

Raska,Andrea (IAAC/AEIC)

From: nigel <email address removed>
Sent: August 22, 2023 3:04 PM
To: Raska,Andrea (IAAC/AEIC)
Subject: RE: Peninsula Streams Roberts Bay Salt Marsh Expansion

Dear Ms. Raska

My apologies for any confusion and thank you for asking for clarification.

Yes, it was my intent that the email serves to provide the requested additional information regarding effects in federal jurisdiction in order to complete our request for designation.

Thank you again for your diligence.

Sincerely Nigel Scott

From: Raska,Andrea (IAAC/AEIC) <Andrea.Raska@iaac-aeic.gc.ca>
Sent: August 22, 2023 2:14 PM
To: nigel <email address removed>
Subject: RE: Peninsula Streams Roberts Bay Salt Marsh Expansion

Hi Nigel,

Thank you for this additional information about the Mermaid Creek salt marsh restoration work. Before I take any action, I'm just hoping to clarify with you: Is the intent of your email to provide the requested additional information regarding effects in federal jurisdiction in order to complete your request for designation? Or do you intend to provide additional information at a later time? There is one line of your email that could be interpreted either way and I wanted to be sure before I action your email.

Thank you in advance.

Andrea Raska (she/her)

Project Manager, Pacific and Yukon Region
Impact Assessment Agency of Canada / Government of Canada
andrea.raska@iaac-aeic.gc.ca / Cell: 604-360-1731

Gestionnaire de projets, Région du Pacifique et du Yukon
Agence d'évaluation d'impact du Canada / Gouvernement du Canada
andrea.raska@iaac-aeic.gc.ca / Tél. cell : 604-360-1731

From: nigel <email address removed>
Sent: August 20, 2023 11:30 AM
To: Raska,Andrea (IAAC/AEIC) <Andrea.Raska@iaac-aeic.gc.ca>
Subject: FW: Peninsula Streams Roberts Bay Salt Marsh Expansion

From: nigel <email address removed>
Sent: August 20, 2023 11:28 AM

To: 'Andrea.Raska@iaac-aeic.gc.ca.' <Andrea.Raska@iaac-aeic.gc.ca>
Cc: 'ministre-minister@ec.gc.ca' <ministre-minister@ec.gc.ca>; 'pacificandyukonregion-regiondupacifiqueetduyukon@iaac-aeic.gc.ca' <pacificandyukonregion-regiondupacifiqueetduyukon@iaac-aeic.gc.ca>
Subject: Peninsula Streams Roberts Bay Salt Marsh Expansion

Dear Andrea Raska

I have been provided your contact information in a letter of July 11th from Terence Hubbard, as the appropriate person to follow up with regarding a request that The Peninsula Streams Society project for the expansion of the Mermaid Creek Salt Marsh Expansion be designated as a project to receive an Impact Assessment.

<https://peninsulastreams.ca/> <https://peninsulastreams.ca/our-work/restoration-projects/mermaid-creek-salt-marsh-restoration/>

Within that letter it was requested that I provide some additional information regarding the potential adverse effects within federal jurisdiction which I will endeavour to do.

I am writing on behalf of the Upland Property Owners whose properties directly front onto the project site on Roberts Bay as well as numerous other adjacent property owners and site users around Roberts Bay.

This project has been described by the proponent [Peninsula Streams Society] as “novel” and as not having been attempted before in such a “High Energy” area. This along with their limited financial resources, the need for ongoing adaptive management and the risks outlined in their own Risk Ledger <https://peninsulastreams.ca/wp-content/uploads/2023/06/Risk-Ledger.pdf> are cause for some major questions as to the viability of the project and raise the need for an Impact Assessment.

I have attached a commentary we prepared based on the proponent’s risk ledger which we think specifically raises issues under federal jurisdiction under numbers [1,2,3,4,5,8,and 11](#).

This project consists of dumping 4000 tons of fill into a Federal Migratory Bird Sanctuary with the movement of 285 dump trucks through the sanctuary over an estimated 6-week period as well as the placement of that material by heavy equipment.

