

# Response to Panel Report on Whites Point Quarry and Marine Terminal

November 13th, 2007



Environment and Labour

  
NOVA SCOTIA

# Project Summary

- Bilcon of Nova Scotia Corporation proposed a quarry on a 152 hectare site located on Digby Neck
- Company planned to produce approximately 2 million tonnes of aggregate annually for 50 years
- Proposal included a processing facility and marine terminal on-site
- All aggregate would be shipped to New Jersey, no provision for local markets

# The Process

- Bilcon's proposal triggered NS *Environmental Assessment Regulations* and federal *Canadian Environmental Assessment Act*
- Federal/Provincial Panel review process initiated (November 2004)
- Bilcon submitted Environmental Impact Statement (April 2006)
- Public Hearings held in Digby (June 2007)
- Panel report and recommendations released to the public (October 2007)
- Significant demand for government response in advance of, and since, release of panel report

# Panel Recommendations

- Minister of Environment and Labour makes Environmental Assessment decision on WPQ
- Four policy recommendations for Nova Scotia Government (*outside scope of Terms of Reference*)
- Two policy recommendations for Federal Government (*outside scope of Terms of Reference*)

**R1 - Panel recommends that the Minister of E&L reject the proposal made by Bilcon of NS to create Whites Point Quarry and Marine Terminal and recommends to the Government of Canada that the Project is likely to cause significant adverse environmental effects that cannot be justified in the circumstances.**

#### Panel Rationale

- Project poses risk to groundwater regimes, sensitive species such as right whale and rare plants, and on-site wetlands
- Proponent did not demonstrate economic viability or technical feasibility of the project
- Potential to negatively impact other local industries (ie. fishing, tourism)
- Inconsistent with government policies and principles related to sustainability at the local, provincial and national level
- Significant risk that the project would have a negative effect on local communities that could not be offset by the economic contribution of the project

# R1 – Ministerial Decision

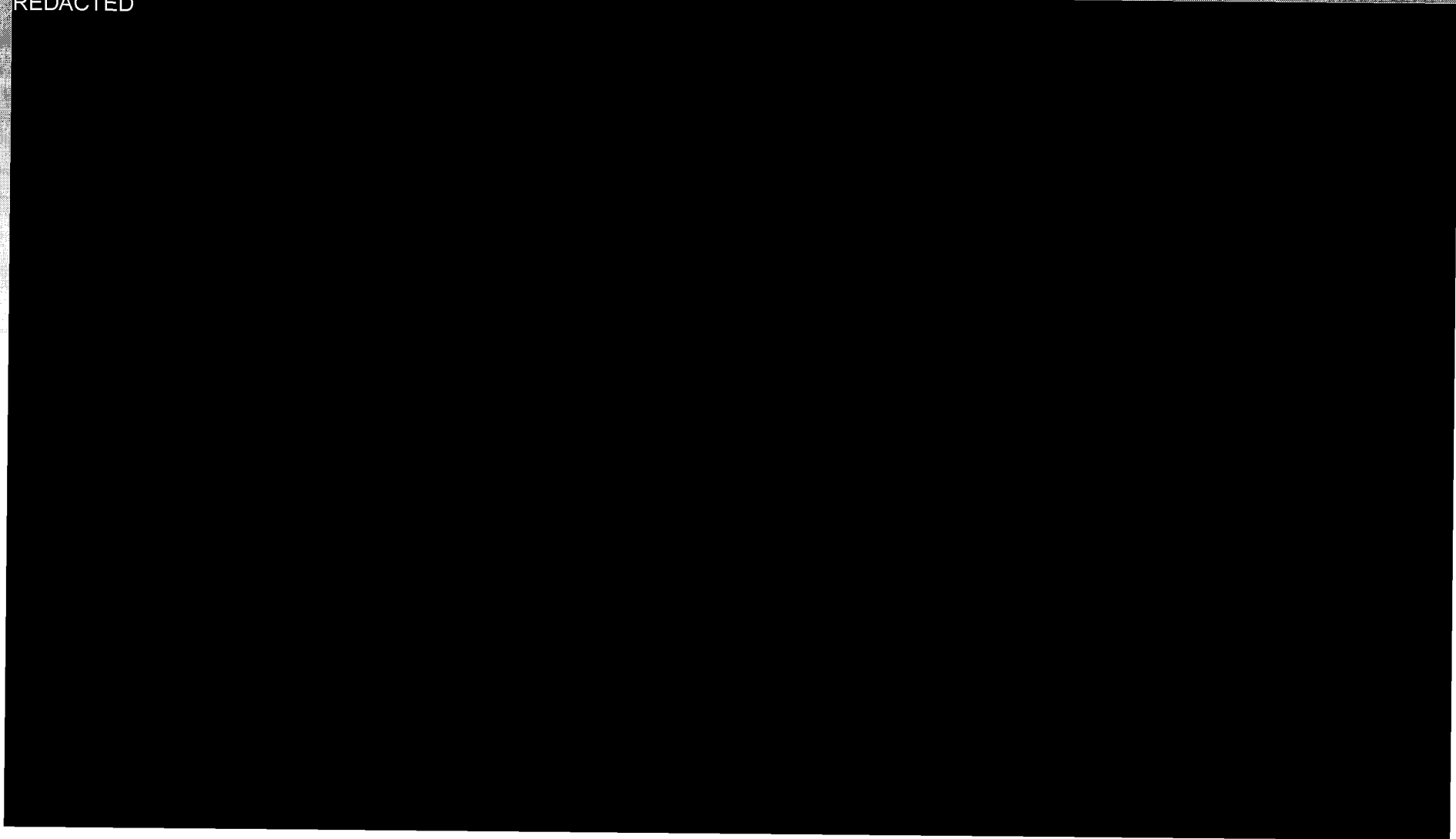
- Minister must respond to panel he established through EA process
  - Panel recommendation unequivocal to reject the project
- First Nations Consultation led by Office of Aboriginal Affairs
  - First Nation advice is that the project will impact aboriginal rights
- Application of “green filter” supports rejection of the project
- Ministers decision is to accept the panel recommendation and reject the project
- Federal Ministers of Fisheries and Oceans and Transport Canada are also required to make a decision
  - Indication is that they will also reject the project

