

From: "Wheaton, Thomas" <WheatonT@mar.dfo-mpo.gc.ca>
To: "stonepa@gov.ns.ca" <stonepa@gov.ns.ca>
Date: 5/28/03 12:10PM
Subject: Access Road into Whites Cove Quarry - Potential Violation Under the Fisheries Act

Paul:

I am sending this email to acknowledge that we discussed (over the telephone a few minutes ago) the Potential Fisheries Violation caused through sediment input into the bay at Whites Cove from the access road. This road is on land owned by the Province and as such the Province of Nova Scotia is responsible for any environmental concerns. You stated your willingness to voluntarily correct this situation as soon as possible (i.e. have your crews on-site to-day). As discussed, I will FAX you some suggestions for alleviating the problem, however, the Province is ultimately responsible for ensuring that the measures that are taken are adequate and that sediment (which is defined as a deleterious substance) does not enter into waters frequented by fish (in contravention of Section 36(3) of the Fisheries Act). DFO appreciates the Province's willingness to voluntarily carry out remedial measures. However, we are prepared to issue an Inspector's Direction to ensure that measures are carried out if the work is not done in a timely or effective manner. Additionally, carrying out remedial measures does not in any way preclude the possibility of prosecution under the Fisheries Act.

If you have any questions or wish to discuss this further, please do not hesitate to contact me .

Thomas J. Wheaton
Habitat Management Officer
Southwest Nova Scotia
Office: 902-527-5596
Cell: 902-521-1417
Email: wheatont@mar.dfo-mpo.gc.ca

CC: "Millar, Harvey" <MillarH@mar.dfo-mpo.gc.ca>, "Surette, Tim" <SuretteT@MAR.DFO-MPO.GC.CA>, "Little, Terrie" <LittleT@dfo-mpo.gc.ca>, "Boudreau, Paul R" <BoudreauPR@mar.dfo-mpo.gc.ca>