



Fisheries and Oceans Canada Pêches et Océans Canada

Coast Guard Garde côtière

P.O. Box/C.P. 1000
Dartmouth, N. S. (N.-É.)
B2Y 3Z8

Your File Votre référence

25 February 2002

Our File Notre référence
CMA 8200-02-2042

Nova Stone Exporters Inc.
27330 Boone Trail Road
Sanford, North Carolina
USA 27330

**Re: NWSA: Application for proposed dolphins – White's Point, Route 217
Digby Neck, Digby County, Province of Nova Scotia**

Receipt is acknowledged of your correspondence received on February 7, 2002.

Your application is presently under review by officials of the Canadian Coast Guard. We must advise that subsequent to completion of construction, you may be required to certify in writing that the work conforms to the approved Plan. This certification must be notarized.

Proponents should be advised that the Habitat Management Division (HMD), Fisheries and Oceans Canada (DFO), administers the *Fisheries Act*, s-s. 35(1), which states:

"No person shall carry out any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat."

The harmful alteration, disruption or destruction of fish habitat is a violation of the Fisheries Act. To assess the potential impacts on fish and fish habitat, the Habitat Management Division (HMD) reviews and evaluates project proposals. This must be completed prior to the commencement of any works associated with the proposal. Please ensure that the project has been submitted to the local HMD either through a referral from the provincial regulatory department or directly by the proponent. If a provincial permit is required, please confirm with that department the information is referred to HMD. If there is no requirement for a provincial permit, contact your local HMD office.

To avoid delay in proceeding with the proposed work, approval from the following agency (ies) may be required, therefore; it is strongly recommended that you contact them upon receipt of this letter:



N.S. Department of Natural Resources
Director of Land Services
P.O. Box 698
Halifax, N.S. B3J 2T9 Tel: (902) 424-4267

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Canada



Mr. Gerald MacDougall, BSc
PEI Department of the Environment
11 Kent Street
P.O. Box 2000
Charlottetown, PEI C1A 7N8 Tel: (902) 368-5052



N.B. Department of Natural Resources
Crown Lands Branch
P.O. Box 6000
Fredericton, N.B. E3B 5H1 (506) 453-2437

This letter is to also advise that you may be further required to undertake the following:

- a) You may be required to register your plan(s) and advertise your project, however, in order to minimize your cost by having to re-advertise and re-register your plan(s) we recommend you do not proceed until advised by our office.
- b) An environmental assessment in accordance with the Canadian Environmental Assessment Act (CEAA). This would be conducted in parallel with the Navigational Impact Assessment, both of which are prerequisites before any approvals are given under the Navigable Waters Protection Act (NWPA).

Please Note: Approval under the Navigable Waters Protection Act is not approval of construction. It is the applicant's responsibility to obtain any other forms of approval, federal, provincial, or municipal, including building permits.

Should you have any questions, please do not hesitate to contact our office in Dartmouth at (902) 426-2726 or by facsimile transmission at (902) 426-7585.

Yours truly,



Norma O'Brien
NWP Applications Officer
Navigable Waters Protection
Canadian Coast Guard
Maritimes Region

cc: Department of Fisheries and Oceans – Habitat Management Division – Carol Sampson
NS Department of Natural Resources