

e mailed to Barry July 11 @ 3pm.

[Advice to Minister]

Environment and Labour **Briefing Note**

**Nova Stone Exporters Inc., Quarry Approval
White's Cove, Digby County**

Issue:

- Operation of a quarry in White's Cove, Digby Neck, Digby County.

Key Message:

- An application for a 3.9 ha. quarry was received and approved subject to terms and conditions. Any proposed expansion beyond 4 ha. will require completion of the Environmental Assessment process.
- The project will be monitored for compliance with the approval.
- The proponent is communicating with the public via the Community Liaison Committee.

Background:

- In the spring of 2002 an application was received by the department for an approval to operate a 3.9 ha. quarry (blasting) in White's Cove, Digby Neck, Digby County. The proposed quarry borders a portion of the Bay of Fundy shoreline. The company plans to extract aggregate from the site and ship it to the U.S. via the Bay of Fundy.
- The approval is to construct and operate the 3.9 ha quarry. No approvals were given for wharf or dock facilities which require federal (DFO) approval.
- A segment of the community strongly opposes this project and several residents have organized a committee to oppose the project. Many letters have been received in opposition.
- The current 3.9 hectare approval requires the proponent to inform the community about the project and establish a Community Liaison Committee (CLC). This committee has been meeting regularly.
- In addition to standard quarry terms and conditions, a condition was placed on the project requiring the proponent to submit a report to DFO to ensure the blast will not have a harmful effect on marine mammals. This blasting plan was prepared by the proponent and submitted to DFO for comment in November 2002.
- On March 24, 2003, Nova Stone Exporters made application to DFO for the construction of a marine terminal in the Bay of Fundy and in doing so triggered the federal environmental assessment process.
- Both a provincial and federal EA are required for the proposed project. The EA Branch of DEL has been working since late 2002 with the federal agencies to coordinate the EA processes. The federal and provincial requirements of the EA process will be set out in a document which will then go to a public review. Stakeholders will have 30 days to review and respond to this document.
- In correspondence dated April 14, and May 29, 2003, DFO has stated the project is expected to result in the disruption or destruction of fish and fish habitat and may adversely affect marine mammals, therefore DFO has recommended the blasting not occur until this matter has been fully addressed.

Confirmed to EA - Cheryl Benjamin

- From mid April 2003 to mid July 2003 work at the quarry site consisted of clearing the rock face of vegetation and soil to expose the basalt. Currently there is no further activity at the site as the proponent is awaiting clearance to blast.
- On May 26, 2003, DEL and DFO staff responded to a report of siltation at the quarry site. DFO issued an Inspector's Direction to Nova Stone Exporters to address any siltation generated from the site and a memo to NS Dept. of Transportation and Public Works to address siltation generated from the White's Cove access road.
- The matter was attended to immediately by the proponent. DEL received a written report on the incident from the company and a site supervisor has been hired by Nova Stone who will be on site full time.
- During a follow-up inspection it was observed that the settlement pond was working and other siltation control measures continue to be in place.
- In March 2003, another application from a local construction company was received and approved for a small quarry near Tiverton, Long Island. The site is near a number of dwellings, all of whom have consented to the project. Due to differences in the nature and scope of the project, DFO has not required any special conditions regarding blasting. This project has proceeded with minimal complaints from the community. Nova Stone has disputed the issuance of this approval without similar conditions regarding blasting from DFO.

Recommendation / Current Position:

- Terms and conditions of the existing approval will be monitored for compliance.
- Ensure that the company is communicating openly and effectively via the CLC.
- The Department is working in coordination with the federal government on issues relating to the existing approval and the Environmental Assessment.

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