



Baykeeper LOG #21

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(Note: Email is checked on Mon-Tues only. Please call (506) 694-8780 for all urgent matters)

New Marine Protected Area under Attack One Year after Designation

Our new Musquash Marine Protected Area, in place for only a year and the only Marine Protected Area in the Bay of Fundy, is now under attack. An application has been made to establish a salmon aquaculture site just outside the boundary of the protected area in tidal waters, which pour and discharge directly into the Musquash Estuary.

An aquaculture site at this location would be adjacent the area where Saint John River salmon stocks gather and acclimatize in the Bay of Fundy before entering the river. This presents potential problems of disease and escapements to one of the last significant remaining stocks of Wild Atlantic salmon.

Baykeeper has written to Hon. Ronald Ouellette, the Minister of Agriculture and Aquaculture, and Hon. Loyola Hearn, Minister of Fisheries and Oceans Canada, to request the application for the aquaculture site be turned down. Baykeeper also met with the aquaculture site evaluation committee consisting of representatives from a number of provincial and federal departments and gave a detailed presentation on the Marine Protected Area and the risks an aquaculture site would present to both the protected area and Saint John River salmon stocks. A news conference was also held at our Baykeeper's Saint John office, which was well attended by the media.



Baykeeper News Conference

We intend to move toward having a buffer area established at the boundary of the marine protected area where industrial development, including aquaculture, would be prohibited. The buffer zone would have no affect on commercial fishing activities or other activities currently occurring within the zone.

It is important (Underline/Bold) that everyone contacts Hon. Loyola Hearn, Minister of Fisheries and Oceans Canada, Hon. Ronald Ouellette, Minister of Agriculture and Aquaculture, and MP Greg Thompson to let them know your concern and that you expect them to turn down the application for the aquaculture site at Little Musquash.

For more information, please visit [NBEN Action Alert](#)

Petroleum Coke Update

As a result of inadequate equipment spillage, dusting and release of pet coke to the environment occurred when the first shipload for Coleson Cove was unloaded at the Port of Saint John in January, after carrying out an inspection of the port facilities Baykeeper wrote to NB Power and the Port of Saint

John requesting that a discharge trunk of adequate length, to reach well into the storage building be put in place and the unloading trunk and building openings be skirted to prevent spillage and dust before any further shipments are unloaded.



We have received a letter of reply indicating that the lengthening of the discharge trunk will be examined. They do not believe skirtting is required. They also say in the letter that the overall unloading process was successful. At Baykeeper, we just cannot figure their logic??? It was only a year ago that NB Power said the petroleum coke would be completely covered at all times and never see the light of day.

Since the pet coke unloading incident, a big chunk of the storage sheds' plastic covering blew off in the wind for the second time. Still lots to be resolved with pet coke and Baykeeper will continue to work at it. We expect they will soon begin to truck the material (thousands of truck loads) from the Port of Saint John to Coleson Cove. We have requested to be at the port when trucking begins to ensure trucks are properly covered, cleaned and there is no tracking or discharge to the environment.

Indications are that everything with the pet coke has slowed down and another shipment may not arrive at the port until fall.

- [Baykeeper Letter to NB Power](#)
- [NB Power Letter of Reply](#)

Pipeline Crossing Saint John River Estuary

Maritimes and North-East Pipeline have begun drilling of a tunnel under the Saint John River from Indian Town to Milford, just above the Reversing Falls for the gas pipeline from the Canaport LNG Terminal to the USA. They do not know if they will be able to successfully complete the drill due to the geological conditions under the river. As a backup plan, they have applied to the National Energy Board to trench the river and lay the pipe on the seabed. Concerns regarding a seabed crossing at this location were brought up by interveners at National Energy Board hearings last year, but the Energy Board refused to examine the matter. As the company had applied for a tunnel crossing and the board was unwilling to listen to the concerns of interveners who believed the company would later switch to a seabed crossing. With the Energy Board hearings now long over, our options and opportunities for getting a proper examination of a seabed crossing and public involvement are limited.

Trenching the seabed at this location would disturb and distribute contaminated sediments. The adjacent shoreline and waters at Indian Town have hosted many discharge pipes and considerable industrial activity in past years. Two municipal waste incinerators operated for



years with much of their ash and residue discharged into the river. Metal fabricating industries and machine shops also existed nearby. Ship breaking and salvage yards were also active at this location for decades as well a number of large municipal sewers discharge here and prior to waste treatment and containment at the Irving Mill, its waste flowed upstream with the incoming tide and settling out on the seabed.

