

Mr. Ashraf Mahtab
270 Church Hill Rd.
Sandy Cove, NS
B0V 1E0

Dear Mr. Mahtab:

RE: Environmental Petition #178 for the Proposed Quarry and Marine Terminal at White's Point on Digby Neck, Nova Scotia

The Commissioner of the Environment and Sustainable Development has forwarded to Transport Canada your letter of October 20, 2006 as Petition #178 regarding the environmental assessment (EA) for the proposed Quarry & Marine Terminal at White's Point on Digby Neck, Nova Scotia (the Project).

Transport Canada has determined a *Navigable Waters Protection Act (NWPA)* approval would likely be required for the marine terminal portion of the Project. Fisheries and Oceans Canada (DFO) has also determined that the proposed construction of the marine terminal would likely cause a harmful alteration, disruption or destruction (HADD) to fish habitat. The application of these regulatory requirements triggered the need for an environmental assessment under the *Canadian Environmental Assessment Act (CEAA)*.

In June 2003, the Minister of Fisheries and Oceans recommended referral of the project to a review panel. On November 3, 2004, the then Minister of the Environment and the provincial Minister of Environment and Labour established a Joint Review Panel that would meet both the CEAA and provincial EA requirements for the Project.

Your petition has been reviewed in relation to Transport Canada's mandate. It is my understanding that other questions contained in your petition will be addressed, where applicable, by the appropriate federal department or are outside the federal government's mandate for the project.

Transport Canada has a responsibility to regulate the Project's associated transportation infrastructure, equipment and personnel in accordance with all applicable legislation and regulations within our mandate (e.g. Canada Shipping Act, Navigable Waters Protection Act (NWPA), and the Transportation of Dangerous Goods Act). The NWPA mandates particular requirements and mitigation to protect the public right of navigation in any navigable water within Canada. Pursuant to the NWPA, the Proponent submitted an NWPA application in January 2003. The NWPA process includes a requirement for the Proponent to advertise the Project in local newspapers and the Canada Gazette. The NWPA process also provides an opportunity for the navigating public to comment on Project components as they

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relate to navigation. In relation to this Project, Transport Canada has also completed a navigational impact assessment. The proponent shall be responsible to ensure that all terms and conditions of any NWPA Authorizations issued are adhered to.

The Bay of Fundy is a well-established and continuously monitored navigable waterway currently handling hundreds of vessel transits each year. It is anticipated that as a result of this project, the traffic in the area (Bay of Fundy) will increase by one vessel per week and that the impact on navigation, including small vessels, would be minimal.

Thank you for bringing your concerns to Transport Canada's attention. I trust that the foregoing has clarified Transport Canada's involvement in the project.

Yours truly,

The Honourable Lawrence Cannon, P.C., M.P.

c.c.: Ms. Johanne Gélinas, Commissioner of the Environment and Sustainable Development
The Honourable John Baird, Minister of the Environment
The Honourable Loyola Hearn, Minister of Fisheries and Oceans