

**Sadaka, Jennifer -JLT**

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**From:** Zamora, Phil [c=CA;a=GOVMT.CANADA;p=GC+DFO.MPO;o=XMAR;s=Zamora;g=Phil;i=J;]  
**Sent:** December 10, 2004 12:24 PM  
**To:** 'Bilcon of Nova Scotia'  
**Cc:** Chapman, Steve [CEAA]; Freeman, Michael: TC; Wheaton, Thomas; 'macphafh@gov.ns.ca'  
**Subject:** RE: Meeting  
**Attachments:** Compensation Plan Proposal Template.doc; Application for Authorization .DOC

Paul and Dave:

**Please find the attached RECOMMENDED FORMAT FOR THE FISH HABITAT COMPENSATION PLAN PROPOSAL.**

As discussed at this mornings meeting, DFO would be willing to meet with you for clarification and discussion of your plans for possible compensation options for potential fish habitat loss resulting from the proposed Whites Point Quarry and Marine Terminal Project.

Before discussions regarding possible compensation, however, your application for Authorization for Works and undertakings Affecting Fish Habitat submitted May 14, 2003 is in need of update and revision. Please also find an application form attached for this purpose.

Please feel free to contact me if you have any questions.

-----Original Message-----

**From:** Bilcon of Nova Scotia [mailto:Bilcon.ns@ns.aliantzinc.ca]  
**Sent:** December 3, 2004 2:29 PM  
**To:** ZamoraP@mar.dfo-mpo.gc.ca  
**Subject:** Meeting

Phil:

Paul says the morning of the 10th is fine, say 9am. He has another meeting at 2pm in Metro.

Kris

22/06/2009

## RECOMMENDED FORMAT FOR THE FISH HABITAT COMPENSATION PLAN PROPOSAL

**In this document - the blue text forms the framework for the Fish Habitat Compensation Plan proposal, the red text provides guidance on the information that should be included in the proposal and the black text provides background information.** Once the Plan is agreed to by both parties, the signature page will be signed off.

Habitat compensation may be considered when it is predicted that a work or undertaking will cause residual effects that are deemed harmful to the productive capacity of fish habitat. Compensation is defined in the document entitled *Policy for the Management of Fish Habitat*, October 1986, as "the replacement of natural habitat, increase in the productivity of existing habitat, or maintenance of fish production by artificial means in circumstances dictated by social and economic conditions, where mitigation techniques and other measures are not adequate to maintain habitats for Canada's fisheries resources".

### Project Information

Project Name	name of the project	
Location	waterbody, community if applicable, county, province	
Referral Title	Habitat Management Division referral title, if known	
HMD File No.	Habitat Management Division file number	
CEAR Ref. No.	Canadian Environmental Assessment Registry reference no.	
Authorization No.	authorization number, if known	
Effective Period	time period for compensation and associated monitoring	
Proponent	personal, or company if applicable, name of the owner	
Contact	Name	name of the contact person
	Address	street address or box no., community, province, postal code
	Telephone	telephone number
	Fax	facsimile transmission number

### Project Location

Describe the location of the project by including the nearest community, county and topographic map number with associated coordinates (i.e., UTM or latitude and longitude).

### Project Description

Describe the project, including all works or undertakings within or adjacent to any watercourse/waterbody. All relevant project site plans, area maps and engineering drawings related to the project should be referenced by specific drawing numbers, revision numbers and dates. If the referenced documents have not already been submitted to DFO, they should be attached.

### Description of Planned Mitigation Measures

Describe the mitigation measures associated with the project. Include any sediment and erosion control drawings/specifications. If an existing environmental protection plan has already been developed, please reference the document and, if it has not previously been submitted to DFO, provide a copy as an attachment.

### Harmful Alteration, Disruption or Destruction of Fish Habitat (HADD)

A description of the HADD must be provided and should include information on the type, location and extent of habitat to be affected. The following provides details on the types of information that should be included in the description.