Roberts Bay lies within a federal Migratory Bird Sanctuary and currently enjoys a healthy population of herons, osprey, eagles, and a variety of migratory birds all of whom seem to be thriving under the current conditions. This is, however, a lay opinion. We would expect that the proponent has availed themselves of the services of ornithological experts to determine the effects, both positive and negative, of this project on the current bird population.

To our knowledge this has not occurred. The opinions of various “friends of” groups, while well intended, in our opinion, does not qualify as an expert opinion or study.

The proponents research into the potential effects of this project and their provisions for safeguarding the bird life and environmental integrity of this Federal Bird Sanctuary are inadequate and require a much deeper level of review before the project should be allowed to go forward. Little or no detail is provided within the proponents material regarding the

Also concerning is the reference under [number 11 \[Negative Indigenous sentiment\]](#) of the risk ledger to “various political complications between nations that the project may be caught within.”

For these reasons we would repeat our request for initiating the designation request process.

We appreciate your consideration in this matter and hope this information is helpful.

Sincerely

Nigel Scott

10239 Fifth St\Sidney BC

Peninsula Streams Society Risk Ledger - Commentary

The following is a collection of comments and questions collected and collated from the Upland Property Owners directly affected by the planned Expansion of the Mermaid Creek Salt Marsh by The Peninsula Streams Society.

We understand that this "Risk Ledger" was part of their application in seeking a Crown Land Tenure permit and as such is deserving of comment and question by the residents of Roberts Bay.

#	Risk	Risk Rating	Mitigation and Description	Mitigated Risk Rating
1	Disturbance of Raptor and Heron Nests	High	High levels of disturbance albeit in a highly pre-disturbed area. Recommended buffers to be implemented from develop with care guidelines for this level of activity including 260 m for Herons and 200 m for eagles. Monitoring of bird activity onsite.	Medium-Low
2	Disturbance of Shorebird nests	Low	Existing levels of backshore disturbance are high with off-leash dogs and high pedestrian traffic. Observations of oystercatchers and killdeer are uncommon in the backshore and to our knowledge there have been no detections of nesting, however, surveys in and adjacent to the project area will be conducted.	Low
3	Disturbance of songbird and cavity dweller nests	Medium	Existing levels of backshore disturbance are high with off-leash dogs and high pedestrian traffic. Distance of activity from potential nesting sites is quite high (>50 m) however, surveys in and adjacent to the project area will be conducted.	Low

4	Disturbance of Migrating Birds	Low	Project is in the window that would cause least disturbance to migrating seabirds and shorebirds.	Low
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Risks #'s 1,2,3,4

We believe that protection and preservation of the existing Roberts Bay migratory and non migratory bird life should be of paramount importance.

As Upland Property Owners we observe Great Blue Herons, Bald Eagles, Osprey, Kingfishers, and a wide range of Migratory birds such as Buffleheads and other migratory species daily.

We are asking the Minister of Environment and Climate Change to utilize the provisions of the Impact Assessment Act (the IAA) to designate the following project that is not identified in the Physical Activities Regulations (also known as the Project List), for an Impact Assessment.

https://publications.gc.ca/collections/collection_2012/ec/CW66-311-2012-eng.pdf

Risk # 1

No information as to **the degree or competency** of the promised “on site monitoring” is provided.

Does this project follow the guidelines stated in the following Provincial guidelines?

<https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/fact-sheet-11-herons.pdf>

which include:

- Blasting or similarly excessive noises should not occur closer than 1000 m from a colony during the nesting window.
- Time construction carefully. Avoid any new disturbance between January 15 and September 15

when herons are nesting

Risks # 2 & # 3

We believe that this project poses a greater threat to the Roberts Bay bird life than that indicated by the above study and that this claim of **“Existing levels of backshore disturbance are high with off-leash dogs and high pedestrian traffic”** is not substantiated and is intended to minimize the disturbance this project will cause.

Off leash dogs are specifically prohibited on Roberts Bay under the following regulations.

