



**City of Kingston**  
**Information Report to Environment, Infrastructure & Transportation Policies**  
**Committee**  
**Report Number EITP-24-003**

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**To:** Chair and Members of the Environment, Infrastructure & Transportation Policies Committee

**From:** Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services

**Resource Staff:** Luke Follwell, Director, Engineering Services

**Date of Meeting:** December 12, 2023

**Subject:** Information Report, Council Priority 2.1.4C - Species Protection Measures for Capital Projects

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**Council Strategic Plan Alignment:**

Theme: 2. Lead Environmental Stewardship and Climate Action

Goal: 2.1 Reduce carbon footprint of City operations.

**Executive Summary:**

Council Priority 2.1.4C requires staff to implement a procedure that considers species mitigation measures as part of capital reconstruction and rehabilitation projects. A standard operating procedure (SOP) has been developed to assist project managers with practices for the protection of wildlife during the implementation of capital projects.

The capital project SOP document includes a summary of relevant approval agencies and their associated roles. It identifies resources, responsibilities, methods, and typical projects that should consider wildlife protection measures as part of their execution. Specific considerations for turtles, fish, birds, and bats are included in the SOP. The procedure is based on legislated requirements, best management practices and past project successes.

**Recommendations:**

This report is for information only.

December 12, 2023

Page 2 of 5

**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

Brad Joyce, Commissioner,  
Infrastructure, Transportation &  
Emergency Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Lanie Hurdle, Chief  
Administrative Officer

**Consultation with the following Members of the Corporate Management Team:**

Paige Agnew, Commissioner, Development & Growth Services	Not required
Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

December 12, 2023

Page 3 of 5

## Options/Discussion:

### Procedure - Species Protection Measures for Capital Projects

The Standard Operating Procedure (SOP) developed in response to Council Strategic Priority 2.1.4C is intended to provide support to City of Kingston staff in undertaking capital works projects that may have an impact on wildlife, with a specific focus on Species at Risk (SAR).

Overarching considerations in this SOP are that:

- Public and employee health and safety are paramount and associated emergency work isn't required to follow the SOP unless reasonable.
- Legislative requirements supersede the SOP.
- The SOP isn't intended to replace regulatory guidelines, approvals, or permitting.
- The SOP is subject to revision.

### Approval Authorities

The requirement for approvals must be determined and completed by staff either directly or through an experienced consultant. Relevant approval authorities include the Cataraqui Region Conservation Authority (CRCA), the Ministry of the Environment, Conservation and Parks (MECP), the Ministry of Natural Resources and Forestry (MNRF), Fisheries and Oceans Canada (DFO), and Parks Canada (PC).

### Relevant Capital Projects

The extent of wildlife protection measures must be considered on a case-by-case basis. Projects that benefit from wildlife protection measures are typically in proximity to Natural Heritage Features and waterbodies, including (but not limited to):

- In-water works and shoreline protection
- Road improvements
- Stormwater management infrastructure repair
- Waterfront park improvements

### Procedure

Capital projects deemed appropriate for wildlife impact reduction procedures will:

1. Consider recommendations from available site-specific studies.
2. Consider construction schedules to align with wildlife timing windows.
3. Consider hiring a qualified ecologist or biologist (larger scope or more impactful projects) to provide site specific investigation and recommendations.
4. Consider consulting with local or community subject matter experts.

December 12, 2023

Page 4 of 5

5. Consider temporary wildlife mitigation measures.
6. Consider opportunities for permanent wildlife protection or habitat enhancements.

### Internal Review

Depending on the extent of proposed work, a review of proposed measures may be required from relevant departments including Public Work & Solid Waste Services, Transportation & Transit Services, Engineering Services, and Utilities Kingston.

### General Recommendations

Typical species-specific considerations for capital projects include:

#### Turtles

- Consider installing temporary exclusion fencing and or silt curtain prior to the nesting or overwintering season, as applicable and ahead of construction.
- Consider project impacts to over-wintering turtles and nests.
- Consider basking habitat impact.
- Consider scheduling works to reduce impact, where feasible, outside of typical high turtle activity windows (basking, nesting, hatching, overwintering, etc. (specific to species)
- Necessary approvals and permits are required for the removal of nests.

#### Fish

- Restricted timing windows are typically May 15 to July 15 and October 1 to May 31
- Use erosion and sediment controls if appropriate.
- Consult with MECP if aquatic species at risk are present.
- Submit a request for review to DFO as necessary.

#### Birds

- Bird breeding season extends from April 15 to August 15
- Avoid shrub and tree removal during the breeding season.
- If work is required within the breeding season, a nesting survey may be required.

#### Bats

- The summer/spring roost season extends from April 1 to September 31
- Clearing of large trees or impact to potential roosting infrastructure should occur outside of the roosting season.
- If work is required within the roosting season, a roost survey may be required.

December 12, 2023

Page 5 of 5

**Existing Policy/By-Law:**

None

**Notice Provisions:**

None

**Accessibility Considerations:**

None

**Financial Considerations:**

None

**Contacts:**

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**Other City of Kingston Staff Consulted:**

Karen Santucci, Director of Public Works & Solid Waste Services

Adam McDonald, Operations Manager, Public Works & Solid Waste Services

Anthony Simmons, Manager, Construction, Engineering Services

Mark Dickson, Acting Manager, Transportation Infrastructure, Engineering Services

Neal Unsworth, Manager, Parks & Shoreline, Engineering Services

Matthew McCombs, Project Engineer (Shoreline), Engineering Services

**Exhibits Attached:**

None