

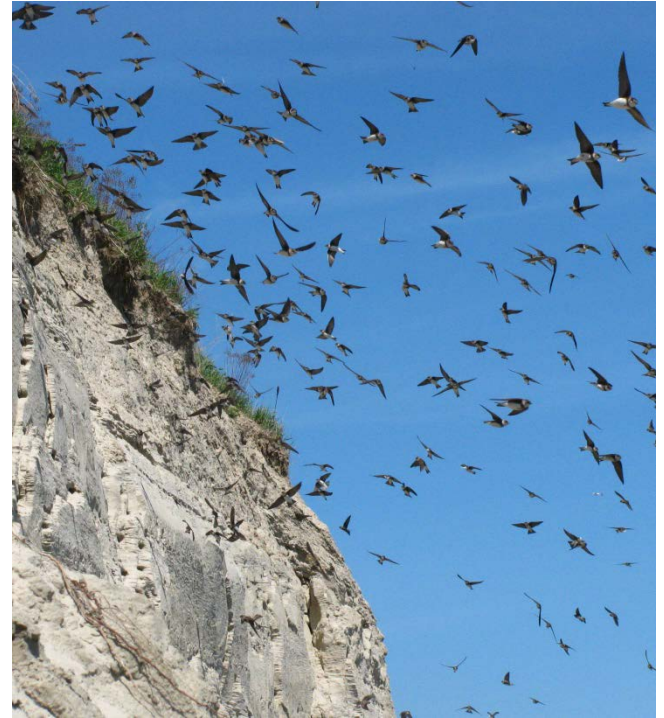


Bank Swallow General Habitat Description

OSSGA
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Outline

- ❑ Bank Swallow context
- ❑ Overview of general habitat protection
- ❑ Bank Swallow General Habitat Description (GHD)/Categorization
- ❑ Compatible and incompatible activities
- ❑ Overview of pits & quarries reg.



Bank Swallow Context

- ❑ Listed as threatened June 27, 2014
- ❑ Nest in burrows dug in vertical faces in silt/sand/gravel deposits (e.g. riverbanks, lake bluffs, sand and gravel pits)
- ❑ Show high site fidelity, but prefer to dig new burrows in freshly-eroded faces
- ❑ Breed in colonies ranging from several, to a few thousand pairs
- ❑ ~50% of sand and gravel pits in southern Ontario have Bank Swallows



Primary Threats: loss of breeding and foraging habitat, destruction of nesting habitat, widespread insecticide use, climate change and collision with vehicles

Overview of General Habitat Protection

- ❑ Species added to the Species at Risk in Ontario List as endangered or threatened receive automatic protection to the species and its habitat
- ❑ General definition of habitat includes “...an area on which the species depends, directly or indirectly, to carry on its life processes”
- ❑ **General habitat descriptions** (GHDs) are technical, science-based documents that provide greater clarity on the area of habitat that is protected for a species
- ❑ GHDs involve classifying habitat into 1 of 3 categories, guided by the policy Categorizing and Protecting Habitat under the ESA
 - **Category 1:** Habitat areas with the lowest tolerance to alteration
 - **Category 2:** Habitat areas with moderate tolerance to alteration
 - **Category 3:** Habitat areas with the highest tolerance to alteration

Bank Swallow GHD/Categorization



1 The Bank Swallow breeding colony, including the congregation of burrows and the substrate between and around them

2 The area within 50 m in front of the breeding colony bank face¹ to allow Bank Swallows to enter and exit burrows

3 The area of suitable foraging habitat within 500 m from the outer edge of the breeding colony

¹ The breeding colony bank face is the vertical face that is directly associated with, and supports, the Category 1 habitat (i.e. the Bank Swallow breeding colony)

Category 1

- ❑ The Bank Swallow breeding colony, including the congregation of burrows and the substrate between and around them
- ❑ Used for reproduction including egg laying, incubation, feeding, resting and rearing young
- ❑ Disturbance of soils adjacent to category 1 habitat has the potential to result in collapse of the nesting substrate
- ❑ Susceptibility to collapse depends on a number of factors, including bank age, soil composition, soil moisture, slope angle, density of burrows



Category 2

- ❑ The area within 50 m in front of the breeding colony bank face to allow Bank Swallows to enter and exit burrows
- ❑ Sites that required Bank Swallows to climb more than 1 m within 40 m or 2 m within 60 m of the bank face were found to be unsuitable for nesting
- ❑ The area in front of the nesting face must not be obstructed to ensure that Bank Swallows have sufficient horizontal flying space for entry and exit of the burrows