## **R2 – Panel recommends that the Province of NS develop and implement a comprehensive coastal zone management policy or plan for the Province**

### Panel Rationale

- During the panel hearings interveners repeatedly identified Nova Scotia's lack of a coastal zone management policy as the major impediment to effective coastal planning
- Panel felt that a policy or plan would facilitate decision making for major development projects along the coast

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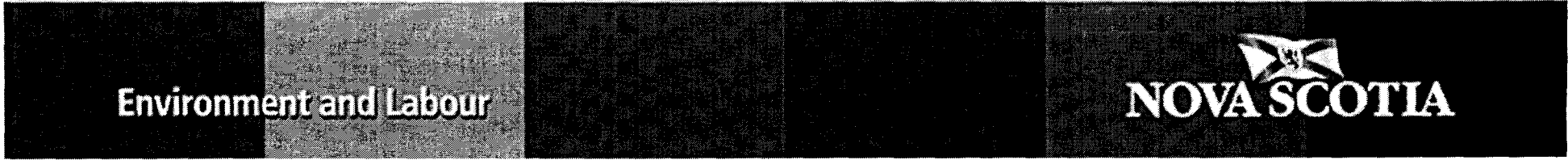




**R3 – Panel recommends a moratorium on new approvals for development along North Mountain until the Province of Nova Scotia has thoroughly reviewed this type of initiative within the context of a comprehensive provincial coastal zone management policy and established appropriate guidelines to facilitate decision-making.**

### Panel Rationale

- Coastal quarries can potentially impact recreational activities, tourism, shipping, large marine mammals, the commercial fishing industry and local tourism
- Panel concluded that NS lacks guidelines for evaluating proposals for coastal quarries
- Moratorium would stop development until such guidelines could be produced in the context of a coastal strategy



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## **R4 – Panel recommends that the Province of Nova Scotia develop and implement more effective mechanisms than those currently in place for consultation with local governments, communities and proponents in considering applications for quarry developments**

