

Notes from the Meeting Between DFO-HMD and Bilcon of Nova Scotia **May 5, 2005**

In attendance: Paul Buxton - Project Manager, Bilcon
Dave Kearns - Environmental Consultant, Bilcon
Andree Leveille - 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

HADD of fish habitat

DFO has reviewed the first draft of the habitat compensation plan submitted by Bilcon. The proponent is proposing the installation of artificial lobster shelters designed by Jacques Whitford consultants that have been used in the recent past in other marine compensation plans.

DFO stated that the proponent's choice of lobster as the species identified for enhancement is a good one since the predominant fishery in the area of the marine terminal is for lobster. The proponent's choice of locations for the enhancement structures is very near the terminal location. Therefore, the first preference, in the hierarchy of preferences for achieving no net loss of productive capacity would be satisfied by this compensation plan. However, DFO identified a few deficiencies in the draft plan, including the absence of effectiveness and compliance monitoring.

There was a discussion concerning the potential for the marine terminal to block light penetration to the ocean bottom flora and fauna underneath. Although the marine terminal is expected to occupy a 10 acre area, based on current information it is likely only a small portion would interfere with light penetration, which is the portion consisting of the marine terminal deck, bent and mooring dolphins. As currently designed, light is not completely blocked even by these structures because they are suspended above the water with piles.

DFO also suggested the proponent contact the local fishers in the area to coordinate the best possible locations for the artificial lobster structures. Transport Canada's Navigable Waters Program should also be contacted to determine whether the structures are a navigation concern.

Blasting

DFO had some questions regarding sound levels in the marine environment as a result of blasting operations which have been predicted by the model used by JASCO consultants. Bilcon will provide to DFO the JASCO's submission which includes the modelling done to calculate these predictions.

Invasive Species

The proponent expressed concern about complying with guidelines for invasive species. Vessels could be compelled to comply with regulations, but they can't be forced to comply with guidelines. Also if a vessel is traveling between Digby and the US they may not be anywhere near the designated dump zone. DFO stated that Transport Canada, who is also a Responsible Authority for this project, would likely have some guidance on this issue.