- reference to the baseline studies that were conducted in the area where the HADD will occur;
- delineation of the physical dimensions of the HADD (e.g., approximate surface area)
- description of the habitat type that will be affected (e.g., spawning, nursery, rearing, feeding, migration, riparian) and type(s) of valued fish species that are known to inhabit, or that could potentially inhabit, the area;
- identification of the residual effects;
- information on the reversibility of the HADD (i.e., will the habitat regenerate over the years or will there be a permanent loss);
- determination on whether the residual effects are considered to be a harmful alteration, disruption or destruction of fish habitat, or combination thereof; and
- identification of the level of the HADD.

### Location of the Compensation Work

Provide a map that identifies the area designated for the compensation work along with, at a minimum, the following information.

- watercourse\waterbody name;
- topographic map reference with coordinates, either UTM or latitude and longitude; and
- land ownership and access.

### Description of the Compensation Work

The phrases "productive capacity" and "hierarchy of preferences" must be understood in order to complete this section. "Productive capacity" of fish habitat is defined in the document entitled *Policy for the Management of Fish Habitat*, October 1986, as "the maximum natural capability of habitats to produce healthy fish, safe for consumption, or to support or produce aquatic organisms upon which fish depend." The "hierarchy of preferences" is the preferred order of choices for ensuring that there is No Net Loss of the productive capacity of fish habitat.

The first "hierarchy of preference" is, of course, to maintain without disruption the natural productive capacity of the habitat in question by avoiding any loss or harmful alteration at the site of the proposed project. If this were the case, however, compensation would not be required.

The "hierarchy of preferences", involving compensation, are as follows:

- 1) Create or increase the productive capacity of like-for-like habitat in the same ecological unit;
- 2) Create or increase the productive capacity of unlike habitat in the same ecological unit;
- 3) Create or increase the productive capacity of habitat in a different ecological unit;
- 4) As a last resort, use artificial production techniques to maintain a stock of fish, deferred compensation or restoration of chemically contaminated sites.

A complete description of the compensation site, and the proposed work, should be provided. The description should include, but is not limited to, the following:

- a brief description of the compensation site and planned work. This should include photographs of the site, and an engineering drawing or dimensioned sketch of the site identifying the approximate location, number and dimensions of in-water structures. The approximate dimensions of the area where the compensation work will be carried out should be identified on the drawing\sketch. Depending on the complexity and location of the compensation structures, there may also be a requirement for dimensioned sketches.
- details on fish habitat at the site, and the fish that presently utilize the site during the year
- conceptual identification of the factors limiting the productive capacity of the "area to be enhanced". The objective of the compensation plan is to ensure that there is "no net loss" in the productive capacity of fish habitat and the primary focus should be factors limiting fish production.
- reference to the hierarchy of preferences, and confirmation of the level of hierarchy the compensation will address ( e.g., 1<sup>st</sup> level – similar habitat, same ecological unit). Unless the 1<sup>st</sup> preference, from the list above, is selected, justification should be provided on why it is necessary to select that particular preference
- where riparian vegetation is to be planted for compensation, a dimensioned sketch which depicts plant species, numbers, stock, size and planting density
- if applicable, identification of established stakeholder groups, ongoing habitat restoration-enhancement efforts on the same watercourse\waterbody and, ideally, information on how the plan should fit into a larger watershed management scheme.
- assurance that selected compensation measures will not adversely affect other natural resources

Ideally, a balance sheet should be prepared, to address the HADD versus the compensation ratio requirement, as follows:

<i>Project Effect</i>	<i>HADD Area</i>	<i>Compensation Ratio</i>	<i>Compensation Area Required</i>	<i>Compensation Proposed</i>	<i>Habitat Replaced</i>
Destruction of marine fish habitat due to infilling	200 m <sup>2</sup>	3 x	600 m <sup>2</sup>	Placement of reef balls ...	600 m <sup>2</sup>
		3x			
		3x			
	<i>Total Area</i>		<i>Total Area</i>	<i>Total Area</i>	

**Proposed Timing of Compensation Work**

The timeline for implementation of the compensation plan should be identified, as the compensation work will also have to be covered under the Authorization period. In addition, if applicable, the window for instream work (i.e., typically from June 1<sup>st</sup> to September 30<sup>th</sup>) should be adhered to for the compensation work.