Over a dozen species of fish, including Atlantic Salmon, two species of sturgeon and striped bass must pass through this area on their way to spawning grounds. Throughout the year at any given time, one species or another is either ascending or descending the river and the potential for interruption and impact from heavy construction activity and dredging requires examination.

We are fearful that the Energy Board review and any environmental assessment will just be a paper exercise where people can only submit written views and opinions. We have written to the National Energy Board outlining the issues of environmental concern requiring examination. Furthermore we have requested the board to come to Saint John and hold a public forum on seabed crossing.

Environmental Assessment – Proposed Irving Refinery Marine Terminal

Fundy Baykeeper has started work to examine the marine terminal for Irving Oil's proposed Eider Rock Refinery at Mispec. The current Environmental Impact Assessment is limited to examination of the marine terminal and the immediate surrounding waters. While participating in the limited environmental assessment, we are also taking the Minister of Environment to court in an attempt to also have the refinery, its emissions and the issue and affects of tanker traffic in the Bay of Fundy included in the environmental assessment.



In order to gather some first hand information from those living, working and fishing in Fundy waters closest to the new oil terminal, we will be surveying 750 families living in the Red Head - Mispec area east of Saint John. Many families living there have already been impacted by construction of the Irving-Repsol LNG Terminal, alterations of shoreline, activity on the water and existing oil offloading operations. We believe by doing a local survey, we will collect information and establish contacts which may prove useful. The survey will identify how local residents perceive the proposed project will affect their everyday lives, their health,

recreation, economic well-being, employment, properties and quality of environment.

When completed we intend to publish the results of this survey and make the information available to the local community, government agencies and groups working to preserve the environment and mitigate effects of the development.

- [Survey Letter](#)
- [Community Survey](#)

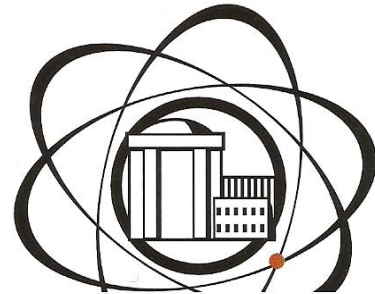
Welcome Scott Kidd



Scott recently joined the Baykeeper team and will coordinate and work on the environmental assessment of the marine facilities for the proposed Irving Eider Rock Refinery at Mispic. Scott moved to New Brunswick from Manitoba in 2004. Scott has a law degree from the University of Manitoba. His focus in law school was environmental law and after practicing law for several years, Scott began working and volunteering with different non-profit environmental organizations. Since moving to New Brunswick, Scott has worked with the Conservation Council and Fundy Baykeeper on a number of projects including the researching and writing of the Conservation Council's report on the public trust doctrine. Scott can be reached by contacting Fundy Baykeeper.

Lepreau Refurbishment – Baykeeper meets with Nuclear Safety Commission Officials

A meeting was held at the Baykeeper office with five officials from the Canadian Nuclear Safety Commission to gather information and discuss concerns regarding the refurbishment of the Lepreau Reactor which is scheduled to be shut down in April. The Nuclear Safety Commission is responsible for licensing and regulation of nuclear facilities and radioactive substances in Canada.



At the meeting we were told the Safety Commission would have four, possibly five, full-time inspectors at Lepreau to oversee the refurbishment.

Central to the refurbishment is the Irving Shipyard in Saint John. Here, Atomic Canada Energy Ltd. (ACEL) has built an exact model of the Lepreau reactor and will train workers on the refurbishment in the use of all the remote and robotic equipment and procedures necessary to carry out the work in an isolated high radiation environment. The Irving Shipyard will also serve as the receiving point for all the components, equipment, supplies and tools necessary to carry out the refurbishment. As items arrive at the shipyard, they will be examined, x-rayed and tested before being taken to Lepreau. Many components will also be assembled at the dry dock before Lepreau delivery. ACEL will have to obtain two licenses from the Nuclear Safety Commission. One will allow them to have and handle radioactive substances at the shipyard, the other will allow them to transport radioactive tools and equipment back and forth from Lepreau after decontamination.

When the reactor is shut down in April, the first process will be to remove all of the fuel for storage underwater in spent fuel bays. Next, the pressure tubes and the reactor tubes will be removed. They will then remove the feeder pipes (these are the pipes where all of the leaks have occurred over the last few years, causing lengthy shutdowns at the plant). The new turbine will be installed during refurbishment and the huge generator at Lepreau will be loaded aboard a barge at Lepreau and taken away for refurbishment. They also plan to install a new additional diesel standby generator to ensure emergency power. All the hundreds of tons of radioactive materials, such as old piping, removed from the plant will be put into long-term storage in bunkers and concrete on the site.

We were told by the Nuclear Safety Commission they would meet with us again at our request.