

File No.: 04-1000-20-2020-331

July 24, 2020

s.22(1)

Dear s.22(1)

**Re: Request for Access to Records under the Freedom of Information and Protection of Privacy Act (the "Act")**

I am responding to your request of June 12, 2020 for:

**Records regarding 2880 Venables Street, Notre Dame Regional Secondary School (DP-2018-00128): biologist report pertaining to the developer's request to remove a row of poplar trees along Kaslo Street. Date range: May 25, 2020 to June 10, 2020.**

All responsive records are attached.

Under section 52 of the Act you may ask the Information & Privacy Commissioner to review any matter related to the City's response to your request. The Act allows you 30 business days from the date you receive this notice to request a review by writing to: Office of the Information & Privacy Commissioner, [info@oipc.bc.ca](mailto:info@oipc.bc.ca) or by phoning 250-387-5629.

If you request a review, please provide the Commissioner's office with: 1) the request number assigned to your request (#04-1000-20-2020-331); 2) a copy of this letter; 3) a copy of your original request for information sent to the City of Vancouver; and 4) detailed reasons or grounds on which you are seeking the review.

Please do not hesitate to contact the Freedom of Information Office at [foi@vancouver.ca](mailto:foi@vancouver.ca) if you have any questions.

Yours truly,

[Signature on file]

**Barbara J. Van Fraassen, BA**  
**Director, Access to Information & Privacy**

[Barbara.vanfraassen@vancouver.ca](mailto:Barbara.vanfraassen@vancouver.ca)  
453 W. 12th Avenue Vancouver BC V5Y 1V4

\*If you have any questions, please email us at [foi@vancouver.ca](mailto:foi@vancouver.ca) and we will respond to you as soon as possible. Or you can call the FOI Case Manager at 604.871.6584.

Encl.

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**NOTRE DAME REGIONAL SECONDARY SCHOOL NEST SURVEYS REPORT**  
**June 09, 2020**

**Prepared For:**

VDZ + A Consulting Inc.  
Suite 1, 20177 97 Avenue  
Langley, BC V1M 4B9

**Prepared By:**

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Wolfhound Wildlife Services  
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June 09, 2020

## **INTRODUCTION**

Damian Power, R.P. Bio of Wolfhound Wildlife Services (WWS) was retained in June 2020 by VDZ+A Consulting Inc. of Langley, British Columbia to conduct pre-clearance breeding bird nest surveys for the property of Notre Dame Regional Secondary School at 2880 Venables Street Vancouver, BC.

### **Background**

Under the City of Vancouver Tree Bylaw 9958 private property owners need to obtain a permit to remove all trees that have a diameter of 20 cm or greater, measured at 1.4 m above the ground. Property owners may be granted permission to remove trees if an arborist certifies the tree is dead, dying, or hazardous. An arborist from VDZ+A Consulting Inc. has surveyed the property and determined that some trees need to be removed.

Birds, eggs and nest trees are protected by law (Section 34 of the B.C. Wildlife Act) (MOE). As there was evidence of nesting birds on the site, removal of any trees prior to August 15th require pre-clearing nest surveys in order to demonstrate due diligence in avoiding contravention of the Migratory Birds Convention Act 1994 (MBCA)

The trees to be surveyed were 24 mature Lombardy Poplar (*Populus nigra*) along east Kaslo Street between Venables Street and Parker Street and 11 young Lavalley Hawthorn (*Crataegus x lavalleyi*) along the north side of Parker Street between Kaslo Street and Renfrew Street. Due to the urban nature of the survey area and the limited number of trees, two consecutive surveys focusing on songbirds and raptors were deemed to be sufficient for this project.

The bird nest surveys were conducted on June 8 and 9, 2020 between the hours of 6 AM and 8 AM.

### **Methodology**

The survey was conducted following methodology adapted from Migratory Bird Active Nest Surveys – Canadian Wildlife Service (PYR) Advice to Industry (CWS 2010) and Inventory Methods for Forest and Grassland Songbirds: Standards for Components of British Columbia's Biodiversity No. 15 (RISC 1999).

With frequent pauses to listen for bird calls or songs, the trees and shrubs were scanned with the naked eye and binoculars for any sign of nesting activity, including the carrying of food to young. All trees and shrubs were carefully inspected for nest structures or nesting cavities. The ground around the base of trees was searched for any feathers, "whitewash," raptor pellets, prey remains or other indications of the presence of hawks or owls.

### **Results**

A breeding pair of White-crowned Sparrows (*Zonotrichia leucophrys*) with at least one recently fledged young was observed in low shrubs between Lombardy poplars # 38 and #39 on June 8. Both adults were observed foraging at the same location on June 9.

No sign of raptor nesting activity was observed which was not unexpected, as none of the trees surveyed were conifers and all lacked suitable attributes for nesting raptors such as horizontal branches for supporting nests.

### Surveying Conditions

Variable	June 08	June 09
Temperature (C° )	12	11
Wind (Beaufort Scale)	1	0
Cloud Cover (%)	60	100
Precipitation	Nil	Light rain
Visibility	Excellent	Poor
Start Time	06:00 AM	06:00 AM
End Time	08:00 PM	07:00 PM

### Conclusions and Recommendations

Due to the presence of nesting White-crowned Sparrows in low shrubs between trees #38 and #39 it is recommended that felling should commence at the north end of the property (trees #24 to #34) after which trees #47, #46 and #45 may be felled.

However, as the fledgling sparrows may be unable to fly for another one to two weeks and as they have no alternative cover, it is recommended that felling of the trees #35 to #44 should be deferred for another two weeks (June 23). Another one day nest survey would then be necessary prior to felling.

If felling of trees #24 to #34 and #45 to #47 is not started by the afternoon of June 11 then one additional survey of the area to be cleared should be conducted on June 12, 2020. Any felling should proceed as soon as possible as new nests are likely to be completed as the breeding season progresses.

I trust that this pre-clearing nest assessment is sufficient for your purposes at this time. If you have any questions or concerns, please contact Damian Power at (604) 737- 8179.

### References

MOE: [http://www.env.gov.bc.ca/lower-mainland/wildlife/management/wildlife\\_management.htm](http://www.env.gov.bc.ca/lower-mainland/wildlife/management/wildlife_management.htm) (last accessed on June01, 2020)

MBCA 1994: <https://www.canada.ca/en/environment-climate-change/services/migratory-birds-legal-protection/convention-act-regulations.html>