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21 novembre 2002

Mme Lori Warren
Agente de Service de l'Environnement
Commission de la capitale nationale
202-40, rue Elgin
Ottawa, Ontario, K1P 1C7

Sujet : Développement des plaines LeBreton – Reconstruction de la rue Booth
Réponses aux commentaires des agences
V/Réf. : CP2200-935-2
N/Réf. : 0480000-390

Mme Warren,

Vous trouverez ci-joint l'ensemble des commentaires formulés par Environnement Canada, le département des Pêches et des Océans ainsi que par la ville de Ottawa. Les réponses de DSI à ces commentaires sont également inclus. Toutes les modifications requises au rapport d'évaluation environnementale pour la reconstruction de la rue Booth par les commentaires des agences ont été effectuées tel que stipulé dans nos réponses à ces commentaires.

En espérant le tout conforme à vos attentes,

Ghyslain Pothier
Coordonateur et chef d'équipe
Évaluation environnementale

GP/fsa

Incl. Commentaires des agences et réponses de DSI

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LeBreton Flats Infrastructure and Remediation Project

Booth Street Reconstruction

Comments received from agencies

Reviewer/ Date of Review	No	Comment from Agencies	Action from DSI
James B. Elliot Fisheries and Oceans Canada 16-sept-02	1	If the work is conducted as described in the report, I am confident that there will be no direct impacts to fish habitat e.g. physical changes in a watercourse that would result in a HADD. The area of construction is well away from any watercourse.	Point noted.
	2	Possible indirect impacts are well addressed in the report, and if the suggested mitigative measures are employed, I am confident that there will not be any indirect impacts during construction e.g. dust or sediment in stormwater runoff and dewatering.	Point noted.

From: ElliottJE@DFO-MPO.GC.CA [mailto:ElliottJE@DFO-MPO.GC.CA]
Sent: Friday, September 13, 2002 11:41 AM
To: KArnold@ncc-ccn.ca
Subject: Reconstruction of Booth Street - EA comments

Hi Kim:

I have reviewed the "Reconstruction of Booth Street - Environmental Report - Draft 2 - August 2002, Lebreton Flats, Ottawa" with respect to potential direct and indirect impacts to Fish Habitat that could result in a HADD. Please note the following comments:

1. If the work is conducted as described in the report, I am confident that there will be no direct impacts to fish habitat e.g. physical changes in a watercourse that would result in a HADD. The area of construction is well away from any watercourse.
2. Possible indirect impacts are well addressed in the report, and if the suggested mitigative measures are employed, I am confident that there will not be any indirect impacts during construction e.g. dust or sediment in stormwater runoff and dewatering.
3. I do suggest that mitigative activities or measures be closely monitored during construction to ensure that they are maintained and remain effective. Should a mitigation structure or activity fail (e.g. a silt fence fail or a dewatering system leak) then there is a good possibility that sediment and contaminated materials could enter a watercourse. Good monitoring and immediate corrective action can minimize any potential impacts.

If you have any comments or questions on the above please contact me.

Thanks,

Jim

James B. Elliott
Impact Assessment Biologist
Fisheries and Oceans Canada
Ontario - Great Lakes Area
Prescott District
Phone: 613-925-2865 ext. 147
Fax: 613-925-2245



Environmental Policy and Assessment Division
Great Lakes and Corporate Affairs Branch
Environment Canada, Ontario Region
867 Lakeshore Road, P.O. Box 5050
Burlington, Ontario L7R 4A6

Our File Notre reference
2001-033
Your File Votre reference
CP2200-883-12

September 3, 2002

Ms. Kim Arnold
Senior Environmental Officer
National Capital Commission
202-40 Elgin Street
Ottawa, Ontario
K1P 1C7

Dear Ms. Arnold,

Re: Draft Environmental Assessment Report for Remediation and Reconstruction of Booth Street - LeBreton Flats Infrastructure and Remediation, Ottawa
Proponent: National Capital Commission

This is in response to your letter dated August 9, 2002, requesting comments from Environment Canada - Ontario Region (DOE-OR) on the Draft 2 Environmental Assessment (EA) Study dated August 2002 for the Reconstruction of Booth Street, a components of the LeBreton Flats Infrastructure and Remediation Project (IRP).

