Fisheries and Oceans Pêches et Océans

Fisheries and Oceans Canada
Habitat Management Division
280 Logan Road
Bridgewater, NS
B4V 3X1

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Fisheries and Oceans, Canada
Oceans and Environment Branch
Habitat Management Division
P.O. Box 1006
1 Challenger Drive
5th Floor, Polaris Building
Dartmouth, N.S. B2Y 4A2

Attention: Mr. Phil Zamora, Habitat Assessment Biologist

Dear Sir:

RE: Proposed Quarry and Marine Terminal at Whites Point, Digby Neck, Nova Scotia

Fisheries and Oceans Canada – Habitat Management Division - (DFO-HMD) Southwest Nova Scotia Area office (SWNS) has completed our review of the additional information forwarded by the Canadian Environmental Assessment Agency (CEAA) on behalf of the project proponent. The covering memorandum was dated March 14, 2003 and referred to the "revised project description for the Whites Point Quarry and Marine Terminal". The purpose of the revised project description was to address the request for additional information from DFO-HMD to CEAA dated February 14, 2003. This additional information was required to enable DFO-HMD to determine whether or not it is likely to be a Responsible Authority (RA).

After careful review of the revised document, DFO-HMD has determined that the information does not completely address the issues raised, however, is adequate enough to conclude that DFO-HMD will likely be an RA.

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This conclusion is based upon the following:

- The project description notes that the intertidal zone is comprised mainly of bedrock outcrops with a cobble zone at Whites Cove, Most of the mid and lower intertidal zone bedrock is covered with a thick mat of rockweed. Periwinkles, blue mussels, hermit crabs, dog welks and green crabs inhabit the areas of the intertidal zone. The bottom composition of the sub-tidal and nearshore waters is primarily bedrock and supports lobster, starfish, sea urchins, sea cucumbers and various fish including herring. Further on it notes that the near-shore portion of the Bay of Fundy is used primarily by lobster, herring, and sea cucumber fishers. **This describes a diverse, productive habitat and active fishery.**

- The design of the marine terminal shows that the overall area will be 10 acres and the terminal support will be 36-inch diameter piles on steel pile posts for a total of 133 square feet of bottom affected. The conclusion was that vertical surface habitat area in the underwater column will be created that will be greater than the bottom area directly affected, thus no net loss of marine habitat is anticipated. DFO-HMD is not sure how this conclusion was reached. The 133 square feet does not seem to match the dimensions given and no allowance was given to the loss of productive water column that would now be taken up by the 36-inch diameter steel piles. Additionally no quality assessment was done (i.e. current habitat community diversity Vs the "new vertical surface area potential diversity"). **DFO-HMD is of the opinion that a net loss of fish habitat is likely to occur from the proposal as presently designed.**

- No evidence is provided to support the statement "Existing tidal and nearshore currents will experience negligible flow alteration as a result of the proposed pile construction within the water column".

- The revised design states that the marine terminal construction is expected to take one year (depending on weather conditions), however provides no determination of the impact(s) of this on habitat productivity or resource use in the area. **Even a one-year disruption can negatively impact habitat productivity thus resulting in an overall loss of net productivity.**

- The revised project description notes that a review of the effects of blasting on the tidal and nearshore marine environment is ongoing. A primary objective of the blasting within the four-hectare quarry is to use the results to gather site-specific data for further assessment of the potential impact on the marine environment. It then notes that separation distances between the blast sites and the marine environment will be maintained in accordance with the DFO Guidelines. DFO-HMD suggests that until the on-site blasting information is obtained, any conclusion is premature. **An application for a Section 32 Authorization would be a trigger for DFO-HMD.**

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- Surface water runoff is described as mainly towards the Bay of Fundy with the exception of a 10-hectare area at the southeast corner that drains towards Saint Mary's Bay. It is noted that a few intermittent watercourses flow down the mountainside and into the Bay of Fundy. These are described as not suitable or are marginal fish habitat. No mention is made of streams within the 10-hectare area that outlet to Saint Mary's Bay and how these would be characterized.

- Groundwater flows are noted to follow the same pattern as surface water. No other comment about groundwater or the impact of the proposed project to groundwater quantity or quality is made within this document.

If you have any questions regarding the review of the submitted information or the conclusions reached by DFO-HMD, SWNS Area office, please contact me at 902-527-5596. I would also request that you keep me and Mr. Tim Surette (Area Director, SWNS) informed as this project progresses.

Respectfully,

Thomas J. Wheaton

Thomas J. Wheaton
Habitat Management Officer

copy: HMD Referrals
CEAA
Tim Surette, DFO-HMD

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