



HEART OF THE BAY

St. Margaret's Bay Stewardship Association

St. Margaret's Bay
October, 2005

To whom it may concern:

Attached please find a detailed review of a document entitled "*Environmental Screening Assessment: June 2004 by Jacques Whitford for Destiny Developments*" (the ESA). The ESA was commissioned by Destiny from Jacques Whitford Environment Ltd. for the federal Department of Fisheries and Oceans (DFO), the responsible authority, specifically to address the HADD (harmful alteration, disruption or destruction of fish habitat) which was to result from the construction of a marina and housing complex, which Destiny wants to build at the mouth of St. Margaret's Bay's Ingram River estuary. Based on the ESA, the DFO eventually approved the Destiny/Jacques Whitford HADD compensation proposal.

Local residents questioned the decision. In the past many had to overcome serious challenges to get relatively simple approvals from the DFO for minor alterations to their shoreline or wharves, and yet here a major development was being passed with no problem. To ensure that the ESA was thorough and the DFO's decisions sound, local residents sought access to the ESA, but, though it formed the basis of a major decision affecting their Bay, they were repeatedly refused. Finally, after repeated unsuccessful applications through the Nova Scotia Freedom of Information Office, the residents exerted political pressure and accessed the ESA. They then convened a panel of experts to review the document and prepare the attached critique. To follow their comments, please lay out the critique side by side with the ESA. The panel's comments follow the ESA point by point.

After the panel's review of the ESA, again after repeated applications through the Nova Scotia Freedom of Information Office, the residents secured access to the background correspondence between the DFO, Jacques Whitford, and the developer, as well as to the formal application for HADD compensation. Again, there seem to be numerous serious unanswered questions. For example:

- 1.) There are no detailed drawings of the "lobster houses," which are the cornerstone of the compensation proposal. Though considerable lobster habitat will admittedly be destroyed by building the 270' seawall and accompanying 31 berth marina, by introducing a number of cement "houses," Destiny/Jacques Whitford project a 3:1 increase in the estuary's lobster population. However,
- 2.) There is no estimate or count of the current lobster population; therefore no way to know whether a 3:1 increase in the population has been achieved.
- 3.) There is no detailed plan laid out for monitoring the lobster population other than reference to an annual count. No methodology for conducting this count is described.

- 4.) No date is given for the installation of the lobster houses.
- 5.) The “lobster house” technology proposed is untried, yet its field testing in the estuary has been accepted as adequate compensation. Should the technology fail, no further compensation is proposed.
- 6.) The “lobster house” technology being tested, which is “patent pending,” is proprietary to Jacques Whitford, the very authors of the objective, scientific ESA on which the DFO based their decision.

In the end the overall approval or rejection by governing authorities of Destiny’s proposed development will ultimately be a political decision. Either way, yea or nay, it will set a major precedent for future development on St. Margaret’s Bay, indeed arguably it will influence rural coastal development throughout the region. While the attached document deals primarily with technical aspects related to only the marine portion of the proposed development, the threatened HADD, readers of the panel’s review should bear in mind that there are many other aspects which call the wisdom of the proposed development into question. For example:

- To local residents the development seems out of step with area’s rural character, the Bay’s “sense of place,” and its pristine natural environment. The proposed high density waterfront housing and marina may make sense in a more urban setting, indeed it may conform precisely with settlement patterns proposed for other communities as per the current draft HRM Regional Plan, but local residents along the Ingram estuary have made a lifelong investment for themselves and for their families in the area’s serenity and lack of congestion and feel strongly that they have a moral right to see this character protected.
- They feel too that allowing the Destiny project to proceed as proposed would betray a trust between themselves and their elected representatives. Together they share a responsibility to steward the area’s quality of life, to protect its natural resources, and to guide development in a responsible and responsive manner. To approve the development as proposed would be an abrogation of this responsibility.

The contents of the attached critique are a subset of these concerns.

The residents’ panel reviewed the Jacques-Whitford Screening Assessment from a purely scientific and technical point of view.

The residents believe the experts’ comments speak for themselves.

When the only environmental assessment is that commissioned by the proponent, the developer, and is conducted by a firm with a clear vested interest, lobster houses, and when serious decisions with long term effects are being made based on that assessment, then clearly there is an urgent need for radical changes to our coastal development governance processes.

For further information, the residents group may be contacted through the St. Margaret's Bay Stewardship Association (SMBSA) via community@heartofthebay.ca, by calling 823-1404, or by writing to the SMBSA at Box 3081, Tantallon, N.S., B3Z 4G9. The SMBSA has worked hard to help the residents voice their concerns and, using the proposed Destiny development as a case study, looks forward to improving the coastal development process on the Bay.