



Fisheries and Oceans
Pêches et Océans

DPT. OF THE ENVIRONMENT

Fisheries and Oceans Canada
Habitat Management Division
215 Main Street
Yarmouth, NS
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APR 30 2003

YARMOUTH DISTRICT
OFFICE
YARMOUTH, N.S.

DFO File #: 03-W8-060

Apr 25, 2003

Nova Scotia Department of Environment and Labour
13 First Street
Yarmouth, NS
B5A 1S9

RE: Parker Mountain Aggregates Ltd-Quarry Development, Tiverton, Digby Co

This letter is to advise that the Department of Fisheries and Oceans has reviewed the plans for the above-noted proposal as requested and has concluded that the proposed work is not expected to result in the harmful alteration, disruption or destruction of fish habitat.

If the work is completed as proposed, including the additional mitigation measures, as specified below, an Authorization under Section 35(2) of the *Fisheries Act* will not be required. These measures include:

- 1) *Work should be carried out in accordance with NSDOE '97 Specifications with special attention to 'Erosion Protection', to avoid harmful impacts to any possible, down-slope fish habitat.*
- 2) *Any disturbed area should be immediately stabilized with suitable materials to prevent erosion and subsequent sediment deposition.*
- 3) *The proponent should ensure that all persons involved with the project are aware of the terms and conditions of the permit and will comply with them.*

If the proposed work is carried out as described in the plans provided to the Department of Fisheries and Oceans and if the additional mitigation measures specified above are implemented, the proposed work will not be considered as contravening Section 35(1) of the *Fisheries Act* which reads:

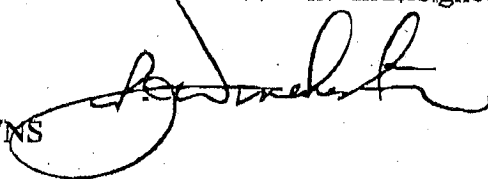
" No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat. "

Therefore, an authorization under section 35(2) of the *Fisheries Act* will not be necessary. If harmful alteration, disruption or destruction of fish habitat occurs as a result of a failure to implement work as proposed, a violation of Section 35(1) of the *Fisheries Act* may occur.

Please note that this letter of advice should not be taken to imply approval of the project in accordance with any other federal or provincial legislation.

If you have any questions concerning the mitigating measures or should there be any changes to the proposed work, please do not hesitate to contact the undersigned at (902) 742-0873.

Respectfully, P.J. Winchester
Area Habitat Coordinator-SWNS



copy: Conservation & Protection, Digby