McLean, Mark G

From: Henderson, Tony
Sent: November 20, 2007 11:30 AM
To: McLean, Mark G
Subject: FW: meeting notes DFO-Bilcon Sept 21 07

Good Morning Mark

I have reviewed the 'meeting notes' provided by Bilcon of Nova Scotia and would like to provide some of my own comments to address certain points that do not accurately reflect what was said during the meeting.

1) I had explained that DFO-Habitat Management Program is still in the early stages of learning about marine habitat compensation. I presented the Chronicle Herald article about Reef Balls in Halifax Harbour, and elaborated about DFO-Science's ongoing research into lobster enhancement projects. It was DFO-HMP's expectation that Reef Balls would create opportunities for a complex community with a host of fish exploiting the structures, not just lobster. However, DFO-Science focussed on lobster as an indicator of success: ecosystem approach versus single species, albeit on a relatively small scale. The Habitat Compensation proposal, not yet finalized, is still under review and there may be an iterative process before acceptance of the final plan. Regardless, DFO-HMP is/was of the opinion that the HADD of fish habitat resulting from this project could be compensated and the NNL Policy objective met.

2) I stated that I thought the proposed compensation project was a good proposal and that some comparative analysis with rock structures may yield more information contributing to the state of knowldge of compensation. Discussion of the relative merits of rock versus lobster shelters ensued and the proponent stated that they would be willing to use either the lobster shelters or rock, whichever was more effective. I was able to provide some information about existing use of the proposed lobster shelters in the Canso Strait. Mention of ongoing research into lobster reefs in the Gulf Region was also made. I committed to determining what may be considered an adequate amount of appropriately sized rock should it appear more beneficial to use rock or a combination of both.

3) The personal opinion that I expressed about the HADD was that although each pile may not be a HADD individually, the number of pipe piles, as a whole, would exclude an area utilized by fish, and would lead to a HADD. Indeed, Thomas Wheaton made the HADD determination, however I did not state that it was at his "insistence" that an application/compensation be requested.

Regards,
Tony

From: Bilcon of Nova Scotia [mailto:Bilcon.NS@ns.aliantzinc.ca]
Sent: September 24, 2007 3:58 PM
To: Henderson, Tony; McLean, Mark G
Cc: David Kern
Subject: meeting notes DFO-Bilcon Sept 21 07

Good afternoon,

Attached are the meeting notes from the September 21st, 2007 meeting.

20/11/2007

Notes on meeting on Sept 21, 2007 with DFO at Bedford Institute of Oceanography (BIO)

In attendance:
Tony Henderson – DFO
John Wall – Bilcon
Paul Buxton – Bilcon
David Kern

Tony Henderson advised that Mark McLean was unavailable due to family illness and hence it would only be possible to discuss Habitat Compensation rather than review the various monitoring plans. Tony Henderson circulated an article in the Mail Star on the use of concrete fish/lobster shelters at Sheet Harbour. Apparently Cherubini used these shelters as habitat compensation but comments in the Mail Star article from a DFO scientist, who essentially said that a pile of rocks on the bottom would be better, led DFO to be concerned about discussions or questions raised at the Panel Review Hearings with respect to habitat compensation. Tony Henderson advised that DFO was concerned that the Habitat Compensation Plan approved in principle may not have been supported by DFO scientists at the hearings. This concern precipitated the call by Mark McLean and Tony Henderson prior to the hearings to Paul Buxton advising that Bilcon's Habitat Compensation Plan was under further review and that all DFO were prepared to say at the hearings was that DFO was of the opinion that the habitat destruction could be compensated for.

Tony Henderson went on to say that since the Habitat Compensation Plan was not made an issue at the hearings it would probably be DFO's current position that the existing compensation plan could stand as previously agreed.

Tony Henderson also noted that he personally would not have classified the installation of pipe piles as causing habitat destruction as contemplated under the *Act*. He advised that he knew of no other project where the installation of pipe piles precipitated an application under the HADD and thought that the Whites Point Project was the first time that such a determination had been made. He further advised that it was at the insistence of Thomas Wheaton that a HADD application and subsequent compensation should be requested of the Proponent.

It was agreed that a further meeting would be held to discuss the various monitoring plans.

September 24th, 2007

Spoke with Mark McLean in the AM, discussed in general terms the issues surrounding some of the monitoring elements and in particular the monitoring of lobster with respect to blast effects and the monitoring of invasive species. It was agreed that Mark McLean would travel to Digby to meet with Bilcon on October 2, 2007 to review various monitoring issues.

J.W
P.B.
D.K.