



2002-009-01944

OCT 09 2002

MEMORANDUM FOR THE MINISTER

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

(Information only)

**SUMMARY**

- There has been considerable media interest in a proposed 3.9-hectare stone quarry and associated deep-water terminal at Whites Cove, Nova Scotia.
- The Nova Stone Exporters (proponent) have indicated that they will submit revised plans for the marine terminal aspects of the proposal this fall. When received, Fisheries and Oceans Canada (DFO) will ensure that the requirements of the *Fisheries Act* and the *Navigable Waters Protection Act* (NWPA) are met. Following this, DFO will determine if an environmental assessment (EA) is required pursuant to the *Canadian Environmental Assessment Act* (CEAA).
- DFO recently commented on the preliminary blasting plan, which the department found to be deficient. The proponent is currently revising it.

**Background**

- On February 6, 2002, the proponents applied to DFO-Navigable Waters Protection Program (DFO-NPP) to construct a marine terminal. DFO-Habitat Management reviewed the proposal under the habitat protection provisions of the *Fisheries Act*, and determined that a revised plan with additional information would be necessary.
- On April 9, 2002, the proponent informed DFO that they would be submitting a revised proposal. On April 30, 2002, the proponent received provincial approval to operate a 3.9-hectare quarry at the site.

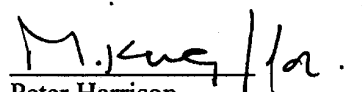
- DFO met with the proponent on July 25, 2002, to discuss DFO blasting guidelines that will apply to all phases of the proposal. DFO also advised the proponent of their responsibilities pursuant to the *Fisheries Act* and the *NWPA*, which may result in an EA of the proposal pursuant to *CEAA*. For the purposes of *CEAA*, DFO advised that the scope of the project may include the entire terrestrial and marine components as well as increased marine traffic. Public participation would also be required.
- DFO recently received the preliminary blasting plans for the terrestrial aspects of this proposal. DFO advised the proponent that the plans were deficient with respect to mitigating impacts to fish and fish habitat, particularly in the marine environment. The proponent is currently revising and enhancing the blasting plan.
- As of October 5, 2002, DFO has not received the revised plans for the quarry and blasting or the additional information requested in February.

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

- Media attention has focused on effects to groundwater supplies and impacts to local whale species such as the endangered Right Whale which may occur as a result of increased shipping activity. Transport Canada would be the lead federal department on issues related to shipping lane alterations and DFO would focus on matters relating to fish, fish habitat and navigation.
- The proponents have held public meetings and are forming a community liaison committee. DFO discussed with the proponents how public concerns should be considered in the EA process.
- DFO is awaiting the revised land-based blasting plan. Upon receipt, departmental staff will evaluate its effectiveness at mitigating impacts to fish and fish habitat, particularly in regard to the marine environment.
- When a revised proposal for the marine terminal is received, DFO will determine if it requires formal approval under s. 5(1) of the *NWPA* or authorization under s. 35(2) of the *Fisheries Act*. The *CEAA* will be triggered if approval or authorization is required.
- Dependant upon the scope of activities associated with the construction and operation of the proposed quarry or the proposed deep-water marine terminal facility, the *CEAA* EA for the project may be a Comprehensive Study Review as described in *CEAA-Comprehensive Study Regulations*.
- DFO has been proactive in meeting with the proponent to advise them of the review process and the information required. This includes issues surrounding the scope of the project and the consideration of public concerns for the purposes of the *CEAA*.

**Recommendation / Next Steps**

- The proponent is expected to have a revised marine terminal proposal for submission in the Fall of 2002. Upon receipt, DFO will review it to ensure that the requirements of the *Fisheries Act* and *NWPA* are met and determine whether the *CEAA* applies.
- Opportunity for public comment will be provided during the EA process, and a Public Registry will be established as per the requirements of the *CEAA*, should the *CEAA* apply.

  
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