

**P.E.I. FISHERMEN'S ASSOCIATION LTD.**

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June 6, 2006

Hon. Rona Ambrose,
Minister of Environment,
House of Commons,
Ottawa, Ontario
K1A 0A6

Via fax to (613) 996-0785

Dear Madame Minister,

**Re: Notice of Objection to Permit No. 453-2-06369 Issued Under Part 7, Division 3,
of the Canadian Environmental Protection Act, 1999**

The Prince Edward Island Fishermen's Association Ltd. serves notice that our members object to the issuance of Permit No. 4543-2-0639 published in the *Canada Gazette*, Vol. 140, No. 19 on May 13, 2006. This permit was issued to Charlottetown Harbour Authority Incorporated, Charlottetown, Prince Edward Island, to load and dispose of dredged material. Under Section 333 of the *Act* we request that a Board of Review be established to hear arguments regarding the issuance of this permit.

In brief, the reasons for our objection are:

- (a) The proponent states that one of the purposes for the dredging and wharf construction is to aid petroleum transport vessels in unloading their cargo. They further state that "a small oil spill that occurred in Charlottetown Harbour in February 2004 illustrates the need for improved berthing facilities." No background is provided on the causes of that spill, the recommendations resulting from it, nor how the proposed facility will improve the unloading security.
- (b) The project is proposed to facilitate increased marine traffic for unloading of aggregate, petroleum products, potatoes and agricultural fertilizer. There is no discussion of the impact on the local environment and the community from increased truck traffic that will result from this project in the long term.

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- (c) One of the objectives of the project is to support increased cruise ship traffic. In other jurisdictions there have been a number of environmental impacts from cruise ship traffic. These include, but are not limited to increased air pollution both at sea and while docked in the harbour, water pollution from onboard sewage systems, oily bilge water, hazardous chemicals both at sea and while docked as well as increased risks of collision with fishing vessels, marine mammals and all other marine traffic. There are many more issues that have been raised in other jurisdictions. The proponent has addressed none of these issues.
- (d) During the construction phase of the project, no discussion has been given to the removal and disposal of old structures and materials in the construction area. This may include contaminated soil and/or hazardous construction materials from a dock and warehouse that has been in use for many years.
- (e) The proponent has stated that the material to be dredged exceeds the 1991 rejection limits for lead and zinc. No explanation was given as to why the material can still be allowed for ocean disposal.
- (f) The averaged sediment sample results are stated to be 44% silt and 39% clay. This material is known to have a very long residence time in the midwater. The proponent stated that the residence time for this material is two days. Further analysis is required to demonstrate that this material will not be overly mobile during the dumping and will not continue to be entrained during high current events at the disposal site after it has settled.
- (g) The proponent states that the disposal site has tidal excursions of two kilometers. If the two-day residence time is correct, then the material can potentially be transported more than eight kilometers from the dumpsite over that period. This estimate does not even consider that the high current in the harbour will serve to keep the material suspended for a much longer time than this. The site is at the mouth of the Hillsborough River, one of Canada's designated heritage rivers. Given the fine grain size and, therefore, long suspension time of the dredged material, the proponent has not discussed the impact of this material being carried further into the Hillsborough River estuary and impacting the zones in that river system which are already showing signs of eutrophication.
- (h) Cited work on the anthropogenic alterations in the Hillsborough River is extremely outdated (1992). More recent work in other estuary systems on PEI shows that PEI estuaries are extremely impacted by human activities. Anecdotal observations of shallow areas upstream on the Hillsborough River estuary show that there is increased evidence of species such as *Ulva*, *enteromorpha* and others.

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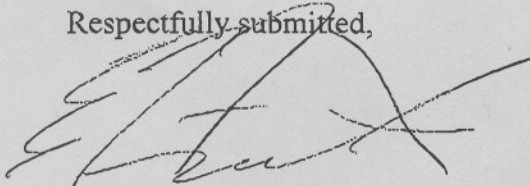
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There is anecdotal evidence of increases in low-oxygen events. High sediment load on this system could exacerbate the already declining environmental health. More recent data is urgently required to be able to estimate the impact on the Hillsborough, North and Elliot rivers of an increased sediment load from this dumping of dredged material.

- (i) Hillsborough Bay, which is seaward of the dumpsite, is an important ecosystem for fishers. The proponent has not demonstrated that the dredged material won't damage this environment and impact the livelihood of the fishing community.
- (j) The Northumberland Strait is an important water body for fishers of three provinces. The proponent has not demonstrated that the dredged material will not damage this environment and impact the livelihood of the fishing community further afield from Charlottetown Harbour and Hillsborough Bay

There are numerous other omissions in the material submitted by the proponent. A review board must consider the above items and several additional issues before this project can be allowed to proceed.

Respectfully submitted,



E.J. (Ed) Frenette,
Executive Director,
On behalf of the Board of Directors and Members

cc: *Ms. Maria Dober*, Environment Canada, Environmental Stewardship, Atlantic Region.
Mr. Scott Lewis, Environmental Protection Operations Directorate, Environment Canada, Atlantic Region.
Mr. Clark Wiseman, Environmental Enforcement, Environment Canada, Atlantic Region.
Ms. Rachel Gautreau, Canadian Wildlife Service, Environment Canada.
Mr. Leaming Murphy, Area Habitat Coordinator, Fisheries and Oceans Canada.
Ms. Jennifer Collins, Watercourse Alteration Supervisor, Prince Edward Island Department of Environment, Energy and Forestry.