“Under the Migratory Bird Sanctuary Regulations (MBSR), S. 5(1) “No person who owns a dog or cat shall permit the dog or cat to run at large in a migratory bird sanctuary.” Jun 1, 2022”

The following study indicates that: **“Most respondents did not feel that there were major problems between dogs and birds in this study area.”**

https://publications.gc.ca/collections/collection_2022/eccc/CW66-776-2022-eng.pdf

5	Intertidal Marine Life	Low	Project is largely based on the footprint of eroded marsh area with low infaunal diversity and productivity. Other areas also demonstrated low diversity and productivity through infaunal survey. Rock sill structures have been shown to be beneficial to wildlife in marsh areas.	Low
6	Backshore Habitats	Medium	A small section of disturbed sandy backshore area will be impacted to create access to the site. This area will be surveyed for any wildlife prior for salvage. Dune WildRye will be salvaged for replanting. Backshore habitats will be enhanced and created as part of the project.	Low

Risks #5

PSS’s own **Risk # 7** states **“Site is dynamic with high energy and there is expectation of some failure of rock headland features and granular filters as well as movement of nourishment materials.”**

What will be the impact on Intertidal Marine life of these expected failures?

Risk # 6

“A small section of disturbed sandy backshore area will be impacted to create access to the site”.

Access to the site will take place at the end of Fifth St. There is currently an outfall at the end of Fifth St emptying into Roberts Bay and maintained by the Town of Sidney. Peninsula Streams makes no mention of this and until notified by property owners was unaware of its existence. The Town of Sidney had this response when asked about the outfall:

“Staff have indicated that they remove sand from the end of this discharge point because it gets buried by tidal influence. The Town does not have details of the project but are unaware of any plans that may impact this discharge location more than the regular tide already does. Staff will review this when more information is received.”

The fact that both Peninsula Streams and their engineering company were unaware of this outfall located directly where the 285 dump trucks will be transiting brings to question whether the necessary due diligence has been done for this project.

7	Failure of rock structures; Erosion/transport of materials	Medium	Site is dynamic with high energy and there is expectation of some failure of rock headland features and granular filters as well as movement of nourishment materials. Repairs can be made to the features. Nourishment materials sized and sourced to act as beach nourishment for forage fish as it erodes and is transported.	Low
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Risk # 7

We find it difficult to understand how the expected failure of the key components of this project can be classified as a medium risk, then downgraded to low by the mention of repair work. While Peninsula Streams cites various other projects as demonstration of this design’s worthiness, by their own admission, such a project has not been done in such a “High Energy” environment.

“March 22, 2023 – Site Engagement

- PSS restoration coordinator met with Fifth Street residents to engage and answer project questions”

We believe the other projects they cite do not accurately reflect the conditions on Roberts Bay and that this project and the stated results remain speculative.

8	Spill of deleterious materials or pollutants	Medium	Machinery will be onsite. All machines will be inspected routinely and before site entry for signs of leakage and deleterious materials that could be transported. Appropriately sized and located spill kits will be onsite with a spill response plan that is ready to be activated. Machinery will use biodegradable fluids where possible. Contractors and subcontractors will be reputable with maintenance records of machinery to ensure they are in working order. No fueling or maintenance of machinery will happen onsite.	Low
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Risk # 8

Almost every piece of heavy machinery leaks some fluid. **We are pleased that PSS commits to inspecting all machinery before entering the site.**

We would ask for details of this commitment given the volume of trucks [285] and machinery planned for the site. If leakage is detected, will the trucks and machinery be refused entry to the site?

9	Negative public sentiment	High	Improvements to a community resource and environmental area may not be viewed as such. In addition, there are significant levels of NIMBYism and ecological amnesia or ‘shifting baseline’ syndrome in the greater community. There is also a general distrust of professionals. Education, outreach and engagement around this project have been ongoing since early 2022 and will continue. We will continue to be truthful, open, and transparent around the project’s approach, risks, and potential benefits.	Medium
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Risk # 9 is problematic as it makes several negative assumptions about the residents and non residents directly affected by this project.

The upland property owners adjacent to this project include the former CEO of a major Canadian corporation, a respected lawyer, a former university dean and Order of Canada holder, a highly qualified engineer as well as other professional and university educated individuals. Many of the upland property owners have lived on Roberts Bay for many years.

