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2003-005-00250

BRIEFING NOTE FOR THE DEPUTY MINISTER

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

(Information Only)

SUMMARY

- There has been considerable media and public interest in a provincially approved 3.9-hectare stone quarry site and associated deep-water marine shipping terminal proposed by Nova Stone Exporters (proponent) at Whites Cove, Digby County, Nova Scotia.
- The Department of Fisheries and Oceans (DFO) has determined that the quarry and marine terminal will require a Comprehensive Study level environmental assessment (EA) pursuant to the *Canadian Environmental Assessment Act (CEAA)*.
- DFO, the lead Responsible Authority (RA) for the EA and other RA's are in the process of harmonizing the assessment with the province.

Background

- On February 6, 2002, the proponent applied to DFO to construct piers for a marine shipping terminal. DFO advised the proponent of its responsibilities pursuant to the *Fisheries Act* and *Navigable Waters Protection Act*, and the authorizations and approvals that may be required, which would result in a *CEAA* assessment. The proponent was also advised that the plan required further information.
- On April 30, 2002, the proponent received provincial approval to operate a 3.9-hectare quarry. DFO reviewed the proponent's blasting plan for the quarry and requested additional information to evaluate potential impacts on marine resources. DFO received the revised plan on November 20, 2002, and following its review, asked the proponent for further information. This information has yet to be provided.

- On January 6, 2003, DFO, the proponent and representatives of the Canadian Environmental Assessment Agency (CEA - Agency) and the Nova Scotia Department of Environment and Labour (NSDEL) had preliminary discussions about an EA, and the possibility of co-ordinating the federal and provincial reviews.
- On January 8, 2003, the proponent submitted an application to DFO – Navigable Waters Protection (DFO-NWP) for the marine terminal.
- On February 17, 2003, DFO - NWP advised the proponent that the terminal will require an approval under ss. 5(1) of the *Navigable Waters Protection Act*. This requirement triggers an EA under *CEAA*.
- On March 24, 2003, DFO received the project description for the project, consisting of quarry and terminal.
- On March 31, 2003, DFO met with the CEA Agency, NSDEL and other potential RA's. It was agreed that a joint federal-provincial EA process will occur and an agreement or Memorandum of Understanding (MOU) will be signed between all parties involved in the EA. NSDEL is drafting the agreement.

Analysis / DFO Comment

- Considerable media and public attention have focused on this project and its potential impacts on aesthetics, fisheries and marine mammals including the endangered right whale.
- The requirement for DFO approval under ss. 5(1) of the *Navigable Waters Protection Act* and authorizations under the *Fisheries Act* ss. 35(2) and possibly s. 32 will trigger a *CEAA* assessment. The size of shipping terminal will necessitate a Comprehensive Study, pursuant to the *CEAA* - Comprehensive Study List ss. 28(c). DFO will be lead RA for the assessment.
- The Minister's Office continues to enquire about the status of the review and requests that they be kept current with any progress being made.

Recommendation / Next Steps

- DFO recognizes the high level of public concern over the potential environmental and social effects of this project and will carefully consider this in its review. The EA process will solicit public comments on the signed agreement or MOU, a Draft Scoping Document, and a Draft Comprehensive Study Report.

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- DFO has temporarily suspended its review of the blasting plan for the quarry, since *CEAA* ss. 5(1)(d) prohibits a federal authority from taking any action for the purpose of enabling the project to be carried out in whole or in part, prior to the completion of a *CEAA* assessment.

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