

**CLC Meeting Minutes, May 17, 2017**

**Highway 101 Twinning – Three Mile Plains to Falmouth**

**West Hants Municipal Chambers – 6pm to 8pm**

**Attendees**

**Community Liaison Committee (CLC) Members:**

Brad Carrigan	Colin Hines	Mike Oulton
Louis Coutinho	Randy Hussey	Darren Porter
Dave Crouchman	Don Dignan	Liz Galbraith
Jennifer Copage	Sonja Wood	Cathie Osborne

Shelley Bibby

Regrets: Andrew Sheehy

Absent: Kathy Kehoe

**Nova Scotia Department of Transportation and Infrastructure Renewal (NSTIR):** Mark Brace, Bob Pett, Justin Tanner

**Nova Scotia Department of Agriculture (NSDA):** Kevin Bekkers

**Independent Chair:** Ken Donnelly

**Minutes taken by:** Shannon Lowe

**1. Introductions**

Members of the CLC introduced themselves.

**2. Review Agenda**

The agenda was approved without change.

### **3. Fish Survey**

Darren Porter provided an update on the fish survey being conducted between April 2017 and March 2019, which was suggested at the previous meeting of the CLC, held January 30, 2017. Students from Acadia University are assisting with the project. He explained that he catches the fish and others track the numbers and tag some of them. This project is a partnership with Dr. Trevor Avery at Acadia University, the Confederacy of Mainland Mi'maq - Mi'kmaw Conservation Group (MCG), and Sipekne'katik band, with funding provided by NSTIR.

Darren pointed out that different species are active at various times, and a fish survey must be conducted for a sufficient length of time to be able to capture data during the respective active seasons of the different species. Tomcod, for instance is most active in January. This study is of a longer duration and therefore is expected to capture better data than previous studies. Previous studies had limited access, missed key migration windows, deemed the work unsafe, or were desktop studies and therefore could not capture a clear picture.

Darren pointed out that they have caught a lot of eels (95 in one trap), gaspereau, smelt, tom cod, striped bass, white perch, and white sucker on both sides of the causeway gates to date. He was surprised to catch striped bass in the lake. Although he has caught some salmon every 2nd year, he is not using the gear necessary to catch salmon, so the study results may not be conclusive on whether or not they are getting through the gate.

Darren pointed out that the Marine Institute of Natural and Academic Science (MINAS) has a Facebook page and they post photos and information about the fish they capture in a weir near Bramber. It was suggested that the CLC promote the MINAS Facebook page to raise awareness of the study and the findings. If this is done Darren offered to post more weekly pictures and information on the Windsor study there. The work is interesting and can even be a promotion for local tourism. The Chair agreed to post a link to the MINAS Facebook page.

Darren invited CLC members to go out with him on his boat to see the operation. He also said he was impressed at how quickly the study came together after the idea was raised in the January CLC meeting, and thanked Bob Pett for his work in getting the study funded and in place.

Darren asked if someone present might be able to arrange for some gravel to assist with boat launches at Lake Pisiquid. It is currently difficult to get in and out with periodic changes in lake water.

### **4. CLC Charter**

The Chair reminded members that at the previous meeting he asked people to review the Draft Charter and let him know if there are any concerns. He had not received any correspondence, and asked those present if they had any concerns. Not hearing any, the Charter was approved as written.

## 5. Environmental Assessment (EA)

Bob Pett provided an overview of the EA for the project, with the assistance of a PowerPoint presentation. An overview of the findings can be found attached. The proposed project was registered with Nova Scotia Environment on May 8, 2017. Public comments are due by June 7<sup>th</sup> and a decision by the Minister is expected by June 27, 2017.

There will be a public Open House held on June 1<sup>st</sup> to provide an opportunity for residents to find out about the project and speak with members of the Project Team.

Bob pointed out that the Environmental Assessment is an early stage in the approvals process, and more approvals will be required before the project design is complete. For example, there will be a requirement to secure approvals from the Department of Fisheries and Oceans (DFO) on fish passage.

In response to questions, Bob pointed out that the proposed project includes a redesign of the aboiteau. It is cost-effective to upgrade the aboiteau at the same time as the twinning construction is undertaken. Bob pointed out that DFO had the EA document on May 8<sup>th</sup> and are reviewing it.

In response to questions about compensation for wetland that would be affected by the project, Bob stated that NSTIR had already completed restoration of a St. Croix marsh in 2009 as advance compensation for construction work along Highway 101. Credits from the St. Croix Habitat Bank would be applied to offset damage to wetland and fish habitat, restoring twice as much saltmarsh as affected by the twinning project.