### Panel Rationale

- Given local government's responsibility for land use planning, the panel felt they should be given opportunity for greater input into provincial decisions regarding location of quarries
- Recommendation reflects the need for improved land use planning tools to be applied when establishing quarries
  - EA process does not address land use planning concerns

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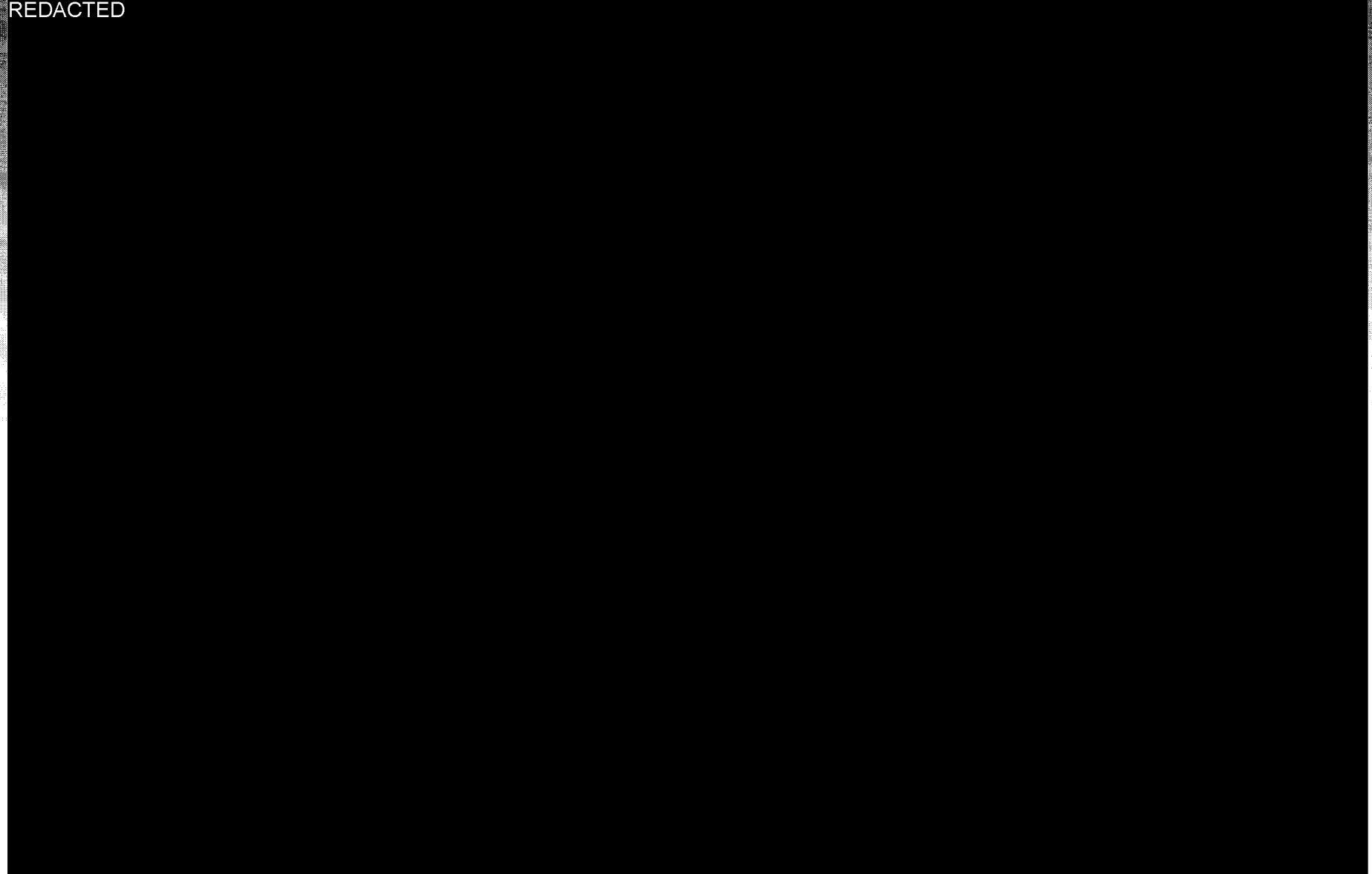