Thank you for the opportunity to comment on this project. The following comments are provided on behalf of Environment Canada - Ontario Region's (DOE-OR's) Environmental Assessment Coordinating Committee (EACC). Please refer to our letter dated January 11, 2002 to the National Capital Commission (NCC) that describes our departmental interests and context of our comments on the proposed phasing and EA screening requirements for the LeBreton Flats IRP. As indicated before, information and comments should not be construed as a fettering of the government's ability to make decisions and/or enforce any applicable regulations.

We have reviewed the report for the above mentioned Draft 2 EA Study and have the following comments:

We are generally satisfied with the approach proposed in the EA Report for remediation of contaminated soils within the footprint of Booth Street and mitigation proposed to address potential adverse environmental effects of the remediation activities and construction and operation of Booth Street and the proposed Detour. We have identified several minor concerns, but expect that these can be substantially addressed if the NCC adopts and agrees to implement the recommendations and mitigation measures presented in our specific comments below, or any comparable measures identified by the NCC as being more appropriate to local site conditions.

We recommend that monitoring of the effect on the receiving environment of the mitigation measures referred to in the previous paragraph, and follow up, should be carried out by the NCC. This will not, however, relieve the NCC from meeting the requirements of the federal *Fisheries Act*, including Section 36(3), the *Migratory Birds Regulations* or any regulations made under the *Canadian Environmental Protection Act 1999* that are applicable to the project or to any effluent or discharge that may result from the project.

Specific comments are provided below for your consideration.

The following comments on Toxics and Air Quality Issues, and, Water Quality Issues are pertinent to our departmental interests under the *Canadian Environmental Protection Act (CEPA)* and related policies (re: management of toxic substances), and, Sub-section 36(3) of the *Fisheries Act*.



From: Aqiqi, Dean [mailto:Dean.Aqiqi@ottawa.ca]
Sent: Friday, October 18, 2002 11:03 AM
To: 'LWarren@ncc-ccn.ca'
Cc: CDube@ncc-ccn.ca; GSimonyi@ncc-ccn.ca; Smit, John; Morrison, Larry
Subject: LeBreton Flats - Booth Street Reconstruction & Water and
Wastewater Works Environmental Assessment Reports
Importance: High

Hello Lori,

Please, here you find our comments on both studies mentioned above:

A. Reconstruction of Booth Street:

1. Public Consultation - Section 3.1: While the report emphasizes the importance of public participation, the document is vague on the actual consultation activities undertaken. The final report should contain a clear record of all public consultation activities, a summary of the comments received and any action taken in response.
2. Booth Street detour - Section 5.2: An Exhibit illustrating the detour road should be included in the report.
3. Booth Street Rights-of-Way (R.O.W.) - Section 5.5: The ESR notes that the R.O.W. for Booth Street is 32 m in the section located to the north of Fleet Street through LeBreton Blvd. This should be clarified as Dessau-Soprin's drawing No. 0027-0A shows 30 m R.O.W. in this section.
4. Existing Infrastructure - Section 5.6.6 : There is no mention of what is happening to the existing underground infrastructure such as the antique watermain and utilities...etc.
4. Exhibit 8a : The cross sections shown are yet to be approved by the City.
4. Cumulative effects - Section 7.4 : It does not appear that the Transitway reconstruction and associated Booth Street overpass were considered in the assessment of cumulative effects. This should be clarified. The transitway is an integral component of the LeBreton Flats redevelopment plan and should be considered in determining the cumulative effects.

Table 6 shows a summary of the results of the cumulative impact assessment for "all projects". The ESR should refer the reader to the analysis (I assume it is contained in a separate document) supporting these conclusions.

6. Bicycle/Pedestrian Pathway - Exhibit 10 : The legend in Exhibit 10 indicates that a red dashed line shows the "proposed temporary pedestrian/bicycle Pathway". The Exhibit has no red dashed line. Since this has already been modified, then the new temporary plan should be shown on the Exhibit and indicated in the legend.

Best Regards

Dean Aqiqi, P.Eng., M.Sc.

