

Advice to Minister

Advice to Deputy

Environment and Labour **Briefing Note**

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**Nova Stone Exporters Inc. - White's Cove quarry  
Parker Mountain Aggregates- Tiverton quarry**

**Issue:**

- Approvals issued to Nova Stone & Parker Mountain Aggregates contain different conditions respecting blasting near marine environments.

**Key Message:**

- DFO was consulted during the review of both applications, however they did not request the same conditions be placed on the Tiverton quarry as were placed on the White's Cove quarry.

**Background:**

**White's Cove**

- In the spring of 2002 an application was received by the department for an approval to operate a 3.9 ha. quarry in White's Cove, Digby Neck, Digby County. The proposed quarry borders a portion of the Bay of Fundy shoreline.
- Early in the review process, concerns were expressed by engineering staff about the possible effects of blasting on marine mammals known to occur in the area. As a result, the application was copied to the DFO for comment.
- DFO recommended that conditions be placed in the approval requiring that blasting proceed in accordance with DFO Guidelines, and that a report be submitted which verifies that the blasting will not impact marine mammals in the area.
- Whereas blast concussion is an emission from a provincially regulated facility which could cause adverse effects in another jurisdiction (Bay of Fundy), it was believed to be appropriate to place these conditions in the approval.
- To satisfy these conditions Nova Stone made several submissions between Sept. 2003-January 2003. Blasting was proposed approx. 75 metres from the Bay of Fundy. These submissions failed to meet DFO's acceptance for various reasons.
- May 29, 2003 DFO informed Nova Stone that the blasting plans were likely to destroy fish contrary to Section 32 of the Fisheries Act. DFO also suggests the blasting may adversely affect marine mammals, and that endangered *Inner Bay of Fundy Atlantic Salmon* may be impacted. DFO also stated that since the Canadian Environmental Assessment Act (CEAA) had been triggered, they would not be able to issue an authorization under Sec 32.

### Tiverton

- In March 2003 the Department received an application from Parker Mountain Aggregates to operate a quarry at Tiverton, on Long Island, Digby Neck. They wished to supply rock for an upcoming federal public works contract at the Tiverton wharf.
- Due to the proximity and similarity to the White's Cove project, DEL staff contacted DFO and forwarded the application information to them for their review. At that time the need to apply a consistent approach was emphasized.
- On March 24, 2003 DFO contacted DEL and advised that there were no concerns with this project other than routine erosion and siltation concerns. This was followed up in writing.
- At it's closest, blasting at this site was proposed approx. 160 metres from the water.
- The approval was issued with standard conditions on March 24, 2003.

### Recommendation / Current Position:

- DFO is not currently able to comment further concerning the blasting as the project is now undergoing a Environmental Assessment (EA).
- Nova Stone's request for an amendment to remove the special conditions is not recommended for the following reasons:
  - The province is currently engaged in the same EA process, and permitting this amendment would jeopardize the cooperative nature of the process.
  - The original concerns outlined by DFO on this issue have not been satisfied, and have expanded beyond marine mammals to include an endangered population of salmon.

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