# **R5 – Panel recommends that the Province of Nova Scotia modify its regulations to require an environmental assessment of quarry projects of any size**

## Panel Rationale

- The panel concluded that Quarries of any size have major environmental effects
- Currently, only quarries over 4 hectares are subject to Environmental Assessment
- This has led to “quarry creep”, the incremental expansion of small quarries to larger ones
- Requiring all quarries to conduct an environmental assessment would eliminate this problem and ensure adequate consideration of all proposed quarries

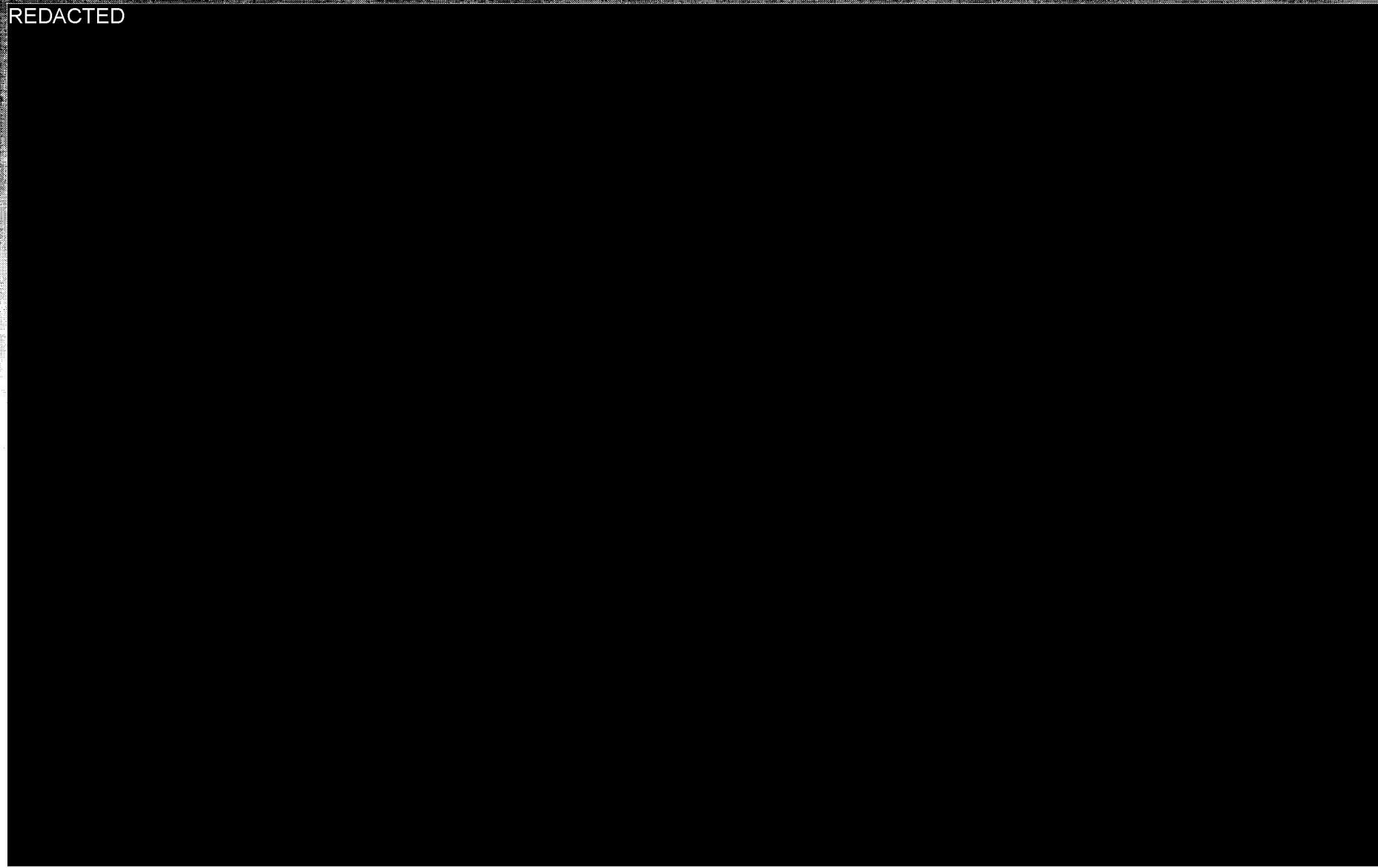
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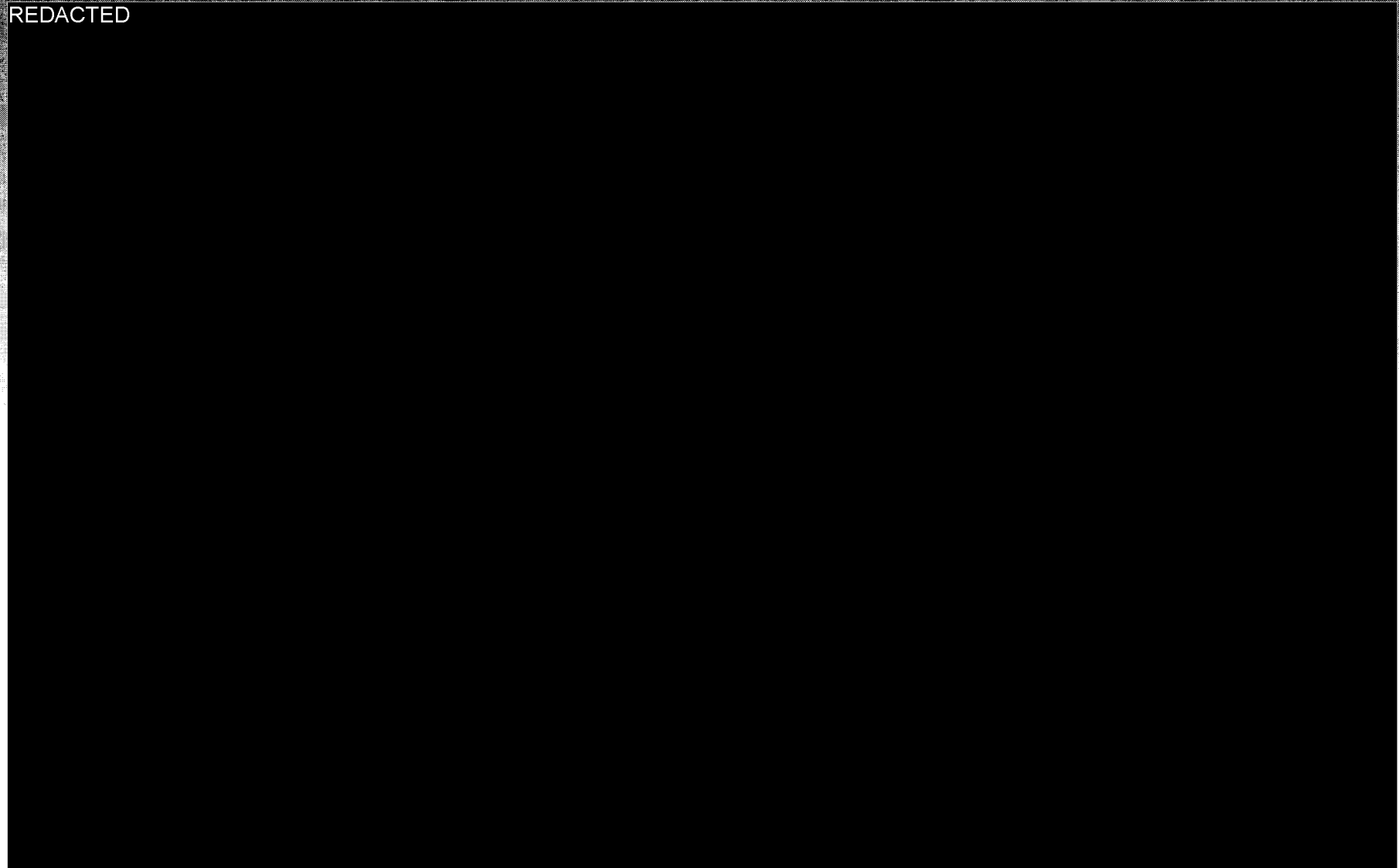


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# Questions?