Infrastructure Approvals Division

(re: discharge of deleterious substances), respectively:

Water Quality and Toxics Issues

Contaminated Sites and Toxics

Section 5.6.4 (p.40) Excavation and Remediation of Soil within Booth Street Right-of-way. Based on the EA Report, we understand that proponent intends to manage contaminated soils within Booth Street as per the MOEE Guideline for Use at Contaminated Sites in Ontario Table B criteria, and that no contaminated material above these guidelines will be left within the Study Site defined by Exhibit 1. We do not have any concerns with the NCC's plan to manage contaminated soils within the Booth Street area in accordance with the MOEE Guideline for Use at Contaminated Sites and CCME Soil Quality Guidelines, provided that no contaminated material above these guidelines will be left within the Study Site defined by Exhibit 1. Monitoring wells did not indicate the presence of groundwater contaminated in excess of applicable MOEE criteria.

Section 5.6.6 - Demolition of Existing Infrastructure. The report indicates that "existing infrastructure, above and underground, will be removed according to demolition work standards. Private aboveground utilities . . . will be removed by Hydro-Ottawa and the City of Ottawa workers or contractors" (emphasis added). We assume that the underground utilities identified in section 4.2.1, including the abandoned underground electric line, abandoned natural gas pipe and abandoned Bell Canada line, will also be removed by the appropriate public utility. However, if abandoned underground utilities are to be removed or disposed of by the proponent's contractors according to demolition work standards as indicated, the NCC should be aware that electrical cables that are of Paper Insulated Lead Coated (PILC) construction can contain PCB-saturated internal wrapping. The possible presence of PCBs in abandoned PILC cables should be discussed with the public utility prior to removal and disposal, and the insulation should be tested where appropriate. PCB-containing materials must be handled and disposed of in accordance with all applicable federal and provincial regulations.

Erosion and Sedimentation

Section 5.6.2 Site Drainage and Water Treatment (p. 38-39). It was indicated that "Silt fences will be installed by the work and processing areas and water bodies." It would be clearer and more consistent with the information in Table 4 (p. 56) if this sentence were re-worded to "Silt fences will be installed between the work and processing areas and water bodies." (emphasis added).

With respect to run-off of contaminated material in storm water run-off, the generic mitigation measures described in Section 7.2.1.3 and Table 4, including the requirement for the contractor to develop an Erosion and Sedimentation Control Plan and the use of the same sedimentation pond proposed for other area soil remediation projects appears reasonable, although without reviewing the Plan, we cannot provide any comments on their adequacy.

As a minimum, the implementation and maintenance of erosion and sedimentation control measures should conform to recognized standards, such as the Ontario Provincial Standard Specifications, specifically OPSS 577(1996) (as proposed - p. 56, Table 4), and also be consistent with best practices recommended in provincial guidelines (e.g., Ministry of Environment, Guidelines for Evaluating Construction Activities Impacting on Water Resources, 1995; Ministry of Natural Resources Guidelines for Access Roads and Water Crossings, 2000; etc.).

- More stringent standards may be required if contaminated sediments are likely to be released. A detailed sediment control plan must be designed and implemented to mitigate impacts associated with construction of the project - to prevent suspended sediment, debris, fill, rock dust, etc. from entering downstream watercourse (i.e., pertinent measures such as: silt fences/curtains, sediment traps, rock check dams, etc. must be designed and installed at appropriate locations).
- Temporary mitigation measures must be maintained until construction is complete, and, land based measures must not be removed until vegetation has been re-established to a sufficient degree (or surface soils stabilized using other measures) so as to provide adequate erosion protection to disturbed work areas. All disturbed natural areas on land must be re-vegetated as necessary to prevent erosion and provide habitat functions.

Notwithstanding the above comments on water quality issues, we remind the NCC of the following:

- Meeting the requirements of the federal *Fisheries Act* is mandatory, irrespective of any regulatory or permitting system established by a provincial, territorial or aboriginal government.
 - Section 36(3) of the *Fisheries Act* specifies that unless authorized by federal regulation, no person shall deposit or permit the deposit of deleterious substances of any type in water frequented by fish, or in any place under any conditions where the deleterious substance, or any other deleterious substance that results from the deposit of the deleterious substance, may enter any such water.
 - In the application of the *Fisheries Act*, court cases have long established that a discharge or effluent that is acutely lethal to fish is deleterious. In other words, results of a test designed to determine whether or not fish will die in an effluent or discharge within a specified time period will determine one aspect of deleteriousness. However, any substance with a potentially harmful chemical, physical or biological effect on fish or fish habitat may also be deleterious. For example, substances which smother nesting areas or spawning grounds, or interfere with reproduction, feeding or respiration of fish, may also be deleterious.
 - Section 36(3) of the *Fisheries Act* makes no allowance for a mixing zone.

