

**Partnership For The Sustainable Development Of  
Digby Neck & Islands Society**

Mailin: Box 25, Sandy Cove, N.S. B0Y 1E0

Office: 27 Bay Shore Road, Sandy Cove, N.S.

May 13, 2004

MIN-055021

Rec'd - DCU - DOE

MAY 19 2004

Honourable Kerry Morash, Minister  
Nova Scotia Department of Environment & Labour  
3151 Terminal Road, 6<sup>th</sup> Floor  
P. O. Box 697  
Halifax, NS, B3J 2T8

Requ UCM MDE

Dear Minister Morash:

Re: Request for re-examination of our Application dated October 17, 2003, for an Investigation Pursuant to Section 115 of the Environment Act.

We received a response to our Application from Mr. Bob Petrie. The response is dated April 19, 2004; a copy is attached.

The response has concentrated on definitions of the terms "diversion ditch" and "temporary" siltation pond. It has not addressed our concerns regarding the progressive deterioration of the two structures: the ditch and the siltation pond. These concerns were identified in our Application on the page titled "Evidence Supporting the Allegations", a copy is attached.

As mentioned in Sec. 2.3 of the Handbook (for Erosion and Sedimentation Control), Fact Sheets "are general guidelines that, when combined with practical experience and technical training, can effectively aid engineers and other construction experts in project design and construction". The Handbook also states (in Sec. 2.2) that "conservation practices for erosion and sedimentation control should meet or exceed guidelines and specifications contained in this handbook".

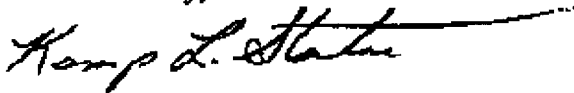
We wish to repeat our request for an investigation under Sec. 115 of the Act as follows:

1. Is the ditch that "collects drainage from the exposed hill/rock face" and brings it to the siltation pond performing its intended function? Was it designed by a soils engineer or a person having appropriate design experience? (If so, we would like to have a copy of the design.) What was the assumed life expectancy of the ditch? Is the condition of the ditch monitored and is the structure maintained?

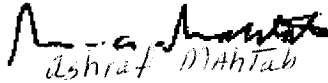
2. Was the siltation pond designed (and its construction supervised) by a soils engineer? (Also, in this case, we would appreciate a copy of the design.) Is the recommendation given on page 3 of Fact Sheet 2.10 followed: "After each rain inspect the basin for erosion damage or for the need for clearance"?

We look forward to receiving a report of investigation, on the integrity and functional suitability of the ditch and siltation pond structures, which is based on a site inspection by qualified personnel.

Yours sincerely,



Kemp L. Stanton, Chair  
Partnership for Sustainable Development of Digby Neck & Islands Society



M. Ashraf Mahtab, P.E.  
Member of the Board of Directors

cc: Honourable John Hamm, Premier of Nova Scotia  
Mr. Harold Theriault, Jr. MLA for Digby/Annapolis  
Ms. Joan Massey, MLA, Environment Critic, NDP  
Honourable Geoff Regan, Federal Minister of Fisheries and Oceans  
Honourable Robert Thibault, M.P.  
Honourable David Anderson, Minister of the Environment  
Mr. Peter Stoffer, M.P., NDP Fisheries Critic  
Mr. Bob Petrie, District Manager, NSDEL Yarmouth