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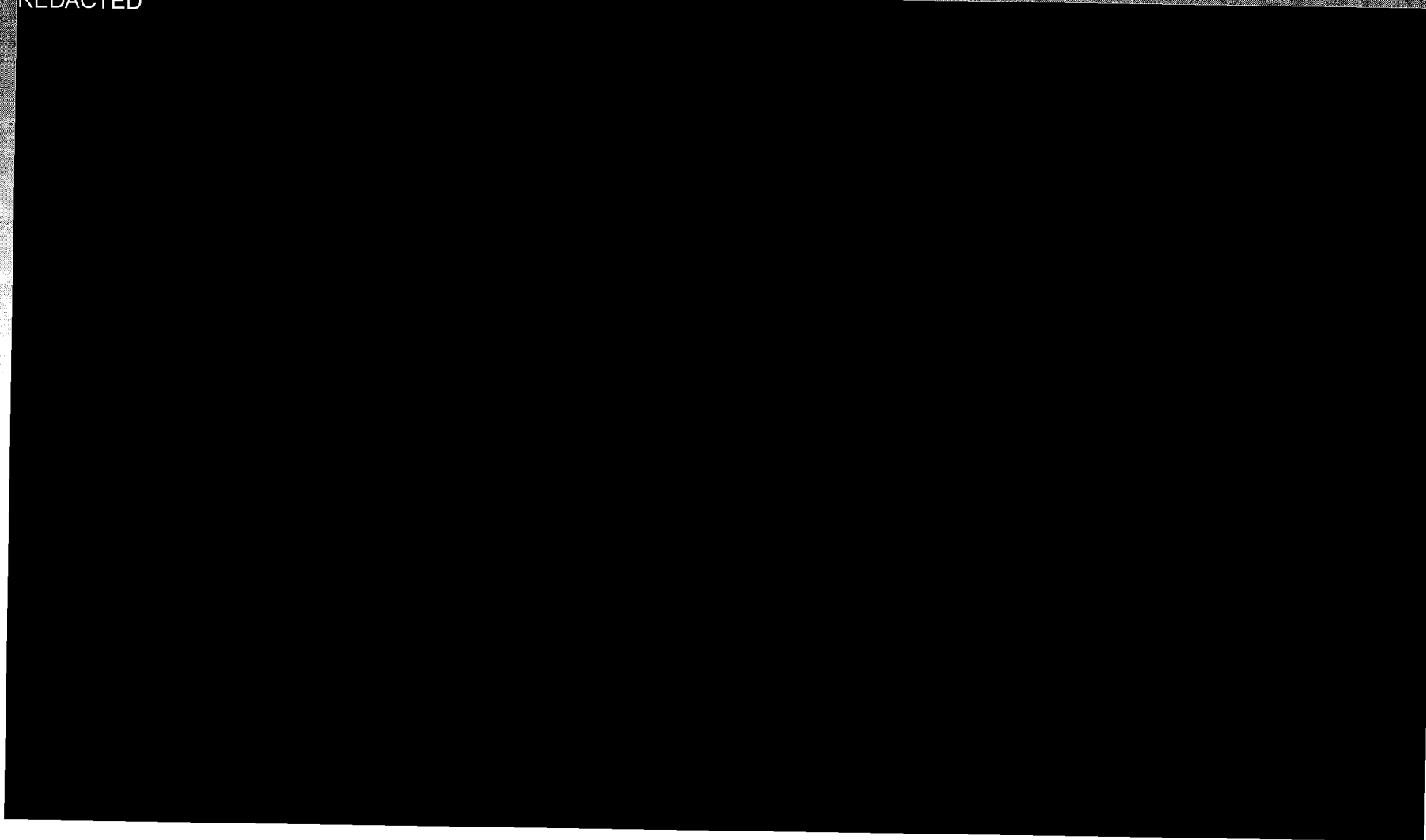
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