Air Quality Issues

Mitigation proposed to address potential environmental impacts under 'air quality' were included in Table 4 (p. 57) and were described on page 66. In regard to the proposed mitigation measures, reference was made in the table to ensuring good condition of exhaust and emission control systems on machinery, reflecting our comments made on other phases of the LeBreton Flats project. However this is not reflected in the mitigation proposed on page 67. We recommend that these additional measures be included under mitigation, and suggest that full compliance with vehicle exhaust emission standards such as those used under the MOE's 'Drive Clean Program' in southern Ontario (for more info see: <http://www.driveclean.com/>) could be specified as a criteria that vehicles should meet - to help ensure that air pollution by heavy equipment (notably diesel trucks) are minimized. The measures proposed to address fugitive dust emissions appear reasonable.

In regard to monitoring proposed for air quality (p. 84) we understand that a monitoring station will be installed at a fixed location 'Aligned with the predominant wind direction'. This should obviously be downwind of the study site. Nevertheless, if local wind conditions prove erratic for an extended period when the work progresses, notably during periods of intense work activity, we recommend that the monitor be relocated to a more appropriate location to effectively verify downstream air quality effects of the project (to confirm or discount the effectiveness of on-site mitigation).

The following comments on Migratory Birds pertinent to our departmental interests under the *Migratory Birds Regulations pursuant to the Migratory Birds Convention Act*:

Migratory Birds and Terrestrial Habitat

The study area is disturbed due to previous activities and infrastructure, however migratory birds can be expected to use this area and possibly the study site. Potential use of the study area and study site by migratory birds is identified on page 20 of the EA Report, however given the current use of the site it likely has limited potential as migratory bird habitat. Nevertheless, the NCC should note that vegetation clearing, excavation and piling of soil/fill, site grubbing and site access/construction activities that are conducted in migratory bird habitat could also result in the incidental take of migratory birds. The "incidental take" of migratory birds and the disturbance, destruction or taking of the nest of a migratory bird

are prohibited under section 6 of the *Migratory Bird Regulations* (MBRs), under the authority of the *Migratory Birds Convention Act, 1994* (MBCA). "Incidental take" is the killing or harming of migratory birds as a result of actions, such as economic development, which are not primarily focused on taking migratory birds. No permit can be issued for the incidental take of migratory birds or their nests as a result of economic activities.

Birds have not been identified as an environmental component that may experience adverse environmental effects in Table 4 of the EA Summary (p. 58), specifically due to the removal of vegetation. *Given the limited amount of vegetation that will be impacted by this phase of the remediation project we do not expect that these effects will be substantial.* Nevertheless, based upon the above comments on the MBRs we recommend the following mitigation measures to minimize the potential for adverse effects on migratory birds be incorporated into the project and added to Table 4 of the Environmental Screening Report:

- Work activities with the potential to destroy migratory birds, such as vegetation clearing and fill placement, should not take place in migratory bird nesting habitat during the breeding season, which is generally defined to be from **May 1 - Aug 10** for most species utilizing these habitats in this region of Ontario.

If the proponent must conduct works affecting breeding bird habitat during the identified breeding season for migratory birds, a nest survey should be conducted by a qualified avian biologist prior to commencement of the works to identify and locate active nests of species covered by the *MBCA*. A mitigation plan (which may include establishing appropriate buffers around active nests) should then be developed to address any potential impacts on migratory birds or their active nests, and should be approved by Environment Canada - Ontario Region prior to implementation.

In order to preserve the biodiversity of surrounding vegetation and provide suitable migratory bird and wildlife habitat, we recommend that re-vegetation of any disturbed or restoration areas be carried out using native plant species indigenous to the area, to the maximum extent possible. *Use of invasive species and species sensitive to salt exposure (adjacent to the roadways) should be avoided.*

Please note that the foregoing recommendations are solely intended to avoid potential adverse environmental effects on migratory birds. It is still the proponent's responsibility to avoid incidental take under the *Migratory Bird Regulations*.

