

## Hood, Bruce

**From:** Wood, Laurie  
**Sent:** April 24, 2003 9:41 AM  
**To:** Rotondo, Claudette  
**Cc:** Hood, Bruce  
**Subject:** Tiverton- Parker Mountain Aggregates  
**Attachments:** BRIEFING NOTE-DEPUTY MINISTER-Apr16-03.doc

As promised (3 times!!!)

Laurie L. Wood  
Senior Habitat Biologist, Biologiste principale  
Habitat Operations, Opérations de l'habitat  
613-991-0317 | facsimile / télécopieur 613-993-7493  
[WoodL@dfo-mpo.gc.ca](mailto:WoodL@dfo-mpo.gc.ca)  
Fisheries and Oceans Canada | 200 Kent St. Ottawa, ON K1A 0E6  
Pêches et Océans Canada | 200, rue Kent Ottawa, ON K1A 0E6  
Government of Canada | Gouvernement du Canada

~ ~ ~ ~ ~  
><(((°> ><(((°>  
><(((°> ><(((°>  
><(((°> ><(((°> ><(((°>

2003-005-00226

BRIEFING NOTE FOR THE MINISTER

WHARF REPAIRS AT TIVERTON, DIGBY COUNTY, NOVA SCOTIA

(Information Only)

**SUMMARY**

- The Department of Fisheries and Oceans, Small Craft Harbours Branch (DFO, SCH), Maritimes Region, applied for an authorization under Ss. 35(2) of the *Fisheries Act* to infill below the low water mark as part of a wharf repair project at Tiverton, Nova Scotia. The initial project proposal stated that the aggregate for the wharf was being supplied by “existing approved quarries”.
- DFO Habitat Management (HM) assessed the project proposal and determined that the work would result in a harmful alternation, disruption or destruction of fish habitat. Therefore, an environmental assessment (EA) was required pursuant to the *Canadian Environmental Assessment Act (CEAA)*. A *CEAA* screening was completed and it was determined that the project was not likely to result in significant adverse environmental effects. SCH was issued a *Fisheries Act* authorization on February 5, 2003.
- The proponent (Mr. Mark Lowe), of the proposed White’s Point (Digby) quarry contacted regional DFO-HM and further met with you on April 4, 2003, to inquire about an apparent difference in project scoping between his proposal for marine terminal construction and associated quarry operation, and the Tiverton wharf repair project.

Background

- In the original project proposal, SCH committed to use an “existing approved quarry” as a source of rock for the infill. However, later in the process DFO was informed that this source of rock material was no longer available.

A0396102\_2-000060

C0731-002

- 2 -

- On March 3, 2003, Parker Mountain Aggregates filed an application with the Nova Scotia Department of the Environment and Labour (NSDEL) for a permit to operate a new quarry at Tiverton, Nova Scotia. The proposed quarry would provide rock for the SCH wharf repairs. The quarry was approved by NSDEL on March 24, 2003.
- The Canadian Environmental Assessment Agency (Halifax) advised DFO that the change in the source of rock materials may constitute a significant change in the project from that which had originally been proposed, if the Tiverton quarry was being permitted to service the wharf repair project.
- DFO-HM Maritimes region issued a letter to SCH on March 27, 2003, requesting further information on the new quarry to assess whether the project had changed significantly from what was evaluated in the *CEAA* screening report. It was determined that the Tiverton quarry was independently owned, and would also be supplying aggregate materials for other projects in the area.
- The Parker Mountain Aggregates proposal was reviewed by DFO-HM for potential adverse effects to fish and fish habitat due to blasting activities. It was determined that there were no concerns with respect to fisheries resources. This conclusion was verbally communicated to NSDEL.
- On March 26, 2003, ██████████ of Nova Stone contacted DFO to express his concern with the development of a quarry at Tiverton. He was concerned that there were potential inconsistencies with the application of *CEAA* between his proposal and the Parker Mountain quarry.
- ██████████ of Nova Stone, suggested that, because DFO had not included the Parker Mountain Aggregates quarry in the project scope of the Tiverton wharf repair, the White's Cove quarry should also be excluded from the marine terminal assessment to be consistent in our rationale.

s.19(1)

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

- Based on the secondary assessment of the Tiverton quarry operation, DFO determined that the project had essentially remained unchanged and therefore, no further assessment under *CEAA* was required.
- The Nova Stone project is significantly different from the Tiverton wharf repair project for the following reasons:

- 3 -

- The marine terminal and the quarry operation are inextricably linked; the marine terminal is being constructed to transport aggregate materials solely from the White Cove quarry. In other words, the quarry couldn't operate without the marine terminal and vice versa.
- The effects of the quarry and associated blasting activities on local fisheries resources have not yet been determined.
- It is DFO's position that we are consistent in our decision-making with respect to project scoping for these two proposals.
- The *Fisheries Act* authorization has already been issued for the SCH wharf repairs, therefore, in the absence of any unforeseen difficulties during construction or follow-up, DFO is confident that the department has met its responsibilities and obligations under the *Fisheries Act* and *CEAA*.

**Recommendation / Next Steps**

- A letter is currently being drafted to inform SCH that, based on current information, it is HM's opinion that no further assessment under *CEAA* is required.

L. Wood (991-0317)/R. Nadeau/P. Cuillerier/S. Kirby/cjr