to note that some species of birds protected under the MBCA have also been listed in Schedule 1 of the [Species at Risk Act](#) (SARA). These species receive protection from both the MBCA and SARA. One key responsibility under the [MBCA](#) which is stipulated in the associated [Migratory Birds Regulations](#) (MBR) relates to the protection of migratory birds and their nests:

6. Subject to subsection 5(9), no person shall  
(a) disturb, destroy or take a nest, egg, nest shelter, eider duck shelter or duck box of a migratory bird, or  
(b) have in his possession a live migratory bird, or a carcass, skin, nest or egg of a migratory bird  
except under authority of a permit

To minimize the possibility of contravening the law, proponents must understand the potential effect(s) of their activities on migratory birds, nests, and eggs and implement appropriate avoidance and mitigation measures. Although disturbance or destruction of migratory bird nests and eggs is prohibited under the Act and Regulations (except under authority of a permit), it is important to note that the removal of trees in itself is not necessarily prohibited by the MBCA and MBR, providing the activity does not disturb or destroy migratory bird nests or eggs.

To this end, Environment and Climate Change Canada (ECCC) recommends that non-intrusive survey methods, such as point counts, be used to determine whether migratory birds are breeding in the area where the activity is planned. If signs of nesting or breeding are detected, ECCC recommends:

- halt all disruptive activities,
- avoid disturbing surrounding vegetation,
- protect the nest with a buffer zone,

- avoid the immediate area until the young have left the vicinity of the nest
- avoid, adapt, reschedule or relocate planned activities

Additional information on avoiding harm to migratory birds is available on our [website](#). Specifically, the following pages may provide information of use to you:

- Published [general nesting periods](#) support planning activities;
- The [nesting calendar query tool](#); and,
- Technical information for how to [determine the presence of a nest](#).

This advice does not provide an authorization for harming or killing migratory birds or for the disturbance, destruction or taking of nests or eggs under the MBR. It does not provide a guarantee that implementing the recommended measures will avoid contravening the MBR or other laws and regulations because each situation must be assessed individually. The guidance provided is not intended to be relied on as official advice concerning the legal consequences of any specific activity. It is not a substitute for the MBCA, the MBR, or any other legislation.

Thank you for your continued engagement in the conservation of migratory birds in Canada. If, after reading through the information on our [website](#), you have additional questions please contact” - the Canadian Wildlife Service at 613-990-8355

Thank you again Aaron for returning my call and speaking with me. Please reach out to me as well should you have further questions and please feel free to forward this information and my contact to the developer of this land.

Regards,

**Roxanne Struk**

Wildlife Officer / Agent de conservation de la faune

Wildlife Enforcement Directorate / Direction de l'application de la loi sur la faune

Environment Canada / Environnement Canada

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February 12, 2019

**Public Meeting – February 11, 2019**

**Milton III – 75 Lands**

Corporate Reception,  
Town of Milton  
Corporate Services Department, Town Clerk's Division

**RE: Public Meeting Questions - Milton III – 75 Lands**

Please find below my questions raised for “Milton III – 75 Lands project” during the February 11, 2019 public meeting. Depending on the reply from Council and Town representatives, supplemental questions may be forwarded in future. Just for the Town and Council records, I have saved environmental site assessment (ESA) reports for future references.

**Question from Town Council**

Phase One ESA - Owner of property confirmed to consultant that soil stockpiled at northwest side of the property was collected from residential development lands located north to the property. Consultant conducted chemical testing on stockpiled soil and concluded that stockpile soil is contaminated.

Q1: Why residential subdivision north to the property was developed on contaminated land?

Q2: Was this information disclosed to public?

Q3: Was this information shared with Ministry of Environment, Conservation and Parks (MECP) and legislative authorities?

**Questions from Town Staff**

Q1: When applicant submitted the Phase One and Phase Two ESAs reports to the Town of Milton? Date?

Q2: Confirm if Town staff reviewed Phase One and Phase Two Environmental Site assessment prepared by applicant's consultant before February 11, 2019 public meeting?

Q3: If Town has no capacity to review, were these reports sent to outside Town (Region or 3<sup>rd</sup> party) for review before February 11, 2019?

Q4: Consultant indicated that Phase One and Phase Two ESA reports were prepared in accordance with the O.Reg. 153/04, amended. What is Town's opinion? Were these reports meet the requirement set under O. Reg. 153/04, amended?

Q5: If reports were not met the requirement of Regulation 153/04, amended, what next actions suggested to applicant by the Town staff?

**Very Important Q6:** Why consultant included Ecologs in the Phase One ESA report prepared under Regulation 153/04, amended, whereas no filing of Record of Site Conditions required for this property?

Thanks

**Arshad Shaikh**

[REDACTED]  
[REDACTED]