We trust that the above comments will assist you in finalizing the environmental assessment for this component of the LeBreton Flats Infrastructure and Remediation Project.

Please contact the undersigned if you wish to discuss the above comments.

Yours sincerely,



M. A. Shaw
Environmental Assessment Officer
Ph. (905) 336-4957 Fax (905) 336-8901
E-mail: michael.shaw@ec.gc.ca

cc.
R. Dobos, EA Section, GLCAB
J. Clarke / M. Brooksbank, EPB
L. Knox, CEA Agency
J. Elliot / J. Niefer, DFO, FHM

2001-033-7 (Booth Street).doc

- 3 I do suggest that mitigative activities or measures be closely monitored during construction to ensure that they are maintained and remain effective. Should a mitigation structure or activity fail (e.g. a silt fence fail or a dewatering system leak) then there is a good possibility that sediment and contaminated materials could enter a watercourse. Good monitoring and immediate corrective action can minimize any potential impacts.

A note was added in chapter 8.0, which deals with monitoring aspect, to emphasize the importance of ensuring regular monitoring of the mitigation infrastructure implemented to deal with sedimentation problems.

Michael A. Shaw
DOE - Ontario
Region
03-09-02

- 1 Contaminated Sites and Toxics Section 5.6.4 (p.40) Excavation and Remediation of Soil within Booth Street Right-of-way. Based on the EA Report, we understand that proponent intends to manage contaminated soils within Booth Street as per the MOEE Guideline for Use at Contaminated Sites in Ontario Table B criteria, and that no contaminated material above these guidelines will be left within the Study Site defined by Exhibit 1. **We do not have any concerns with the NCC's plan to manage contaminated soils within the Booth Street area in accordance with the MOEE Guideline for Use at Contaminated Sites and CCME Soil Quality Guidelines, provided that no contaminated material above these guidelines will be left within the Study Site defined by Exhibit 1.** Monitoring wells did not indicate the presence of groundwater contaminated in excess of applicable MOEE criteria.

The present remediation strategy selected for Booth Street is to ensure decontamination of the full right of way down to the rock bottom. This strategy has been called full width/full depth decontamination. However, it must be stated that this strategy is subject to an agreement with the City of Ottawa.

2 The report indicates that "existing infrastructure, above and underground, will be removed according to demolition work standards. Private aboveground utilities . . . will be removed by Hydro-Ottawa and the City of Ottawa workers or contractors" (emphasis added). We assume that the underground utilities identified in section 4.2.1, including the abandoned underground electric line, abandoned natural gas pipe and abandoned Bell Canada line, will also be removed by the appropriate public utility. However, if abandoned underground utilities are to be removed or disposed of by the proponent's contractors according to demolition work standards as indicated, the NCC should be aware that electrical cables that are of Paper Insulated Lead Coated (PILC) construction can contain PCB-saturated internal wrapping.

The possible presence of PCBs in abandoned PILC cables should be discussed with the public utility prior to removal and disposal, and the insulation should be tested where appropriate. PCB-containing materials must be handled and disposed of in accordance with all applicable federal and provincial regulations.

All private underground or aboveground utilities will be removed by the owners or by a contractor mandated by them. However, if for any reason the proponent's contractor must remove and dispose of underground utilities, a special consideration will be given to the potential presence of PILC. Any PCB-containing materials will be handled and disposed of in accordance with all applicable federal and provincial regulations. An impact and a mitigation measure have been added to the report to cover this aspect.

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|---|--|
| <p>3 Section 5.6.2 Site Drainage and Water Treatment (p. 38-39). It was indicated that “Silt fences will be installed by the work and processing areas and water bodies.” It would be clearer and more consistent with the information in Table 4 (p. 56) if this sentence were re-worded to “Silt fences will be installed between the work and processing areas and water bodies.” (emphasis added).</p> | <p>The changes requested were made.</p> |
| <p>4 As a minimum, the implementation and maintenance of erosion and sedimentation control measures should conform to recognized standards, such as the Ontario Provincial Standard Specifications, specifically OPSS 577(1996) (as proposed - p. 56, Table 4), and also be consistent with best practices recommended in provincial guidelines (e.g., Ministry of Environment, Guidelines for Evaluating Construction Activities Impacting on Water Resources, 1995; Ministry of Natural Resources Guidelines for Access Roads and Water Crossings, 2000; etc.).</p> | <p>Reference to existing provincial guidelines has been added to the report.</p> |

