

From: fletch@hughes.net
Subject: Re: Fisheries and Oceans' reply
Date: 10 September 2009
To: Min@DFO-MPO.GC.CA

Dear Rebecca,

Thank you for your note

We have obvious concerns that the suggested site is within an RCA, which will only function effectively if kept in a pristine condition to ensure the maximum productivity from those fish spawning within the closed areas. Anyone familiar with this part of the Georgia Strait will appreciate that prevailing south easterly wind blowing up the strait causes a widespread dispersion of limestone dust in the general and more immediate area.--one can witness this at the TQL quarry north of Gillies Bay--and efforts at mitigation would prove highly ineffective. Eelgrass beds are widespread in the Davie Bay area as I'm sure you are aware.

It is our considered opinion that the productive co-existence of an operating limestone quarry and an adjacent loading dock with an RCA as administered by the DFO is not possible in these circumstances and that a harmful alteration, disturbance or disruption on fish or habitat would occur.

We ask therefore that the DFO set in motion the full environmental assessment review process as required.

Thank you

Richard Fletcher

Friend of Davie Bay.

On 4 Sep 2009, at 19:37, XNCR, Min wrote:

Dear Richard Fletcher
fletch@hughes.net

Thank you for your correspondence addressed to the Honourable Gail Shea, Minister of Fisheries and Oceans, regarding a proposed barge loading facility by Lehigh Cement at Davie Bay, Texada Island, British Columbia (B.C.), in a designated rockfish conservation area (RCA). I have been asked to respond on Minister Shea's behalf.

Regarding Davie Bay's location within the RCA, I would like to clarify that RCAs are

not designed to regulate habitat. Under the Rockfish Conservation Strategy, RCAs are a fishery management tool that restricts fishing gear type to protect rockfish. Marine habitat impacts are regulated through the Fisheries Act and the Canadian Environmental Assessment Act (CEAA).

Fisheries and Oceans Canada (DFO) will determine if the proposed project is likely to have adverse impacts on fish or fish habitat, as described in Sections 32 and 35 of the federal Fisheries Act. While an authorization for a harmful alteration, disturbance or disruption may be issued where there are acceptable mitigation and compensation measures, the preferred option is to avoid these impacts whenever possible.

Furthermore, in these circumstances, Transport Canada, which is another federal authority reviewing this proposal, will head an environmental assessment, as prescribed by CEAA. More information about CEAA can be found at < http://www.dfompo.gc.ca/oceans-habitat/habitat/policies-politique/ceaa-lcee_e.asp>. The environmental assessment will consider potential cumulative effects and will include opportunities for public participation throughout the process. As a responsible authority pursuant to paragraph 5(1) of CEAA, DFO will be involved in the assessment relating to our area of expertise and regulatory mandate.

At present, the review of the proposal is still ongoing.

If you have further questions or concerns about DFO's role in the project review or the project's potential impact on fish and fish habitat, you may wish to contact Mr. Bruce Adkins, Area Manager, Oceans, Habitat and Enhancement, by telephone at 250-754_0334 or by email at < bruce.adkins@dfo-mpo.gc.ca >.

Thank you for taking the time to write with your concerns.

Sincerely,
Original signed D,Baie forRebecca Reid
Regional Director
Oceans, Habitat and Enhancement Branch
Pacific Region