



Habitat Management Division
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March 26, 2003

Gary Hubbard
Area Chief
Fisheries and Oceans Canada, Small Craft Harbours
215 Main Street
Yarmouth, NS
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Your file / Votre référence

Our file / Notre référence

02-SCH-355

(E)

Dear Mr. Hubbard:

RE: Proposed Wharf Repair and Infilling at Tiverton, Digby County, Nova Scotia

Fisheries and Oceans Canada - Habitat Management Division (DFO-HMD) has recently been advised that armourstone for the wharf repairs at Tiverton, Digby County, Nova Scotia will be obtained from a new quarry. As part of the requirements for an environmental assessment of the project under the *Canadian Environmental Assessment Act* (CEAA), a document entitled "Small Craft Harbours Branch, Maritimes Region, Environmental Screening for Wharf Repairs at Tiverton, Digby County, Nova Scotia, Project 307381", dated January 27, 2003 was prepared. In this document, regarding Issue B7: "On-shore excavation and land fill", it was stated that "clean rock fill will be obtained from existing approved quarries". Due to the fact that rock is not being obtained from an existing quarry, but rather from a new quarry for which a permit was issued on March 24, 2003, this constitutes a significant change in the project from the time the assessment was conducted.

The *Canadian Environmental Assessment Act* states:

24 (1)

"Where a proponent proposes to carry out, in whole or in part, a project for which an environmental assessment was previously conducted and
(b) in the case of a project that is in relation to a physical work, the proponent proposes an undertaking in relation to that work different from that proposed when the assessment was conducted, the responsible authority shall use that assessment and the report thereon to whatever extent is appropriate for the purpose of complying with section 18 or 21."



24 (2)

“Where a responsible authority uses an environmental assessment and the report thereon pursuant to subsection (1), the responsible authority shall ensure that any adjustments are made to the report that are necessary to take into account any significant changes in the environment and in the circumstances of the project and any significant new information relating to the environmental effects of the project.”

18 (2)

“Any available information may be used in conducting the screening of a project, but where a responsible authority is of the opinion that the information available is not adequate to enable it to take a course of action pursuant to subsection 20(1), it shall ensure that any studies and information that it considers necessary for that purpose are undertaken or collected.”

To comply with the regulations of the CEAA, and because of changes to the project, we require additional information regarding the new quarry. The environmental assessment of the project will not be completed until the quarry has been scoped into the environmental assessment of the project and all the potential environmental effects associated with this component of the project have been addressed.

It should be noted that any approvals issued under the *Fisheries Act* or the *Navigable Waters Protection Act* require a completed environmental assessment under the CEAA.

Please contact me at (902) 426-3576 to discuss the information requirements for this additional component of your project.

Yours sincerely,



Andrew Stewart, M.Sc.
Habitat Assessment Biologist
Maritimes Region

cc: P. Winchester
M. Donovan
C&P Supervisor (Dartmouth)
B. Petrie
I. Sceles