

January 4, 2021

RE: Proposed Long Pond Development by Ocean Choice International (OCI)

Dear Minister Wilkinson,

On behalf of the directors of the Advocates for the Responsible Development of Long Pond, I am writing to express our concerns that the letter dated May 1, 2019 (See below) sent to Mr. Neil Hunt by Environment and Climate Change Canada (ECCC), providing guidance for the environmental management of the proposed development in Long Pond, is not acceptable and should not be used to support final development approval of this project from the ECCC.

Guidance notes and recommendations should not be a substitute for an environmental impact assessment. Climate change is having devastating impact on our coastlines. Long Pond Harbour estuary is situated in a high vulnerability zone for flooding, therefore sustainability of this natural resources, is critical. Today's decisions must consider tomorrow's effects, carefully balancing the water we use with the protection of natural ecosystems. The impact that this infill/dredging project will have on the ecosystem and community deserves transparency and accountability. We are therefore asking that the department of Climate Change Canada oversee an environmental impact assessment on this project to guide and mitigate responsible sustainable economic development in this fragile estuarial zone/wetlands.

The email response by ECCC to the proposed development does not approve the project it simply offers guidance to support the environmental management of the proposed development with respect to legislation falling under the auspices of the department. The review comments by ECCC were based on an email description of the project dated March 19, 2019. Information provided at that time lacked detail and did not take in to account the full size and scope of the project now being proposed by Ocean Choice International. The email description of the project did not provide an accurate description of depth and breadth of the project, which currently proposes to infill almost 87% of the width of the harbour.

Federal environmental assessments from the 2013 divestiture program indicate that there are contaminants within the water basin of this proposed project and if disturbed will be detrimental to marine habitat. The reports recommend further environmental research prior to any changes to the existing area. These environmental reports indicate toxins in the sediment and were given to the Long Pond Harbor Authority during the divestiture program in 2013. To deny any knowledge their existence is concerning as they do indeed exist and will have detrimental impact on the surrounding ecosystem if disturbed. According to the company, they claim to be unaware of these environmental assessment reports as stated in their public consultation "you tube" meeting on December 17, 2020. They in fact stated that they would be using dredged material as part of the infill for their project.

Also OCI will be using fill material from Trinity Resources, which is a pyrophyllite talc mine. Independent chemical analysis of any toxic impurities in the talc mine waste being used as fill needs to be thoroughly investigated to prevent dumping of deleterious substances into waters inhabited by fish as it is a federal offence. There is a "strength of materials" type analysis in the land use impact assessment report that shows the fill will support the building, but not a chemical analysis relative to possible leaching of toxic chemicals from the talc mine fill into water inhabited by diverse marine species.

There will be a mud wave created by this massive infilling project. There is roughly 10 meters of mud at the bottom of the basin within an area estimated at 17,000 square meters. This will result in approximately 170,000 cubic meters of mud that will be displaced. According to the company some of this mud will be pushed back onto the development and used as infill, while the rest of the mud will be sent to the south of development. The rock will be dropped on the existing bottom, which will cause the toxic contaminants within the sediment to spread out in this mud wave. The company has not been forthcoming on how this will be managed. The company does not know the volume of mud which will be displaced at this time, which is not acceptable at this stage of the developmental process. Without engaging in a formal federal environmental impact assessment, these critical environmental processes will be ignored and potentially destroy the entire ecosystem of the harbour estuary/wetlands. The description of this current project is well beyond the description of their project to the ECCC in their March 19, 2019 email. The materials being dredged and mud wave created and dispersed by the infill will be in conflict with both the fisheries act section 36(3) and the migratory Birds Convection Act section 5.1.

As part of the review comments by ECCC, It is particularly concerning that eelgrass will be destroyed as a result of this project, given the emphasis Environment and Climate Change Canada placed on its contribution to wetlands, and reference to the federal government's aim to promote the conservation of wetlands as per the Federal Policy on Wetland Conservation, within the 1 May 2019 response on the project.

Without an environmental assessment, stakeholders including the public have no opportunity to input on the important project decision to destroy eelgrass and it is unclear whether the advice from Environment and Climate Change Canada about the importance of eelgrass as wetland habitat was factored into the Fisheries Act Authorization decision. It is perplexing that such an Ecologically Significant Species can be authorized for destruction when the federal government is investing heavily via the Coastal Restoration Fund and other related funding programs to specifically restore and protect such ecologically significant coastal and wetland habitat. It is also notable that eelgrass has been recognized for its powerful role in sequestering carbon and can be one of the most effective nature-based solutions against climate change.

Completing an environmental impact assessment would ensure that all adverse effects are considered and properly mitigated, provide a thorough consideration of alternatives, and ensure an understanding of how all permitting processes are connected. Without following the legislated Environmental impact process, an accurate measure of the environmental risk of the project cannot be provided to the public.

