

Notes from the Meeting Between DFO-HMD and Bilcon of Nova Scotia December 10, 2004

In attendance: Paul Buxton - Project Manager, Bilcon
Dave Kearn - Environmental Consultant, Bilcon
Marci Penney-Ferguson - Section Head, DFO-HMD
Phil Zamora – Habitat Management Biologist, DFO-HMD
Thomas Wheaton - Area Habitat Coordinator – DFO
Brian Jollymore - Habitat Management Biologist, DFO-HMD
Peter Amiro - Diadromous Biologist – DFO Science
Carol Jacobi – Habitat Management Officer – DFO-HMD

This meeting was requested by Bilcon who asked that Thomas Wheaton be present to discuss habitat compensation, a DFO expert to discuss inner Bay of Fundy (iBoF) Atlantic salmon, and a DFO expert to discuss blasting.

iBoF Atlantic salmon

The proponent stated that because iBoF salmon have become an issue with respect to this project, they commissioned Mike Dadswell, from Acadia University, to do a study on the presence of this species in the Bay of Fundy. The consultants report indicates that based on historical data, iBoF salmon do not pass along the Bay of Fundy shoreline of Digby Neck. There have been no tags recovered and no fisheries in that area.

Peter Amiro, Diadromous Biologist with DFO Science, stated that because there has not been a fishery for salmon in that area, one would not expect to recover tags. DFO remains of the opinion that historic fishing, scientific sampling and theoretic modeling indicates that there could be migrating iBoF Atlantic salmon in the Whites Point, Digby Neck area from May until October.

Because they are listed as endangered by the Species at Risk Act (SARA), the disruption or killing of iBoF Atlantic salmon are prohibited. DFO will work with the proponent to guide them in their desire to mitigate the potential harmful effects of their operation on this species.

Blasting

The proponent's original blasting plan was for the toe of the quarry, this area is closest to the water and will give them a working platform. The working face will be a couple of hundred meters back from the water. As they move away

from the water they will increase the size of the charge. The original blasting plan was within the guidelines. The guidelines were formulated before SARA became an issue. Under SARA the loss of a single individual iBoF Atlantic Salmon would be prohibited, so for the proposed size of the blast, distances were increased by 3 times the guideline calculated set back distance, extending the necessary protection afforded to fish. DFO's calculations used site specific information and were based on smaller, stacked charges and a charge delay timeline of 25 milliseconds. The proponent stated that the charge delay timeline of 25 milliseconds, used for the guideline calculation, was too long. If they used it to satisfy DFO guideline calculation it would create Health and Safety problems. The Proponent requested access to the model DFO is using so they can recalculate for each blast. The model used by DFO is described in the document entitled "Guidelines for the Use of Explosives in or Near Canadian Fisheries Waters" - 1998.

Adaptive management was discussed as a possible approach to the blasting issue. DFO suggested that if the potential effects from blasting could be modelled and if the model predicted that the effects would not be harmful to fish (including SARA species) and fish habitat, then any initial blast could be monitored to confirm the predictions and subsequent blasts could be adapted according to monitoring results.

The proponent has suggested mitigation measures to deal with the effects of using ANFO (ammonium nitrate-fuel oil) based explosives. DFO will review these measures for effectiveness and advise the proponent.

Species at Risk

The proponent stated that although their original blasting plan contained mitigation it did not address SARA species. They have revised it by increasing distances and would like someone to review it to see if it is sufficient to protect SARA species.

Invasive Species

The proponent inquired about ballast water discharge guidelines and the invasive species issue. DFO does have experts in the invasive species field that would be

able to review information provided on this issue. However, Transport Canada regulates ballast water discharge.

Other Questions

The Proponent asked for a clarification of a statement on page 14 of the 'Draft Guidelines for the Preparation of the Environmental Impact Statement for the Whites Point Quarry and Marine Terminal Project – November 2004'. The statement reads 'The Proponent is not required to generate new stock assessments for species other than fish in affected aquatic environments, but it must include all available historical data on population stocks and status'.

DFO will review the statement and, if necessary, suggest appropriate changes DFO would recommend as clarification. This would likely be done in DFO's response to a request from the Review Panel for comments on the Draft EIS Guidelines.

The Proponent asked if there were any freshwater fish or fish habitat concerns with respect to this project. DFO stated that affects on the ground water supply could affect the Little River watershed and that a fluctuation in base flow to Little River could be a habitat concern. Although there will be no active quarrying in the Little River Watershed, it is necessary to know the ground water flow contributing to the system. A groundwater study should reveal information on this potential effect, and mitigation is available. Natural Resources Canada has expertise in this area.

The Proponent expressed a desire for a co-operative approach to the collecting of information needed for an environmental impact statement, for example DFO could monitor a test blast to give verification to the modelling of predicted effects from blasting. DFO stated that they are interested in a co-operative approach as well. However, with respect to a test blast, DFO will not support one unless they felt a test blast was necessary to help answer uncertainties that needed to be answered in order to protect fish and fish habitat, including marine mammals and species at risk. At present, DFO has not determined a test blast to be necessary.