Peninsula Streams characterises the greater community as having significant levels of **NIMBYism, Environmental amnesia, or Shifting Baseline Syndrome.**

NIMBYism: **“The term is usually applied to opponents of a development, implying that they have narrow, selfish, or myopic views. Its use is often pejorative.”**

‘Environmental generational amnesia’ as **“the idea that each generation perceives the environment into which it's born, no matter how developed, urbanized or polluted, as the norm.”**

Shifting baseline syndrome (SBS) describes **“a gradual change in the accepted norms for the condition of the natural environment due to a lack of human experience, memory and/or knowledge of its past condition.”**

Members of the this “greater community” and some upland property owners participated as volunteers in phase 1 of this project and volunteered in the planting that occurred in Mermaid Creek itself. There was general acceptance of these actions by the “greater community” despite the apparent failure of the planting (sedge) to thrive. The expansion of the Mermaid Creek Salt Marsh has, however, raised concerns and questions within this “greater community.”

To say that there is **“also a general distrust of professionals”** is ludicrous given the professional and educational histories of these residents.

“Education, outreach and engagement around this project have been ongoing since early 2022 and will continue.” The public consultation amongst actual residents of Roberts Bay and particularly with upland property owners has only been formally occurring since March of 2023.

10	Negative political sentiment	Medium	Though there is support for this type of work at federal and regional levels, and we have support for this project at a local level, it is possible that Risk 9 may potentially lead to cold feet politically which could lead to loss or limits to local support. Public engagement processes and communication with staff	Medium
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			and council is critical.	
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Risk # 10

It is unknown to the “greater community” what level of support exists for this project at the federal and regional levels. None of this information has been made public by Peninsula Streams. They have refused to provide contact information or copies of their submissions to the permitting and approving agencies to the public despite previous requests and a prior commitment to do so. This is documented in their responses to Neighbours Questions and Concerns Parts 1 and 2 as it appears on their web site.

The ‘local’ support that PSS references is the "public" consultation that PSS says took place prior to March 24th, 2023; this was largely conducted with the Roberts Bay Residents Association.

The Roberts Bay Residents Association membership, by their own admission, consists of less than 50% of the actual residents of Roberts Bay and many are also Peninsula Streams Society members. In addition, the Chair of the Roberts Bay Residents Association (during these "public" consultations) is listed as a director at large of the Peninsula Streams Society.

To date Peninsula Streams has not formally solicited support for this project from any of the Upland Property Owners.

11	Negative Indigenous sentiment	Medium	Though Tseycum First Nation has been collaborative on this project since the beginning, there are various political complications between nations that the project may be caught within. We will continue to work in close collaboration with the Tseycum First Nation and their Marine Stewardship Program.	Low
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Risk # 11

We have no information on the extent nor severity of this risk. However, we sincerely hope that PSS is following all the required consultation process in the spirit of UNDRIP and the relevant BC legislation. <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>

12	Non-Compliance/ Regulatory	Medium	A project in the coastal zone is subject to many different regulatory bodies however we have identified these and are submitting required documentation for review. Our experience with this size of project allows us to be confident that we can meet and exceed regulatory requirements.	Low
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Risk # 12

Peninsula Streams has refused to provide contact information or copies of their submissions to the permitting and approving agencies to the public despite previous requests and a commitment to do so. This is documented in their responses to Neighbours Questions and Concerns Parts 1 and 2 as it appears on their web site. We believe that this puts them in a position of non-compliance regarding the duty to consult expected by the Federal, Provincial, and Municipal approving and permitting agencies.

