

MEETING Reg. Council

DATE April 16/02

ITEM NO. _____

9.2.2, 10.3.1
Minister of
Fisheries and Oceans



Ministre des
Pêches et des Océans

Ottawa, Canada K1A 0E6

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HALIFAX REGIONAL
MUNICIPALITY
JUN 24 2002
MUNICIPAL CLERK
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JUN 24 2002
Mayor's Office

His Worship Mayor Peter J. Kelly
Halifax Regional Municipality
1841 Argyle Street
P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5

Dear Mayor Kelly: *Peter*

Thank you for your correspondence of April 18, 2002, and the attached petition, concerning the in-filling of Moirs Pond, in Bedford. The public concerns raised in the petition, as well as other concerns presented directly to Fisheries and Oceans Canada (DFO), will be addressed in the screening process within the scope of the environmental assessment.

Several specific issues presented in the petition will be addressed in the screening report. For example, with regard to migratory birds, Environment Canada has advised DFO that the impact on birds is not likely to warrant an environmental assessment as a result of the project. Environment Canada has the legislative responsibility for migratory bird protection and has indicated that the project is not in conflict with environmental legislation. They have, however, provided DFO with advice that will be used in the planning process.

We have had the proponent's consultant investigate the suggested flooding concerns. Tidal flows are determined by both the surface area of the pond and the rate of change of sea level. The freshwater input remains unchanged. With a smaller pond, the ebb and flood flows would be smaller than they currently are. The existing culvert structures would have less water to pass during each tidal cycle after construction. The reduction in flow would improve the flood risk safety factor at the site.

While I acknowledge and understand your citizens' concerns for aesthetics, and their concerns with the placement of the proposal near a heritage site, my legislated role is to protect fish habitat. The habitat protection provisions of the *Fisheries Act* prevent the harmful alteration, disruption or destruction of fish habitat. When a proponent presents a project that will destroy fish habitat, DFO recommends that the work be relocated or redesigned, and if the project cannot be changed, DFO insists upon compensation.

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The guiding principle of the Department's *Policy for the Management of Fish Habitat* is "no net loss" of fish habitat. Accordingly, DFO requires that compensation be administered in such a way that any lost habitat be replaced. In this case, the proponent is willing to construct fish passage facilities at the Paper Mill Lake Dam that is expected to result in a significant net gain of productive fish habitat. Migratory fish such as salmon have not had access to the area above the dam in many decades.

With respect to communication and collaboration between Halifax Regional Municipality (HRM) and DFO, I understand that Faith Scattolon, DFO's Regional Director of Oceans and Environment Branch, and Anne Muecke, HRM's Regional Planning Manager, held a preliminary meeting recently to discuss areas of mutual interest and potential areas of collaboration between HRM and DFO.

Thank you for conveying the concerns of the citizens of Halifax to me, and for the opportunity to comment.

Yours truly,



Robert G. Thibault