

WP 97

R12#97

Zamora, Phil

From: Myra, Charlet
Sent: Thursday, May 22, 2003 1:57 PM
To: Zamora, Phil
Subject: FW: Water Lot

as requested

-----Original Message-----

From: Myra, Charlet
Sent: Tuesday, April 01, 2003 9:32 AM
To: 'McDonald, Derek [CEAA]'
Subject: RE: Water Lot

Hello Derek

The "waterlot" in question would NOT be Federal jurisdiction..it would be Provincial - you are correct. The fishermen's privilege is not a waterlot it is just a shoreline section of land that was granted to the locals a long time ago to dry nets and to have access to the water etc. If the province holds this project up because of land issues than we would be involved as well.

I spoke with Rod Fraser last week and he is in the process of conducting a search to see if the "fishermen's privilege" is still valid or if that piece of land was purchased by the current landowners the "Johnsons etc.". Upon receiving that information he will be able to give me more information regarding the waterlot and if the province has any other concerns.

We wouldn't normally be involved with this except it came up....the locals are digging up anything and everything they can to stop this from happening. We were notified, so now we have to deal with it.

NWP is concerned because we don't want to approve a structure in front of land that is not owned by the person doing the work (or leased in this case). If the fishermen's privilege is still valid....then we can address it but we need to know what we are dealing with first.

Hopefully I addressed your concerns....which I believe are related to "Federal Land" and not provincial and is therefore not a trigger.?

Charlet

-----Original Message-----

From: McDonald, Derek [CEAA] [mailto:Derek.McDonald@ceaa-acee.gc.ca]
Sent: Tuesday, April 01, 2003 9:00 AM
To: 'myrac@dfo-mpo.gc.ca'
Cc: 'Phil Zamora (E-mail)'
Subject: FW: Water Lot

Hello Charlet,

Phil suggested I follow up with you on the water lot question. He mentioned something called "fishermen's privilege" and said you might have more details. As you probably know, if a federal authority transfers lands for a project, that is a trigger under CEAA to conduct an EA.

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When I looked into this question I contacted both Transport Canada (Don McMahon 426.6739) and NSDNR (Rod Fraser 424.8610). They both told me that unless submerged lands are specifically administered by a federal entity such as SCH or TC, they are provincially held. According to Rod, this definitely applies out to the 3 mile mark, and possibly further. Based on this, and the response from TC that they do not administer the lands in question, I'm 99% confident that there is no federal water lot involved. Consequently, I advised DFO to proceed with the FCR.

Does the fishermen's privilege equate to a water lot? If so, who administers the lands? Is a lease or other transaction required in order for the project to occur?

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