We understand that PSS has applied for a Crown Land Tenure under the Community and Institutional use category and is attempting to utilize an expedited approval process under the Green Shores foreshore program which is designated for Upland Property Owners and existing Crown Land Tenure holders, neither of which apply to Peninsula Streams. https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/crown-land-uses/greenshores_guide_to_foreshore.pdf

The PSS web site shows one other smaller shoreline project which doesn't seem comparable in complexity nor design to the Mermaid Creek Salt Marsh Expansion Project. This project is not yet completed and no results regarding attainment of its design goals are listed. [Songhees Walkway Pocket Beach Restoration]

13	Material Procurement, Delivery	Medium	We have hired professionals to help ensure a clean and suitable source is found that meets the required spec for the project. We have identified a number of options and are in pursuit of finalising this important project piece.	Low
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Risk # 13

We have been told by PSS that the material [an estimated 4,000 tons] will be sourced from Port McNeil or another location in the North Island. This will be barged down to an unknown location on the South Island and transported to the foot of Fifth Street in Sidney by an estimated 285 /14-ton dump trucks. The mining, transportation, and distribution of such a large quantity of material will generate a considerable carbon impact, possible damage to the roadbed on Fifth Street, and the potential for fuel and oil contamination of the existing beach as the material is delivered and distributed on site.

PSS whose stated goal for this project is carbon sequestration responded to a question regarding the carbon impact of this project as follows.

“However a full supply chain analysis of carbon impacts from mine to beach has not been completed, largely because it is not a project requirement and because there are still logistical details that are being refined which would impact any calculations.”

14	Plant survivorship/suitability	High	We have identified the species and their elevations required for survivorship and are working with nurseries to ensure plants are ‘hardened’ or exposed to salt water to ensure they are prepared for the saline environment. Elevations will also be taken before planting to identify areas most suitable for planting. They will be planted the following spring to allow for movement and settling of materials over winter and to give plants the time to root before a winter season.	Low
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Risk # 14

The areas indicated for planting are subjected to extreme tides and violent winter storms and will pose a challenge for successful plantings. The literature suggests that rising sea levels, which this project does not mitigate, may affect salinity and “The implications for the tidal marsh plant communities are profound, particularly for restored sites where newly recruiting vegetation is likely to be highly sensitive to increasing salinity and inundation”.

https://www.researchgate.net/publication/257796960_Salinity_and_Inundation_Influence_Productivity_of_the_Halophytic_Plant_Sarcocornia_pacifica (and Callaway et al., 2007).

In addition, the CORI Report https://peninsulastreams.ca/wp-content/uploads/2023/03/RobertsBay_SummaryReport_Nov2021_Final.pdf

Table 6 Pg 31 shows *Sarcocornia pacifica* as “**Abundant**”.

The same report also speaks to the demonstrated ability of the marsh to regenerate. (CORI, p. 50)

“The extreme drop in areal marsh extent in 1999 appears to have been due to a large amount of sediment being deposited on top of the marsh, likely due to a storm event. The marsh appeared to recover from this event before 2005 showing that the marsh is capable of recovery from extreme events;”

15	Civil Infrastructure	Medium	It appears that there is very little risk to existing utilities and infrastructure with the exception of some road way wear. A right of way permit will be secured from the town with the necessary insurance and clauses that ensure these infrastructures are identified, documented, and there are avenues and resources available to make repairs as necessary.	Low
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Risk # 15

This project will require a minimum of 284 / 14-ton dump trucks to deposit the material over a short period of time [3 weeks]. There is an opinion that the Fifth Street roadbed particularly between Lovell and the waters edge of Roberts Bay is classified as a lane and is unlikely to survive such loads. We have requested that the Town of Sidney conduct a load bearing review of not only this section but all the way from the waters edge to Malaview Ave. Proper insurance should be required of Peninsula Streams to mitigate any damage caused.

16	Public Safety	Low	The route with machines and trucking traffic will be clear with traffic control, signage, and tape closing off areas strategically to ensure there is no risk to public safety.	Low
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Risk # 16

Access for emergency vehicles and services as well as the daily transportation needs of residents of Fifth Street will be severely restricted during construction. There are 8 residences whose only access to Sidney is along Fifth Street.

17	Budgetary	Medium	Though we have budgeted for expenses, project delays, inflation, material procurement and logistics could potentially add to costs. We are currently seeking 'buffer funds' to ensure that there are funds towards repairs, maintenance, as well as being able to create a greater contingency.	Low
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Risk # 17

We are concerned with both the need for ongoing maintenance of this project and the possible expenses incurred if the project fails.

