



Fisheries and Oceans Pêches et Océans
Canada Canada

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May 11, 2015

Our file Notre référence
14-HMAR-00058

Micheline Savard
Project Manager
Canadian Environmental Assessment Agency
Suite 200 1801 Hollis Street
Halifax, N.S.
B3N 3J4

Dear Ms. Savard:

**Subject: DFO Comments on the Proponent's Responses to the Information
Requests on the Black Point Quarry Project EIS**

Fisheries and Oceans Canada (DFO) has completed its review of the proponent's responses to the information requests on the Black Point Quarry project relevant to its mandate. The results of DFO's review have been provided in the attached Information Request Form.

If you have any questions, please contact Edward Parker, Fisheries Protection Biologist at our Dartmouth office at 902-402-0298, or by email at Edward.Parker@dfo-mpo.gc.ca.

Yours sincerely,

Mark McLean
Manager, Regulatory Reviews,
Fisheries Protection Program

Attachment:

1) Information Request Form

Canada

IR Number	IR Date	Requested By	Department	EIS Section & Page
12	17-Apr-15	E. Parker	DFO	Section 7.10.5.2 Monitoring in the Environmental Impact Statement Part 3 Section 7. Page 94.
13	17-Apr-15	E. Parker	DFO	Section 6.7.3.2.1 Marine Mammal SOCC Potentially Occurring at/near the Black Point Site in the Environmental Impact Statement Part 2 Section 6. Pages 156 to 157.

Rationale	IR
<p>The proponent proposes that a fish habitat assessment and a determination of fish presence/absence be conducted for Reynolds Brook above Hendsbee Lake after quarry development begins to divert water away from its natural drainage to the south.</p>	<p>The fish habitat assessment and determination of fish presence/absence should be conducted prior to quarry development so that the follow-up program can establish a baseline against which to compare effects of quarry development. It is recommended that water levels and flows be included in the assessment and follow-up program.</p>
<p>Table 6.7-13 states the presence of Fin whales is unlikely in the vicinity of the project site. To DFO's knowledge, based on the most recent and reliable information in Hastings et al. 2014 (http://www.dfo-mpo.gc.ca/Library/355312.pdf), Canso/Chedabucto Bay remains an important area for Fin whales during winter and spring, when large schools of herring and mackerel are in the area. The lack of sightings could be explained by lack of observation effort rather than lack of whales.</p>	<p>Provide further evidence to substantiate the proponent's views about the lack of fin whales in the vicinity of the project's site.</p>

Proponent's Response to IR	DFO's Comment
<p>The proponent commits to a survey of Reynolds Brook before construction to establish the baseline of presence or absence of fish and establish a water level and flow background.</p>	<p>DFO is satisfied with the proponent's response. DFO has no further questions for the proponent.</p>
<p>Upon further review of recent information, the proponent acknowledges the potential presence of fin whales near the project site in Chedabucto Bay, especially when schools of mackerel and herring are present. Accordingly, there is potential for collisions between vessels and whales, although research by Laist <i>et al.</i> (2000) indicates these occur only occasionally, considering the frequency of both whales and ships in most parts of the world. The proponent will ensure that all contracted vessels are instructed to adhere to standard vessel operating procedures, including avoidance measures, to minimize interactions between marine mammals and vessels. Research by Richardson <i>et al.</i> (1995) indicated that resident marine mammals become familiar with the noise signature, direction and speed of individual vessels and habituate to ships following a consistent course or frequent presence in an area. Therefore, observation and avoidance measures will be especially important when vessels are traversing between the main shipping lane, where marine mammals including fin whales would be accustomed to vessel traffic, and the Black Point site.</p>	<p>DFO is satisfied with the proponent's response. DFO has no further questions for the proponent.</p>