- | | | |
|---|--|---|
| 5 | More stringent standards may be required if contaminated sediments are likely to be released. A detailed sediment control plan must be designed and implemented to mitigate impacts associated with construction of the project - to prevent suspended sediment, debris, fill, rock dust, etc. from entering downstream watercourse (i.e., pertinent measures such as: silt fences/curtains, sediment traps, rock check dams, etc. must be designed and installed at appropriate locations). | Detailed appropriate measures for sediment control are already presented in the report. An emphasis was added with regard to the monitoring of these mitigating infrastructure. |
| 6 | Temporary mitigation measures must be maintained until construction is complete, and, land based measures must not be removed until vegetation has been re-established to a sufficient degree (or surface soils stabilized using other measures) so as to provide adequate erosion protection to disturbed work areas. All disturbed natural areas on land must be re-vegetated as necessary to prevent erosion and provide habitat functions. | Temporary mitigation measures will be kept in place until a proper vegetation cover is re-established. A special mitigation measure was added to ensure that identified sensitive areas be re-vegetated as soon as possible after completion of work activities to minimize potential erosion problems. |
| 7 | Meeting the requirements of the federal <i>Fisheries Act</i> is mandatory, irrespective of any regulatory or permitting system established by a provincial, territorial or aboriginal government. | All means have been taken to ensure that the requirements of the federal <i>Fisheries Act</i> will be met. |

8 Mitigation proposed to address potential environmental impacts under 'air quality' were included in Table 4 (p. 57) and were described on page 66. In regard to the proposed mitigation measures, reference was made in the table to ensuring good condition of exhaust and emission control systems on machinery, reflecting our comments made on other phases of the LeBreton Flats project. However this is not reflected in the mitigation proposed on page 67. We recommend that these additional measures be included under mitigation, and suggest that full compliance with vehicle exhaust emission standards such as those used under the MOE's 'Drive Clean Program' in southern Ontario could be specified as a criteria that vehicles should meet - to help ensure that air pollution by heavy equipment (notably diesel trucks) are minimized. The measures proposed to address fugitive dust emissions appear reasonable.

The additional measures mentioned have been included in the report.

9 In regard to monitoring proposed for air quality (p. 84) we understand that a monitoring station will be installed at a fixed location 'Aligned with the predominant wind direction'. This should obviously be downwind of the study site. Nevertheless, if local wind conditions prove erratic for an extended period when the work progresses, notably during periods of intense work activity, we recommend that the monitor be relocated to a more appropriate location to effectively verify downstream air quality effects of the project (to confirm or discount the effectiveness of on-site mitigation).

The sentence "Aligned with the predominant wind direction" has been changed to "to supply information on up wind and down wind conditions". As for the problem of erratic wind conditions, SENES are also using portable monitoring stations to do random sampling on the work sites. This will allow to take into consideration the problem of erratic wind conditions and help verify the efficiency of the fix monitoring stations.

10 Nevertheless, based upon the above comments on the MBRs we recommend the following mitigation measures to minimize the potential for adverse effects on migratory birds be incorporated into the project and added to Table 4 of the Environmental Screening Report:

- Work activities with the potential to destroy migratory birds, such as vegetation clearing and fill placement, should not take place in migratory bird nesting habitat during the breeding season, which is generally defined to be from May 1 - Aug 10 for most species utilizing these habitats in this region of Ontario.

A potential impact was added on migratory birds and the proposed mitigation measure was also included.

- 11 If the proponent must conduct works affecting breeding bird habitat during the identified breeding season for migratory birds, a nest survey should be conducted by a qualified avian biologist prior to commencement of the works to identify and locate active nests of species covered by the MBCA. A mitigation plan (which may include establishing appropriate buffers around active nests) should then be developed to address any potential impacts on migratory birds or their active nests, and should be approved by Environment Canada - Ontario Region prior to implementation
- This has been included as a mitigation measure to potential impact on migratory birds.