**Environmental Inspection and Monitoring Commitments**

An environmental monitoring plan should be prepared. It should include, but is not limited to, the following:

- monitoring that will take place during the compensation work
- post-compensation monitoring
- outline of the evaluation measures that will be used to assess the success of the compensation work including, if required, how maintenance work will be conducted.
- where riparian vegetation is planted as compensation, maintenance schedules (e.g., watering and cutting back of competitive weeds/plants) and a plant replacement protocol (e.g., where plant mortality exceeds 10% plant material will be replaced) should be developed for implementation and should be reviewed and approved by DFO. This maintenance schedule and replacement protocol should ensure that plant material remains healthy and is replaced where mortality exceeds 10% for a period of three years or longer as determined by DFO.
- a copy of the annual monitoring plans with photographs of the compensation work will have to be submitted to DFO. In the event that compensation measures fail because of natural causes, these requirements can re-visited.
- effectiveness monitoring may be required on representative sites to ensure the compensation measures have maintained productive capacity.
- an "as-built" report must be provided to DFO within one year of completion of the compensation work to confirm the mitigation and compensation measures have been implemented.

**Approvals**

**The Proponent agrees to:**

- 1) Implement all measures contained in the approved compensation plan including follow up monitoring; and
- 2) Request written approval from DFO for all revisions to the compensation plan; and
- 3) Submit all monitoring results and an "as-built" report, within 90 days of completion of the compensation work.

\_\_\_\_\_  
Proponent Contact Name  
Title  
Company or Department

\_\_\_\_\_  
Date (d/m/y)

**Fisheries and Oceans Canada agrees to:**

- 1) Provide advice regarding the proposed project and assist in the interpretation of any aspects of the "Policy for the Management of Fish Habitat" that may require clarification; and
- 2) Provide approval for any modifications that are required for this agreement, provided that the modifications meet the requirements of DFO; and
- 3) Provide approval for this agreement.

\_\_\_\_\_  
Assessor Name  
Title  
Sector  
Region

\_\_\_\_\_  
Date (d/m/y)

**Appendix A: Site Location Map for Compensation Work**

**Appendix B: Section and Plan Details for Compensation**

**Appendix C: Photographs of Compensation Site**

**Appendix D: Proponent Contact Information**

SCHEDULE VI/ANNEXE VI  
(Subsection 58(1)/paragraphe 58(1))



Fisheries and Oceans  
Pêche et Océans

Page 1

Application No./N° de la demande

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT  
DEMANDE D'AUTORISATION POUR DES OUVRAGES OU ENTREPRISES MODIFIANT L'HABITAT DU POISSON**

I, the undersigned, hereby request authorization to carry out the works or undertakings described on this application form. I understand that the approval of this application, if granted, is from the Minister of Fisheries and Oceans standpoint only and does not release me from my obligation to obtain permission from other concerned regulatory agencies.

Je soussigné, demande par les présentes l'autorisation d'exploiter les ouvrages ou entreprises décrits dans la formule. Je comprends que l'approbation de cette demande, le cas échéant, porte sur ce qui relève du ministre des Pêches et des Océans et ne me dispense pas d'obtenir la permission d'autres organismes réglementaires concernés.

If an authorization is granted as a result of this application, I hereby agree to carry out all activities relating to the project within the designated time frames and conditions specified in the authorization.

Si la demande est approuvée, je consens par les présentes à exécuter tous les travaux relatifs à ce projet selon les modalités et dans le laps de temps prescrits dans l'autorisation.