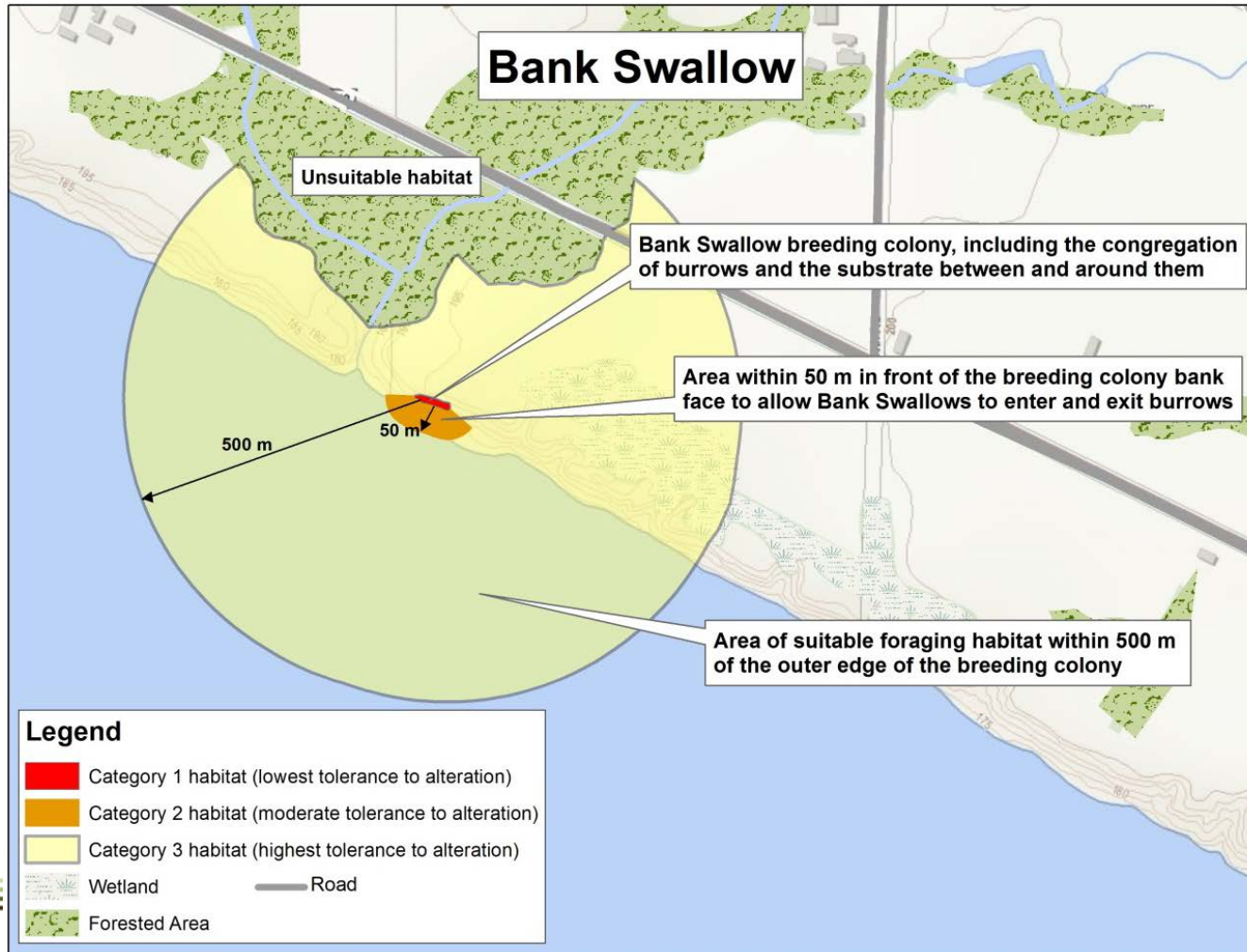


Category 3

- ❑ The area of suitable foraging habitat within 500 m of the outer edge of the breeding colony
- ❑ Includes open areas such as rivers, lakes, wetlands, grasslands, and open fields, which provide good sources of flying insects
- ❑ Forested areas are generally avoided
- ❑ Foraging during the breeding season frequently takes place between 200 m and 500 m from the colony



Sample Application of GHD



Activities in Bank Swallow Habitat

Activities in general habitat **can continue** as long as the function of the area is maintained and individuals of the species are not killed, harmed or harassed

Generally compatible activities:

- ❑ General recreational use of existing trails such as hiking and cycling
- ❑ General recreational lake, river, and beach use such as boating and fishing
- ❑ Normal use of existing roads
- ❑ Removal or disturbance of substrate that does not result in soil instability and/or collapse of Bank Swallow burrows
- ❑ In anthropogenic sites such as sand and gravel pits, activities (e.g., excavation) in the non-breeding season that maintain the function of the breeding colony bank face as suitable Bank Swallow nesting habitat for future breeding seasons (e.g., maintain features such as slope, height and substrate composition)

Activities in Bank Swallow Habitat


Generally incompatible activities:

- ❑ Recreational activities such as climbing in sensitive habitat areas (e.g., in or adjacent to category 1 habitat)
- ❑ Removal or disturbance of substrate in the breeding season that is likely to result in soil instability and/or collapse of Bank Swallow burrows
- ❑ Development activities that result in removal of large tracts of suitable foraging habitat
- ❑ Obstruction of the open space within 50 m in front of a breeding colony bank face that results in insufficient flying space for Bank Swallows to enter and exit burrows

