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Atlantic Regional Office**

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Whites Point Quarry and Marine Terminal Project - Joint Review Panel
c/o Canadian Environmental Assessment Agency
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Dear Joint Review Panel,

Thank you for the opportunity to comment on the proposed Whites Point Quarry and Marine Terminal Project.

In 2001, WWF-Canada opened the Atlantic Regional Office in Halifax to advance its conservation objectives in the Northwest Atlantic Marine Ecoregion. Our ultimate goal in the region is to ensure the full range of biodiversity is conserved, ecosystem health is restored, and resource use is sustainable. Our immediate priorities include protecting habitat through representative networks of marine protected areas (MPAs) and working toward sustainable fisheries by reducing excessive bycatch. We are continually working with government and stakeholders to help make the transition from single-species and sector-based management approaches to a more proactive, integrated, and ecosystem-based approach throughout the region.

After reviewing the project proposal and associated documents, WWF-Canada has serious concerns regarding the potential impacts of the proposed project on terrestrial and marine species, habitats and ecosystems. This submission focuses on the potential marine impacts of the project. Our primary concerns include:

Major industrial development should not precede coastal planning

The proposed project illustrates the need for large-scale conservation planning for both the coastal zone and offshore waters of Nova Scotia. Systematically assessing the conservation needs of an area will identify sensitive habitats and species and give decision makers an opportunity to implement necessary protection measures prior to any new industrial development. Ideally such planning should take place within the context of an integrated coastal zone planning and management initiative. The proposed project is a major industrial development that has the potential to do serious damage to coastal and marine habitats and species. Given the range of existing threats to biodiversity and the uncertainty introduced by climate change, the conservation needs of the region should be assessed and addressed before this project is allowed to proceed.

Networks of marine protected areas (MPAs) are recognized as effective tools for protecting sensitive marine habitats and species. WWF-Canada believes that sensitive or unique areas as

well as representative areas should be protected through regional-scale networks of MPAs. Canada has committed to establishing a national MPA network by 2012. Establishing networks through systematic planning processes would illustrate proper application of the precautionary approach and be consistent with WWF-Canada's *Conservation First* principle, which requires that conservation steps be sequenced in advance of development while options still exist.

The affected marine area is ecologically and biologically important

The panel must consider the wealth of information describing the ecological and biological importance of the marine area surrounding the proposed project site. Mixing caused by strong tidal currents leads to high primary production in the outer Bay of Fundy and the waters around Brier Island. This high primary production attracts a range of forage species, which are pursued by larger predators. The outer bay is critically important to resident and migratory cetaceans, including the highly endangered North Atlantic right whale, and a range of seabirds and shorebirds. It is also an area of high finfish diversity (Shackell and Frank 2003), an important habitat for commercially important species, and several species at risk, as determined by the Committee on the Status of Endangered Wildlife in Canada. Buzeta et al. (2003) summarized many of the important ecological values in the area while Parks Canada (1975) and King (2004) found the area around Brier Island to be a top conservation priority in the Scotia-Fundy region. Sheppard (2004) found this area to be the best location in the Bay of Fundy for the establishment of a National Marine Conservation Area (NMCA) and therefore a potentially important component of Parks Canada's NMCA system plan. Finally, WWF-Canada has collaborated with the New England-based Conservation Law Foundation on a rigorous spatial analysis of available physical and biological data for the Gulf of Maine (including the Bay of Fundy) and Scotian Shelf region to identify priority areas for conservation as an initial step in planning for a network of MPAs (WWF and CLF 2006). This analysis identified the outer Bay of Fundy as a top priority. The Whites Point Quarry and Marine Terminal Project should not be allowed to proceed prior to the implementation of effective conservation measures in this ecologically important area.