The McElhanney engineering report on the PSS web site states the following:

“1.4. LIMITATIONS AND ASSUMPTIONS

In addition to the limitations outlined in Appendix A, the following project-specific limitations and assumptions are also applicable:

1. The constructed salt marsh is a natural system expected to perform dynamically and adapt to changing environmental conditions. Regular maintenance, inspections, or adaptive management
2. are required.” <https://peninsulastreams.ca/wp-content/uploads/2023/05/2023-05-02-McElhanney-Roberts-Bay-Tidal-Marsh-Restoration-DRAFT.pdf>

in addition, this project was categorized by PSS executives as a “**novel restoration technique for the west coast of North America**” as well as having been never attempted in such a “**high energy**” location. The examples of similar projects cited by PSS do not reflect the conditions which this project will be exposed to on Roberts Bay.

The financial statements for the Peninsula Streams Society published on their web site and their need for “buffer funds” raise questions regarding their ability to properly construct and maintain this project. If the expected failures occur as mentioned in **Risk # 7**, what assurances are there of PSS having sufficient fund to mitigate these failures?

Thank you for the opportunity to present our commentary on this “Risk Ledger” and we hope that this project receives the fair scrutiny and scientific review that Roberts Bay deserves.

Yours Sincerely

Nigel Scott and behalf of other Upland Property Owners.



Impact Assessment
Agency of Canada

Agence d'évaluation
d'impact du Canada

President

Président

160 Elgin St., 22nd floor
Ottawa ON K1A 0H3

160, rue Elgin, 22^e étage
Ottawa ON K1A 0H3

July 11, 2023

Nigel Scott

<Personal information removed>

<email address removed>

Nigel Scott:

The Honourable Steven Guilbeault, Minister of Environment and Climate Change, asked me to respond to your letter of June 3, 2023, concerning the proposed Mermaid Creek Salt Marsh Restoration in Sidney, British Columbia, and the request for designation under subsection 9(1) of the *Impact Assessment Act* (IAA).

The *Physical Activities Regulations* (the Regulations) prescribe the physical activities that are subject to the IAA. Under subsection 9(1) of the IAA, the Minister has authority to designate a physical activity not prescribed by the regulations if, in his opinion, the carrying out of the physical activity may cause adverse effects within federal jurisdiction or adverse direct or incidental effects, or if public concerns related to those effects warrant the designation. This authority is subject to limitations under subsection 9(7), which prohibits designation of a project if the project has substantially begun or a federal authority has made a decision under another Act of Parliament that permits the project to be carried out, in whole or in part.

For information on the designation request process, please refer to the Impact Assessment Agency of Canada's (the Agency) *Operational Guide on Designating a Project under the IAA* at <https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/designating-project-impact-assessment-act.html>. The guide outlines the legislative requirements described in the paragraph above as well as the information required to initiate a designation request and the process for the Minister's consideration of whether to designate a project.

.../2

The Agency understands, from the information you have provided, that your request for designation is in relation to a proposed restoration project of a salt marsh area. Your letter contains some of the information required in order to initiate a designation request process; however, the Agency requires additional information prior to proceeding. The following information is outstanding:

- What the potential adverse effects within federal jurisdiction are and how they could occur.

Specifically, your letter states that “this project will have a direct impact on the migratory birds who utilize the Shoal Harbour Migratory Bird Sanctuary,” however no further details are provided. Prior to initiating a designation request process, the Agency requires a description of how the project would cause the potential adverse effects to migratory birds (e.g., what are the pathways of effects), the specific effects to migratory birds, and a description of whether those effects are adverse.

A request for designation with additional information may be directed to the Minister, the Honourable Steven Guilbeault, at ministre-minister@ec.gc.ca, with a copy to the Agency’s Pacific and Yukon Regional Office at pacificandyukonregion-regiondupacifiqueetduyukon@iaac-aeic.gc.ca.

