



Severn Sound Environmental Association

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October 15, 2014

Mr. Shawn Persaud, BA, MCIP, RPP
Manager of Planning & Development
Corporation of the Township of Tiny
130 Balm Beach Road West
Tiny ON L0L 2J0

Dear Mr. Persaud,

RE: Proposed Sibthorpe Pit, Darby Road, Township of Tiny – Site Plans

The SSEA has reviewed Mr. Les Selby's email, dated September 9, 2014, which was in response to the SSEA's July 22, 2014 letter, as well as the subsequent emails from October 7 and 12, 2014. We offer the following comments.

Item #1 - Operational Plan - Site Area Calculations

The September 9 email provides clarification on the calculation of the extraction area. The SSEA has no further comment on this item.

Item #2 - Tree Removal / Forest Management

Beamish had previously agreed (in November 2012) that "tree cutting is only to occur between September and February to protect any forest nesting birds on site". A note was to be added to the site plan, which would have satisfied the SSEA on this issue.

A less restrictive timing window has been proposed. The Operational Plan [*file: 7700 JUNE 2014 OPERATIONAL PLAN.pdf*] states "Tree cutting will only occur between August 1st and April 30th", and the October 7 email provides a slightly reduced tree cutting window: "We propose to not cut between April 15 to September 1st".

The September 9 email indicates that the rationale is that "Dennis has been in touch with the Bancroft MNR Species at Risk staff who confirmed that the bird breeding season is from May 1st to August 15th annually." This timing is true of most migratory bird species, however, forest habitat can also be used by non-migratory birds, with some species nesting earlier or later than the migratory bird time frame.

The September 1st start date for tree cutting is acceptable, however allowing cutting until April 15th is not ideal, since some non-migratory birds such as owls begin breeding as early as the start of February.

The intent of the SSEA's originally recommended tree cutting timing restriction is to protect a wide variety of forest-breeding birds, not just migratory species protected through the Migratory Birds Convention Act (MBCA). The Ontario Fish and Wildlife Conservation Act provides protection to many wildlife species, including the nests and eggs of most birds not protected by the federal MBCA, such as owls. Numerous existing publications, such as the following OMNR publication, recommend timing tree cutting outside the breeding season to minimize disruption to forest birds or give guidance on the critical breeding period for many species, including early nesting species such as owls and hawks.

Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales (OMNR, 2010)

<https://www.ontario.ca/environment-and-energy/forest-management-guide-conserving-biodiversity-stand-and-site-scales-stand-and-site-guide>

- Section 4.2 lists critical breeding periods (for OMNR Southern Region) for a variety of species, including hawks and owls.
 - February 1 and February 15 are the earliest critical breeding periods given (for Great Horned Owl and Bald Eagle, respectively), with many other owl species with dates as early as March 15.
 - The latest critical breeding period dates provided are August 15 (for Bald Eagle and Osprey), and August 31 (Turkey Vulture).

Based on the guidance in this OMNR document, the SSEA maintains the position that tree cutting activities should be undertaken between September and February, as was previously agreed to for the Sibthorpe proposal, to protect breeding forest birds. As the Township is aware, the SSEA has provided this same tree removal timing recommendation for several other development proposals in the Township in recent years.

The SSEA has considered Mr. Selby's October 7 proposal to allow tree cutting up until April 15. This could be permitted, if Beamish commits to retaining a qualified biologist to first conduct site visits to screen for active nests of early nesting bird species in every year that tree cutting is to occur between February 1 and April 15.

The SSEA recommends that one of the following notes be added to the site plan:

- Tree cutting will only occur between September 1st and February 1st.

OR

- Tree cutting will only occur between September 1st and April 15th. In any year that cutting is to occur between February 1st and April 15th, a qualified biologist will first conduct site visits to screen for active nests of early nesting bird species. For any nests found, the standards, guidelines and best management practices in 'Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales' (OMNR, 2010), or its successors, will be followed.

Item #3 – Compensation Tree Planting Site Note

No additional comment from the SSEA is required.

Item #4 – Stripping of Topsoil / Overburden

The Operational Plan [*file: 7700 JUNE 2014 OPERATIONAL PLAN.pdf*] has been modified to add the site plan note indicated in the email. The SSEA is now satisfied on this issue.

Item #5 - Extraction / Maximum Number of Lifts and Maximum Height

The September 9 email provides clarification that the base of slope contour used corresponds with the Teedon Pit. We have no further comment on this item.

Item #6 - Mining / Extraction Sequence

The September 9 email provides clarification on the extraction sequence. The SSEA has no further comment on this item.

Item #7 – Tree Planting Agreement Site Note

No additional comment from the SSEA is required.

Item #8 – Rehabilitation Plan

The SSEA understands that the reforestation comments in our letter of July 22, 2014 are being incorporated into revised site plans, and we will review the plans when they are resubmitted.

Please contact us with any questions.

Yours truly,



Keith Sherman,
Executive Director



Michelle Hudolin,
Wetlands and Habitat Biologist