

2002-009-01944

MEMORANDUM FOR THE MINISTER

**PROPOSED ROCK QUARRY AND SHIPPING  
TERMINAL, WHITES COVE, DIGBY COUNTY, NOVA SCOTIA**

(Information Only)

**SUMMARY**

- There has been considerable media interest in a proposed 3.9-hectare stone quarry and associated deep-water terminal at Whites Cove, Digby County, Nova Scotia.
- The Nova Stone Exporters (proponent) have indicated that they will submit revised plans for the marine terminal aspects of the proposal this fall. When received, the Department of Fisheries and Oceans (DFO) will ensure that the requirements of the *Fisheries Act* and the *Navigable Waters Protection Act (NWPA)* are met. Following this, DFO will determine if an environmental assessment (EA) is required pursuant to the *Canadian Environmental Assessment Act (CEAA)*.

**Background**

- On February 6, 2002, the proponents applied to DFO- Navigable Waters Protection Program (DFO-NPP) to construct piers for the marine terminal. DFO-NPP forwarded the proposal to DFO-Habitat Management for review under the habitat protection provisions of the *Fisheries Act* and advised the proponent that revised plans and additional information would be necessary in order to proceed with the DFO review.
- On April 9, 2002, the proponent informed DFO that they would be submitting a revised proposal. On April 30, 2002, the proponent received provincial approval to operate a 3.9-hectare quarry at the site.

- DFO met with the proponents on July 25, 2002, to discuss DFO blasting guidelines that will apply to the marine and terrestrial phases of the proposal. Discussions also focused on the proponents' responsibilities pursuant to the *Fisheries Act* and the *NWPA* and the authorizations and approvals that may be required which would result in an EA of the proposal pursuant to *CEAA*. The proponent was also advised that for the purposes of the *CEAA*, the scope of the project may include the entire terrestrial and marine components, and increased marine traffic. The public will also be asked to participate in the review process should the *CEAA* be triggered.
- As of September 19, 2002, DFO has not received the revised plans or the additional information requested.

#### **Analysis / DFO Comment**

- Media attention has focused on effects to groundwater supplies and the community, as well as impacts associated with increased shipping activity on local whale species such as the endangered Right Whale, in the Bay of Fundy. Transport Canada would be the lead federal department on issues related to shipping lane alterations and DFO would focus on fish, fish habitat and navigation.
- The proponents have held two public meetings, and are forming a community liaison committee to understand public concerns, and have made the commitment that all information will be available to the committee and the public. DFO discussed with the proponents how public concerns should be considered in the EA process.
- When a revised proposal is received, DFO will determine if it requires formal approval under s. 5(1) of the *NWPA* or authorization under s. 35(2) of the *Fisheries Act*. Subsequently, the *CEAA* may be triggered if approval or authorization is required.
- Dependant upon the scope of activities associated with the construction and operation of the proposed quarry or the proposed deep-water marine terminal facility, the *CEAA* EA for the project may be a Comprehensive Study Review as described in the *CEAA*-Comprehensive Study Regulations.
- DFO has been proactive in meeting with the proponent to advise them of the review process and the information required pursuant to the *Fisheries Act*, the *NWPA* and the *CEAA*. This includes issues surrounding the scoping of the project and the consideration of public concerns for the purposes of the *CEAA*.

**Recommendation / Next Steps**

- The proponents expect to have a revised marine terminal proposal ready for submission in the fall of 2002, and are currently undertaking various studies to advance the EA. When the revised proposal is received, DFO will review it to ensure that the requirements under the *Fisheries Act* and *NWPA* are met and determine if the proposal must be reviewed pursuant to the *CEAA*.
- Opportunity for public comment will be provided during the EA process and a Public Registry will be established as per the requirements of the *CEAA*, should the *CEAA* apply.

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