In accordance with the Agency’s Operational Guide, the Agency will initiate a designation request process upon receipt of a request with sufficient information. This process will include a review of whether the physical activity is already subject to the regulations and, if not, whether the limitations under subsection 9(7) of IAA apply. Should you have access to any information to support this analysis, such as the status of construction activities or regulatory review by federal authorities, please provide it as part of an updated request.

I have asked Andrea Raska, Project Manager, Pacific and Yukon Region, to respond to any further questions about the designation request process. She can be reached at Andrea.Raska@iaac-aeic.gc.ca.

Sincerely,

<original signed by>

Terence Hubbard (he/him, il)

From: <email address removed>
Sent: Saturday, June 3, 2023 9:54:16 AM
To: [Ministre / Minister \(ECCC\)](#)
Cc: information@iaac-aeic.gc.ca
Subject: Impact Assessment request
Sensitivity: Normal
Attachments:
[IAA.docx](#) ;

You don't often get email from <email address removed> [Learn why this is important](#)

Public Request for An Impact Assessment:

We are asking the Minister of Environment and Climate Change to utilize the provisions of the Impact Assessment Act (the IAA) to designate the following project that is not identified in the Physical Activities Regulations (also known as the Project List), for an Impact Assessment.

Requested by:

Nigel Scott [and on behalf of 12 other Roberts Bay area residents]

<personal information removed>

<personal information removed> <email address removed>

The project proponent is:

The **Peninsula Streams Society [PSS]**
9860 West Saanich Road
North Saanich, BC
V8L 4B2

<https://peninsulastreams.ca/>

<email address removed>

The Project is: The Mermaid Creek Salt Marsh Expansion [Shoal Harbour Migratory Bird Sanctuary Roberts Bay Sidney BC]

<https://peninsulastreams.ca/our-work/restoration-projects/mermaid-creek-salt-marsh-restoration/>

Project Location:

<https://www.crd.bc.ca/docs/default-source/es-harbours-pdf/bird-santuary/migratorybirdsantuary-inserts-shoalharbour.pdf?sfvrsn=2>

When construction and operations are scheduled to occur:

Up until May 29th PSS's website stated construction would occur beginning July 10th /2023.

Reasons for this request:

- : This project is occurring in a Federal Migratory bird sanctuary.
- : This project utilizes water flow management technology that by the Proponents own admission is “novel” and has not been

undertaken anywhere else in such “a high energy” location.

: This project will have a direct impact on the migratory birds who utilize the Shoal Harbour Migratory Bird Sanctuary. The project will result in the deposit of 4,000 tons of additional material being added to the area and the passage of an estimated 285 14-ton dump trucks through the area along with associated earth moving equipment.

: The Proponent has not provided requested information regarding contact information for the permitting and approving agencies so that the public can provide input despite requests going back to April 3rd/2023 and a statement that they would provide such information on their web site.

: To our knowledge the Proponent has not managed a project of this size and scope before.

We request that the Minister designate this project as being eligible for an Impact Assessment and that this project receive the necessary public consultation and scientific review that is required.

Thank you for your consideration of this matter.

Nigel Scott

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<personal information removed>

<personal information removed> <email address removed>

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The **Peninsula Streams Society [PSS]**
9860 West Saanich Road
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V8L 4B2

<https://peninsulastreams.ca/>

<email address removed>

The Project is: The Mermaid Creek Salt Marsh Expansion [Shoal Harbour Migratory Bird Sanctuary
Roberts Bay Sidney BC]

<https://peninsulastreams.ca/our-work/restoration-projects/mermaid-creek-salt-marsh-restoration/>

Project Location:

<https://www.crd.bc.ca/docs/default-source/es-harbours-pdf/bird-santuary/migratorybirdsantuary-inserts-shoalharbour.pdf?sfvrsn=2>

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: The Proponent has not provided requested information regarding contact information for the permitting and approving agencies so that the public can provide input despite requests going back to April 3rd/2023 and a statement that they would provide such information on their web site.

: To our knowledge the Proponent has not managed a project of this size and scope before.

We request that the Minister designate this project as being eligible for an Impact Assessment and that this project receive the necessary public consultation and scientific review that is required.

Thank you for your consideration of this matter.

Nigel Scott