The proposed project would increase pressure on the endangered North Atlantic right whale and other cetaceans

The increase in regular shipping traffic in the outer Bay of Fundy associated with the proposed project will heighten the risk of ship strike mortalities to the highly endangered North Atlantic right whale. Grand Manan Basin is a Whale Conservation Area because it is critically important right whale nursery and feeding area. WWF-Canada was involved in having the International Maritime Organization shipping lanes adjusted to avoid this area and reduce the risk of ship strikes. However, surveys indicate that right whales can be found throughout the outer Bay of Fundy during late summer and fall so ensuring that ships stay out of the Whale Conservation Area will not eliminate the risk of strikes. The proposed project should not be allowed to proceed if it will significantly inhibit right whale recovery efforts. A Right Whale Recovery Strategy is currently being developed in accordance with the Species at Risk Act. The proponent should consult with the Right Whale Recovery Team regarding the potential impacts of this project on recovery and to explore possible mitigation measures.

Vessel strikes are also a concern for the other marine mammal species found in the Bay of Fundy, including other species at risk such as the fin, sei and, on occasion, blue whales. While mortality of these and other species caused by vessel strikes in this region is not understood, evidence of strikes has been documented and mitigation measures should be adopted. The proponents suggest that they will be missing the core right whale habitat in the Bay of Fundy;

however, the route they propose goes right through some of the core habitat used by several other species such as fin, sei and humpback whales. The regular presence of these species in this area suggests this area is critical to their life processes and is vitally important to the lucrative local whale-watching industry. The proponent presented a lengthy discussion regarding ship interactions with right whales, but none regarding other species in the area.

Noise pollution resulting from blasting and shipping activities associated with the proposed project represents another potential threat to the right whale and other cetacean populations. The degree of uncertainty regarding the impacts of sound on cetaceans is high, which warrants application of the precautionary approach. Marine mammals are highly dependent on acoustics for navigation and critical life processes including communication with mates and calves and finding food. Thus, even slight damage to their hearing capability can have significant impacts. The proponents did not adequately address this and other areas of uncertainty relating to the proposed undertaking. As well, while the proponent has offered some discussion regarding blasting protocols in good visibility conditions, there was no discussion as to the procedures during poor weather conditions. The cumulative impacts in an already busy area could be significant and have major implications for species that regularly use this area for critical life processes.

The proposed project could negatively affect local fishing and ecotourism industries

Fishing is the lifeblood of the many small coastal communities in Digby County. The proposed project site falls within Lobster Fishing Area (LFA) 34, which supports the most lucrative lobster fishery in Atlantic Canada and is therefore a crucial component of the local and regional economy. The LFA 34 lobster fishery is actually the most valuable fishery in Canada.

Virtually nothing is known about the potential impacts of blasting on lobster and other commercially exploited species. Given the economic and cultural importance of the fisheries in the area surrounding the proposed project, precautionary measures are clearly needed to hedge against uncertainty and ensure fisheries impacts are addressed. The potential impacts of blasting on lobster and other species may seem minimal in the big picture but this a case where the cumulative impacts must be considered. Commercially exploited populations are already under pressure by directed fishing and some groundfish populations are still recovering from past overexploitation. More research is needed to better understand the potential impacts of blasting on exploited lobster and finfish populations.

The Brier Island/Digby Neck area also supports a valuable ecotourism industry. Low impact operations such as whale watching tours provide an important source of employment and income to local residents. Increased shipping traffic in the area and major industrial development along this scenic shoreline has the potential to diminish the ecotourism experience of visitors.

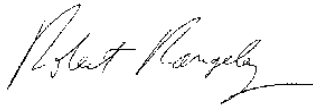
In summary, WWF-Canada's main concerns with the proposed Whites Point Quarry and Marine Terminal Project are:

- The prospect of major industrial development taking place prior to any coastal and marine conservation planning process;
- The adjacent marine areas is of outstanding ecological importance and has been identified as a top conservation priority in the Scotia-Fundy region;
- The increased pressure the proposed project would place on the highly endangered North Atlantic right whale; and

- The potential negative impacts of the proposed project on the local fishing and ecotourism industries.

Thank you for considering our comments and please do not hesitate to contact us if you have any questions regarding our submission or would like to discuss our concerns with this project.

Sincerely,



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