The town of Conception Bay South required the company to prepare a Land Use Impact Assessment Report for the proposed development in Long Pond. This report is not acceptable and should not replace a Federal environmental impact assessment. The municipal assessment focused primarily on land-based impacts, this CBS Land Use Impact report fails to appropriately identify potential impacts to the marine ecosystem. The scope of the report is too limited, prioritizing only habitat offsetting measures that do not properly acknowledge the interconnectedness of this coastal ecosystem. While the offsetting program involving artificial reefs may be beneficial for ensuring suitable habitat remains for some marine species, this program does not offset the other important ecosystem services that will be lost if this proposed development proceeds. The company included one dive report in the LUIAR, which failed to include a comprehensive list of species living in the Long Pond basin. A series of dives during 3 days of the late summer months will not reflect the abundance of species found in area throughout the year. The American Eel, which is on the NL list of vulnerable species and a known resident of the Long Pond Harbour was not on the species list given to DFO. These species are nocturnal and

cyclical in nature and their habitat is protected under provincial regulations, however with out an Environmental Impact assessment they were missed in both the DFO and Environment Canada report.

A failure to consider the broader ecosystem effects resulting from the loss of seagrasses reflects failure to provide information on both types of effects. Further, under this requirement the report must provide information on effects to migratory and resident species. The report provides a simple list of guidance from Environment and Climate Change Canada without properly assessing potential effects of the project on species, nor indicating how these guidelines will inform the project. This does not instill confidence that the report sufficiently considers environmental effects, and therefore cannot inform a decision for final development approval. We are concerned that this report fails to adequately consider climate change impacts, particularly with respect to the coastal ecosystem that will be degraded as a result of the proposed development. Decisions to undermine this plan should not be taken lightly.

We urge that this proposed development be registered as an undertaking requiring Federal environmental impact assessment prior to issuing final development approval. Such an assessment could fully consider the range of potential impacts to the marine environment and, with a broadened scope, consider these impacts under climate change, while also adequately addressing public concerns related to this proposed development.

Thank you for your time and consideration on this important matter and we look forward to your response.

Sincerely,

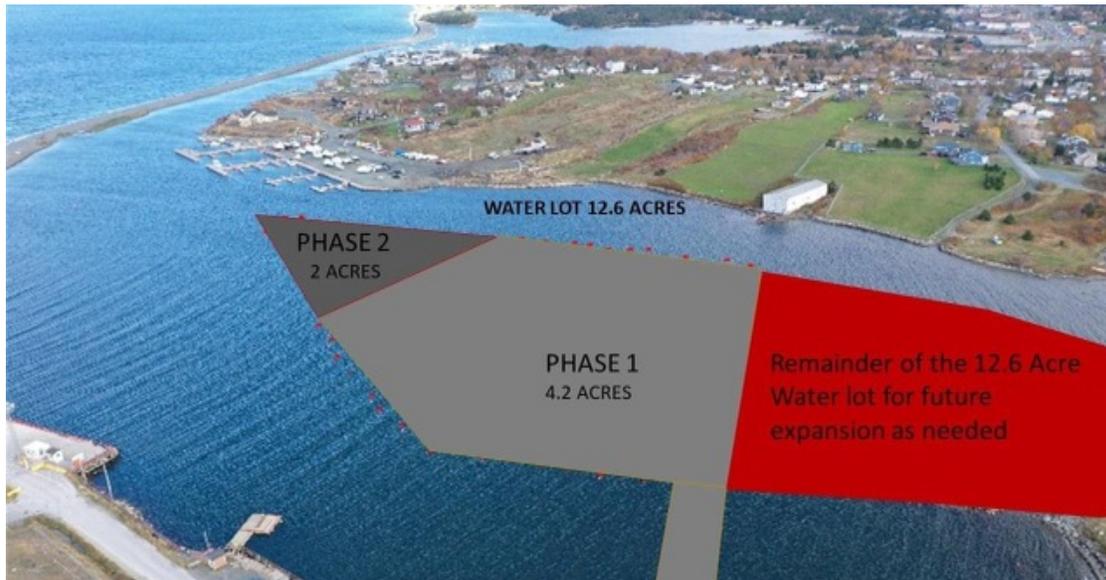
Nora Cahill
<Email address removed>

on behalf of The Advocates for the Responsible Development of Long Pond

Geographical Hazards series showing Long Pond Harbour in a high hazard zone risk for flooding please see link below:

<https://www.gov.nl.ca/iet/files/mines-geoscience-publications-openfiles-of-001n-0884.pdf>

Picture of the project



Dive report

<https://www.conceptionbaysouth.ca/cbs2019/?mdocs-file=12066>

Environment Canada:

<https://www.conceptionbaysouth.ca/cbs2019/?mdocs-file=12076>

Fisheries DFO and habitat

<https://www.conceptionbaysouth.ca/cbs2019/?mdocs-file=12058>

<https://www.conceptionbaysouth.ca/cbs2019/?mdocs-file=12064>

Project link from 2008

https://www.gov.nl.ca/eccm/files/env_assessment_project_1373_decision-letter.pdf