

Byron Gravel pit - Bank Swallows

Prepared by Dr. Leanne Grieves and Brendon Samuels, EEPAC

Executive Summary

Bank swallows have declined by 93% within Ontario over the past 40 years, with an estimated population size of just 409,000 remaining individuals. In June 2020 a large and thriving breeding colony of bank swallows was identified at the Byron gravel pit in London West. Bank swallow colonies range from 10 to 2,000 nests, making the Byron pit colony – with 1,913 counted burrows as of June 9, 2020 – one of the largest in Ontario. Despite the protected status of bank swallows and their habitat under the Endangered Species Act (ESA), enforced by the Ministry of Environment, Conservation and Parks (MECP), the Byron gravel pit is being developed under mixed ownership into housing complexes and an outdoor recreation area. The development is further complicated by regulations under Aggregate Resources Act (ARA), enforced by the Ministry of Natural Resources and Forestry (MNR), that requires six aggregate license holders to “rehabilitate” the pit before development can proceed. This “rehabilitation” and the location of planned housing will destroy the cliff face and critical bank swallow nesting habitat along with it.

The City of London has not yet approved final plans for development, but site preparations have already begun. As of March 7 2021, fill is being dumped within the immediate vicinity of bank swallow nesting habitat. In June 2020, the MECP reached out to the developer to ensure best practices were being followed. Bank swallows are expected to return to their breeding site by mid-April 2021, so it is imperative to ensure that the developers continue to uphold their legal obligations under the ESA and the Species At Risk Act (SARA). Currently, it is unclear how conflicting legal obligations under the ARA and ESA will intersect, but the ARA has historically trumped the ESA.

We are requesting that City of London staff 1) provide an update on the status of the draft secondary plan for the Byron gravel pit development and 2) participate in a meeting with the developers, aggregate license holders, MECP, MNR and representatives from the Byron pit EEPAC working group to discuss plans for mitigating harm to this exceptional colony of Species at Risk.



Figure 1. Left panel: The Byron gravel pit site with location and extent of active bank swallow nests (as of August 2020) highlighted as yellow stars. Right panel: Land-use concept from draft secondary plan for the proposed development at the Byron gravel pit site. Note that the proposed housing and road along the north portion of the site would result in the destruction of the threatened bank swallow habitat.

Questions for City staff:

1. Who among City staff is responsible for overseeing the Byron gravel pit file? Is it still Bruce Page?
2. What is the current status of the draft secondary plan for the Byron pit development?
3. When is the next opportunity for public consultation about the plan?
4. What is the City’s knowledge of ongoing work to deliver fill to the site, and how does this intersect with requirements under provincial regulations? (e.g., the Aggregate Resources Act, MNRF)
5. What plans are in place to ensure ongoing work at the site (i.e., dumping fill) will minimize disturbance to breeding bank swallows, per the Endangered Species Act and Migratory Bird Convention Act?
6. What compensation or mitigation is proposed for the breeding colony of bank swallows?
7. Can City staff, the developer(s), provincial ministry representatives and community representatives (e.g. EEPAC) arrange a meeting to discuss plans for the site, with a goal of ensuring suitable protection of and mitigation for the bank swallow colony and its critical breeding habitat.