

BRIEFING NOTE FOR NEIL A. BELLEFONTAINE

**UPDATE TO AUGUST 13, 2002 ON THE PROPOSED
DEEP WATER PIERS WHITES COVE, DIGBY COUNTY, NOVA SCOTIA**

(Information Only)

SUMMARY

- There has been considerable media interest in a proposed deep water terminal at Whites Cove, Digby County, Nova Scotia.
- Habitat Management and others from Fisheries and Oceans Canada met with the proponents on July 25, 2002 to discuss blasting guidelines specifically and the proposed project in general.
- The proponents have indicated they will be submitting a revised proposal, probably within two months.

Background

- This is an update to the Briefing Note of May 14, 2002 which is attached.
- Representatives from Habitat Management, Navigable Waters Protection Program, Marine and Environmental Science and the Area Director's Office met with the proponent on July 25, 2002 to discuss the specific requirements of the blasting guidelines and the proposed project in general.
- The main discussion on blasting focused on the proponents' responsibilities to protect fish and fish habitat and what authorizations they should consider under the *Fisheries Act*.
- They were informed that the blasting guidelines applied to both the terrestrial and the marine phases of the project and extended to both freshwater and marine species.
- With respect to the marine phase of the project, discussions focused on the proponent's responsibilities under the *Fisheries Act* and the *Canadian Environmental Assessment Act*.

- We indicated that the project scope would likely include the entire terrestrial and marine components, increased marine traffic, marine mammals, public participation, etc.
- The proponents were also informed that there was a possibility that the project could be a Comprehensive Study if Section 18(i) of the Comprehensive Study List applied. This is a requirement to conduct a Comprehensive Study if an expansion is more than 35% of a stone quarry with a production capacity of 1,000,000 t/a or more. The proponents have already applied to operate a small quarry at the site.
- The proponents expect to have a project ready for submission in about two months. They are currently undertaking various studies to advance the environmental assessment.
- The proponents have held two public meetings and are forming a community liaison committee to understand public concerns. They made the commitment to us that no information will be withheld from the committee and it will also be available to the public. We discussed how public concerns should be considered in the environmental assessment.

Analysis / DFO Comment

- As a result of the July 25 meeting, DFO is of the understanding that the proponents fully understand their responsibilities with respect to the *Fisheries Act* as it applies to blasting and the project in general, the implications of the environmental assessment process including the scoping aspects, and the requirement to adequately consider public concerns.
- Although the proponent is undertaking engineering and environmental studies in the area they do not yet have a final design of the marine terminal.

Recommendation / Next Steps

- DFO does not have a revised proposal from the proponents. When one is received, DFO will determine if the proposal must be reviewed under the *Canadian Environmental Assessment Act*.
- The opportunity for public comment will be provided through the usual channels through the environmental assessment process and under the Public Registry established in such cases.

Jim Ross/Paul Boudreau/Faith Scattolon