Applicant's Name (Please Print) \_\_\_\_\_ Nom du requérant (lettres moulées)

Applicant's Business Address \_\_\_\_\_ Adresse d'affaires du requérant

\_\_\_\_\_

\_\_\_\_\_

Applicant's Telephone No./N° de téléphone du requérant \_\_\_\_\_ Date \_\_\_\_\_

I solemnly declare that the information provided and facts set out in this application are true, complete and correct, and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath. This declaration applies to all material submitted as part of this application.

Je déclare solennellement que les renseignements fournis et les faits énoncés dans cette demande sont véridiques, complets et exacts, et je fais cette déclaration solennelle, la croyant consciencieusement vraie et sachant qu'elle a la même force et le même effet que si elle était faite sous serment. Cette déclaration s'applique à tout document qui est présenté dans le cadre de cette demande.

Applicant's Signature (and corporate seal) \_\_\_\_\_

Signature du requérant (et sceau de la société) \_\_\_\_\_

Name of watercourse or waterbody (give coordinates)  
Cours d'eau ou plan d'eau (donner les coordonnées) \_\_\_\_\_

This watercourse is a tributary of (where applicable)  
Cours d'eau tributaire de (le cas échéant) \_\_\_\_\_

Nearest Community  
Localité la plus proche \_\_\_\_\_

County  
Comté \_\_\_\_\_

Province  
Province \_\_\_\_\_

SCHEDULE VI---Continued/ANNEXE V1 (suite)  
(Subsection 58(1)/paragraphe 58(1))



Fisheries and Oceans  
Pêche et Océans

\_\_\_\_\_ demande

Application No./N° de la

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT  
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Type of Activity/Genre d'activité

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Bridge<br>Traverse<br>Pont<br>d'eau           | <input type="checkbox"/> Stream Realignment<br>Alignement de cours d'eau | <input type="checkbox"/> Gravel Removal<br>Enlèvement du gravier                                   | <input type="checkbox"/> Stream<br>Traversée de cours         |
| <input type="checkbox"/> Culvert<br>Ponceau                            | <input type="checkbox"/> Channelization<br>Canalisation                  | <input type="checkbox"/> Obstruction Removal - Bypass<br>Enlèvement ou contournement<br>d'obstacle | <input type="checkbox"/> Seismic Survey<br>Levé sismique      |
| <input type="checkbox"/> Dam<br>Barrage                                | <input type="checkbox"/> Wharf - Break water<br>Quai - Brise-lames       | <input type="checkbox"/> Stream Utilization - Recreation<br>Utilisation récréative du cours d'eau  | <input type="checkbox"/> Agriculture                          |
| <input type="checkbox"/> Stream Diversion<br>Dérivation de cours d'eau | <input type="checkbox"/> Dewatering<br>Assèchement                       | <input type="checkbox"/> Erosion Control<br>Lutte contre l'érosion                                 | <input type="checkbox"/> Other (Specify)<br>Autres (préciser) |
| <input type="checkbox"/> Mining<br>Activité minière                    | <input type="checkbox"/> Aquaculture                                     | <input type="checkbox"/> Flood Protection<br>Protection contre les inondations                     |   |

**List of Agencies (Federal, Provincial or Municipal) contacted or notified, or who have initiated contact with the applicant.  
Liste des organismes (fédéraux, provinciaux ou municipaux) contactés ou qui ont pris contact avec le requérant.**

\_\_\_\_\_  
\_\_\_\_\_

**PROVIDE DETAILS OF PROPOSED ACTIVITY INCLUDING REASONS FOR THE PROJECT AND TYPES OF EQUIPMENT TO BE USED  
DONNER DES PRÉCISIONS SUR LES TRAVAUX PROJETÉS, Y COMPRIS LA JUSTIFICATION DU PROJET ET LE TYPE D'ÉQUIPEMENT À UTILISER**

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SCHEDULE VI---Continued /ANNEXE VI (suite)  
 (Subsection 58(1)/paragraphe 58(1))