If an activity is planned that is not compatible with Bank Swallow habitat, options include registering under the Pits and Quarries regulation or applying for a permit under the ESA

What to do if Bank Swallows are Discovered on Site

- ❑ If Bank Swallows are found actively nesting (i.e. burrow excavation) on-site during the breeding season, operators must:
 1. Take immediate action to avoid adverse effects on the birds, their nests or habitat. For example, operate machinery at an appropriate distance away to avoid any risk of disturbance to the birds
 2. If avoidance is not possible, the operator should stop the activity and determine if an ESA authorization is required prior to any contravention of the ESA.
- ❑ If ever in doubt, discuss the presence of Bank Swallows or other species at risk with local MNRF staff to determine the best course of action.

A photograph of a quarry pit. In the background, a high, layered stone wall rises from a grassy slope. The foreground features a body of water, possibly a pond or a small lake, with various aquatic plants and reeds growing along the edges. The sky is overcast with grey clouds.

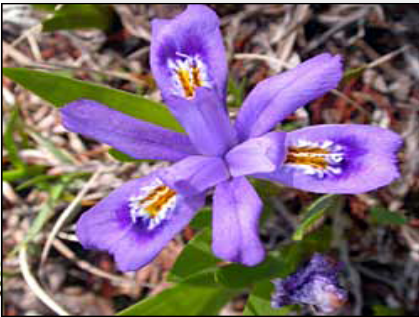
PITS & QUARRIES

(O. Reg. 242/08 s. 23.14)

Aggregates regulation overview

Description:

- A permit under the Endangered Species Act is not required for carrying out eligible activities in an **existing** aggregates pit or quarry where protected species at risk and their habitat occur if:
 - The aggregate producer registers online with the MNRF; and
 - Follow the rules in regulation
- This applies to operations on land that:
 - is subject to the Aggregate Resources Act, and
 - those under a zoning by-law outside of ARA jurisdiction



Excluded species

➤ Blue Racer



➤ Butler's Gartersnake →



➤ Virginia Mallow



➤ Small-mouthed Salamander →



➤ Yellow-breasted Chat



➤ Henslow's Sparrow →








➤ Common Five-lined Skink (Carolinian)



What are the rules?

An aggregate producer must:

- ☐ Register online with the MNRF 
- ☐ Minimize adverse effects on species and habitat 
- ☐ Develop and implement a mitigation plan for each affected species 
- ☐ Update the Mitigation plan every 5 years as required 
- ☐ Monitor and report annually on the effectiveness of mitigation actions set out in the plan. 

Scenario 1



Background:

- An aggregate producer operates multiple sites. The producer has noted that Bank Swallows are present at several of their sites, as well as a few other species at risk. The producer is interested in registering their sites, but is concerned that this could mean registering each operation separately and managing multiple registrations, mitigation plans and annual reports.

Question:

- How should the aggregate producer go about registering their sites under the Pits & Quarries regulatory provision?

Scenario 1



Response: Two options

1. Register multiple aggregate sites within a single Notice of Activity if Bank Swallow is the only species at risk at those sites.
 - Aggregate operations that affect multiple species at risk would need to be registered separately.
 - If a new species at risk is found at one of the sites included under a multi-site registration, then it is recommended that site be removed from the multi-site registration and registered as a single site.
 - Upon registration, all additional addresses, licenses and/or permits must be included in the Additional Information Box.
2. Register each site with Bank Swallow separately, but develop a single mitigation and annual report for all relevant sites.

Scenario 2



Background:

- An aggregate producer operates multiple sites and has noted that Bank Swallows are present at several of their sites, as well as a few other species at risk.

Question:

- Does the presence of Bank Swallows mean a producer requires an aggregate site plan amendment?

Scenario 2



Response:

- An operator does not need a site plan amendment to show that the Bank Swallows are on the site. If an operator needs to move extraction to another part of the site, and the current site plan does not allow for that change, a site plan amendment is required to get the new operation plans approved.
- Site plans do not override an operator's requirements under the ESA. Should an alteration to a site plan be required to meet obligations under the ESA, or if a permit is required, operators are requested to contact their local MNRF office to discuss implications/directions.

Scenario 3



Background:

- An aggregate operator has completed their activity and is preparing to rehabilitate their site in accordance with their site plan requirements under the ARA. The aggregate site has Bank Swallow present on-site.

Response: Operators are legally required to rehabilitate their site in accordance with the ARA and the presence of Bank Swallow doesn't eliminate the requirement to rehabilitate.

- If Bank Swallows or their habitat are in the vicinity of an area to be rehabilitated, an operator should contact the local MNRF office or species expert to discuss how impacts can be avoided during rehabilitation.
- If the impacts cannot be avoided, an operator will need to obtain approvals under the ESA in order to meet rehabilitation obligations and requirements of the ESA. This may include registering.

Questions?

