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public correspondence

Minister of  
Fisheries and Oceans



Ministre des  
Pêches et des Océans

Ottawa, Ca

**MINISTER'S OFFICE**  
OCT 30 2002 R  
**ENVIRONMENT & LABOUR**

**NOVA SCOTIA**  
Environment and Labour  
Office of the Deputy Minister

Routing Slip

To: Geoff MacLellan  
Paul Hargreaves

- for your action
- for information
- please see me to discuss

- draft reply for Deputy's signature
- draft reply for Minister's signature

Comments:  
Canada - route plus to  
Amusles / Ross  
Thomas  
Wen

Ms. L. M.-A. Hubbert  
Senior Program Officer  
Canada Research Chairs Program  
350 Albert Street  
P.O. Box 1610, Station B  
Ottawa, Ontario  
K1P 6G4

Dear Ms. Hubbert:

Thank you for your e-mail of October 7, 2002, expressing your concern with the development of a proposed quarry in White's Cove, Digby County, Nova Scotia.

Let me first clarify the Department's role and involvement in this proposed rock quarry and potential plans for an associated deep-water terminal. Fisheries and Oceans Canada (DFO) administers the *Fisheries Act* and the *Navigable Waters Protection Act* (NWP). As such, DFO is responsible for the conservation and protection of fish and fish habitat, the sustainable utilization of fisheries resources and the maintenance of safe navigational waters.

On April 30, 2002, the proponent received provincial approval to operate the 3.9 hectare quarry. DFO received a copy of this proposal from the province, which is responsible for the permitting of land-based quarries. Upon review of the proposal, DFO concluded that there were no significant concerns with respect to the legislation administered by the Department. Notwithstanding this, it was determined that blasting on the proposed quarry lands would pose a minimal risk to marine mammals and DFO requested that a blasting design report be provided in advance of any blasting activities. The province agreed to include this as a condition in its approval. Recently, DFO commented on the blasting plan submitted to the province by the proponent. DFO advised the province and the proponent that the plan was deficient with respect to the mitigation of impacts to fish and fish habitat in the marine environment. It is my understanding that the proponent is revising the blasting plan for resubmission to the province and DFO.

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Several months ago DFO received an application for the construction of a deep-water shipping terminal; however, the proponent later advised that they intended to submit a revised proposal for said works. When the proponent does re-submit these plans, DFO will review them pursuant to the *Fisheries Act* and the *NWPA* for impacts to fish, fish habitat and navigation, and determine if formal authorization or approval is required under these Acts. Should authorization or approval be required, I assure you that an environmental assessment under the *Canadian Environmental Assessment Act* will be undertaken. In accordance with the environmental assessment process, environmental effects are assessed and the public is provided an opportunity to comment. As well, a public registry will be established to facilitate public access to records relating to the environmental assessment. During the assessment process, consideration is given to a variety of potential environmental effects, including impacts to the marine environment.

Due to the fact that no review or environmental assessment can be initiated without a full project proposal, a letter was sent to the proponent indicating that the file would be closed until a revised proposal is received. As of October 17, 2002, DFO has not received a revised proposal or blasting plans. Until we receive this information, DFO cannot determine what the effects might be on the environment.

Thank you for giving me an opportunity to clarify DFO's role in this proposed development.

Yours truly,



Robert G. Thibault

c.c.: The Honourable Gordon Balsler, M.L.A.  
The Honourable David Morse, M.L.A.