Fisheries and Oceans  
 Pêche et Océans

\_\_\_\_\_ Application No./N° de la  
 demande

**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT  
 DEMANDE D'AUTORISATION POUR DES OUVRAGES OU ENTREPRISES MODIFIANT L'HABITAT DU POISSON**

**SCHEDULE/CALENDRIER**

	D/J	M/M	Y/A
Proposed Starting Date Date prévue du début des travaux	_____	_____	_____
Proposed Completion Date Date prévue de l'achèvement des travaux	_____	_____	_____

Approximate Timing of Work in shoreline, foreshore, tidal zone, or underwater areas.  
 Période approximative des travaux sur le rivage et les estrans ainsi que dans les zones à marées et les zones sous-marines.

	D/J	M/M	Y/A	To/À	D/J	M/M	Y/A
From/De	_____	_____	_____	_____	_____	_____	_____

**The following documents will assist in assessing your application and help expedite its approval. Please check which documents you have attached.**

**Les documents suivants faciliteront l'évaluation de votre demande et permettront d'accélérer son approbation. Veuillez cochez les documents vous avez joints à votre demande.**

- |  |     |  |
|--|-----|--|
| Map indicating location of project                           | [ ] | Carte indiquant l'emplacement du projet  |
| Engineering Specifications                                   | [ ] | Spécifications techniques  |
| Scale Drawings   | [ ] | Dessins à l'échelle  |
| Dimensional Drawings   | [ ] | Plans cotés  |
| Assessment of Existing Fish Habitat Characteristics          | [ ] | Évaluation des caractéristiques existantes de l'habitat du poisson             |
| Assessment of Potential Effects of Project on Fish Habitat   | [ ] | Évaluation des répercussions possibles sur l'habitat du poisson                |
| Measures Proposed to Offset Potential Damage to Fish Habitat | [ ] | Mesures proposées pour compenser les éventuels dommages à l'habitat du poisson |
| Other  | [ ] | Autres   |

NOTE: All applications pursuant to section 35 of the Fisheries Act will be assessed in accordance with applicable federal environmental assessment requirements.

REMARQUE: Toute demande en vertu l'article 35 de la Loi sur les pêches sera soumise aux exigences fédérales applicables à l'évaluation environnementale.

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SCHEDULE VI---*Concluded*/ANNEXE VI (*fin*)  
(Subsection 58(1)/paragraphe 58(1))



Fisheries and Oceans  
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\_\_\_\_\_ demande

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**APPLICATION FOR AUTHORIZATION FOR WORKS OR UNDERTAKINGS AFFECTING FISH HABITAT  
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COMPLETE ONLY IF USE OF EXPLOSIVES IS INTENDED  
À REMPLIR SEULEMENT EN CAS D'UTILISATION D'EXPLOSIFS

EXPLOSIVES CONTRACTOR (IF DIFFERENT FROM APPLICANT)/RESPONSABLE DES EXPLOSIFS (SI AUTRE QUE LE REQUÉRANT)

Name/Nom: \_\_\_\_\_

Address/Adresse: \_\_\_\_\_

Telephone No./N° de téléphone: \_\_\_\_\_

	D/J	M/M	Y/A		D/J	M/M	Y/A
Anticipated Starting Date				Completion Date			
Date prévue du début des travaux	_____	_____	_____	Date d'achèvement	_____	_____	_____

**DETAILS OF EXPLOSIVES/PRÉCISIONS SUR LES EXPLOSIFS**

Type (including trade name)  
Genre (y compris la marque) \_\_\_\_\_

Weight and configuration (where applicable)  
Poids et forme (le cas échéant) \_\_\_\_\_

Weight of individual shots and shot pattern where multiple charges are used  
Poids des coups individuels et déploiement des coups, en cas de charges multiples

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Detonation depth (In the rock; note also the depth of water, if applicable)  
Profondeur de détonation (dans le roc; indiquer aussi la profondeur de l'eau, s'il ya lieu)

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Method of detonation  
Méthode de détonation

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