The proposed project will include some increased elevation of the existing causeway to protect against sea level rise. The detailed design will determine how much the roadway will be elevated, but it could be 1 to 2 meters.

In response to a question about a federal EA, Bob explained that nothing under federal law would require a federal EA for this type of project.

Respecting fish passage, the Project Team said they are looking to continue improving fish passage and will be hiring a consulting firm to design it. The Request For Proposals has been finalized and should be available in two weeks (see <https://www.novascotia.ca/tenders/tenders/tender-details.aspx?id=WS51726000>). Adequate fish passage is a requirement of DFO. In response to an expressed concern that the EA only refers to the fish study recently initiated, and that the findings will not be included, the Project Team said that the findings would be provided to the consulting firm to help inform the fish passage design, which in turn would require approval before the project could proceed. There are many more approvals that must be sought after the EA. In addition, if the EA is approved, it is expected that it will be with conditions, including requirements for further approvals on such things as fish passage and wetland compensation.

In response to an opinion that adequate fish passage (using an aboiteau system) would mean that Lake Pisiquid would not remain a lake all year around (to accommodate migration of different species), the

Project Team replied that if the design model is accurate, it should not have a negative effect on the lake.

It was also stated by a member that in the Environmental Assessment document it only mentions May as a key month of low lake levels, yet April has been identified this year (2017) as a key passage window in which the lake had been drained, and twice daily with full aboiteau openings the protocol. As how passage needs will be addressed by DFO is unknown at this time, more months without a lake could result if adequate fish passage is not figured out. This will be part of the work done by the design consultants. The Project Team feels that fish passage has improved recently with operational changes at the gates, including lowering the lake level in April and May, as indicated by previous studies and the initial findings of the current fish survey. Nonetheless, whatever is designed for fish passage will require approval from DFO.

During the discussion of this issue, it was suggested by several members that other options, such as fish ladders, should be considered to ensure adequate fish passage. It was also mentioned by some members that the lake is an important part of the community, and adequate levels are necessary for many uses, including recreational activities such as at the canoe club and for snow-making at Martock ski hill, and for fire protection. It was also mentioned that the lake provides economic development spin-off benefits.

Concern was expressed by a member that the EA design maintains the causeway, and that their preferred approach would be to replace it in whole or in part with a bridge, allowing the Avon River to flow as it did before the causeway was constructed. The main benefit would be to allow fish species the opportunity to migrate without having to rely on the aboiteau for passage. In particular, the opinion expressed is that there are few Atlantic salmon left in the Avon River and their survival is dependent on unencumbered migration to spawning grounds. It was further suggested that to save time and money the Project Team should look at the model that was used on the Petitcodiac River in New Brunswick, where the Government of Canada and the Government of New Brunswick have agreed to provide funding to remove the causeway and replace it with a bridge. The Project Team responded by saying that the Avon River and the Petitcodiac River are different, and it expects comments on species at risk and adequate fish passage requirements as part of the EA review. It also referenced the legal responsibility of Nova Scotia Agriculture to ensure protection of the agricultural marsh body (and communities/property), and that without the protection of the causeway, there would be a requirement to re-build dykes along the shoreline at significant expense and loss of both agricultural and other businesses (e.g., Ski Martock who use freshwater to make snow).

The Chair noted that there are conflicting views on the causeway, and encouraged members to provide comments to Nova Scotia Environment on the EA by June 7, 2017.

## **6. Open House**

The Chair described the operation of the planned Open House. It is scheduled for June 1<sup>st</sup> at the Legion and there will be two sessions, one in the afternoon and another in the evening. There will be different stations for various aspects of the project so people can ask questions about that particular part of the

project. An offer from Darren Porter to be present to speak with people who were interested in the fish study was accepted. As well, some CLC members expressed an interest in being present to talk with people about the CLC. The Chair said he would send an email out to CLC members to find out who will be going to which session and would prepare nametags for those going.

CLC members were encouraged to spread the word on the Open House and the EA process. The Chair acknowledged that some members of the CLC had already promoted the EA process on social media, and thanked them for their efforts.

## **7. Other Business**

It was pointed out that all members of the CLC should feel comfortable and safe at the meetings in stating their opinions. This requires all members and attendees to be respectful of the opinions and positions of others, both when speaking and when listening, particularly when those opinions are in conflict with their own. The CLC comprises representation of a cross-section of the community, and therefore includes, by design, people with different views on the twinning project. In order to function properly, all members must speak and listen to others respectfully.

**Meeting adjourned at 8:08pm**