

## Comment Index

### Seabrook Quarry Expansion Project-ADDENDUM

Publication Date: 9 May 2025

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Date: April 7, 2025

To: Anthony Heggelin, Environmental Assessment Officer

From: Paul Jones, District Manager, Yarmouth

Subject: **Addendum - Seabrook Quarry Expansion Project, Digby County, Nova Scotia**

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**Scope of review:**

This review focuses on the following mandate: Environment ACT : Industrial Approval, Water Watercourse Alteration and Wetland Alteration

**List of Documents Reviewed:**

Environmental Assessment Addendum, Seabrook Quarry Expansion Project, March 13, 2025.

**Details of Technical Review:**

The Addendum has not addressed potential impacts of dewatering on wetlands outside the property boundary.

**Key Considerations:**

The addition of wetland monitoring outside the property boundaries.

Date: April 10, 2025

To: Anthony Heggelin

From: Lesley O'Brien-Latham, Executive Director, Policy and Strategic Advisory Services

Subject: Seabrook Quarry Expansion Project, Digby County Addendum

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**Scope of review:**

The scope of this review follows the Department of Fisheries and Aquaculture's legislated mandate to develop, promote and support fishing, aquaculture, seafood processing and sportfishing in Nova Scotia.

**List of Documents Reviewed:**

- Environmental Assessment Addendum - Seabrook Quarry Expansion Project

**Details of Technical Review:**Aquaculture:

There is 1 rockweed lease and 16 aquaculture sites within 25km of the proposed project. Of these, 11 are marine shellfish sites, 4 are marine finfish sites, and 1 is a land-based aquaculture facility.

The addendum states that dewatering the expanded quarry will occur. The applicant evaluated the impact of the Project on the surrounding groundwater table and found that calculations indicate the impact to groundwater levels will be limited to less than 79 metres (m) from the limit of the quarry. Risks to aquaculture sites and the rockweed harvesting industry from impacts to the water table need to be monitored appropriately. The nearest domestic water supply well is located approximately 1 kilometre (km) south of the Project, so operations are not expected to impact domestic water supply wells. As such, there are no anticipated risks to the nearby land-based aquaculture facility.

Marine Fisheries:

The expansion of the Seabrook Quarry is anticipated to cause a maximum increase of 0.003% (0.08kg/t) sulphuric acid to nearby watercourses. These drain into St. Mary's Bay, where multiple commercial fisheries take place. However, the increased sulphuric acid levels would be below thresholds outlined in s. 5 of the *Sulphide Bearing Material Disposal Regulations* and would thus have minimal effect on commercially harvested species.

Regarding socio-economic effects, the nearest commercial fish processing plant is 5km away from the proposed site expansion, and is not adjacent to the affected watercourses, so it is unlikely that there will be an adverse impact on buyer-processors. Similarly, the nearest commercial wharf is 6.5km away and is also not adjacent to any affected watercourses, so it is unlikely that there will be an adverse impact on harvesters.

#### Inland Fisheries:

The key risks to watercourses adjacent to the project are the alteration of flow dynamics in (more water due to runoff, less water due to shifts in groundwater).

Proponent identified potential shifts in water balance in nearby watercourses; however, based on Fisheries and Oceans Canada guidelines, the addendum determined these changes to watercourses would be in a low-risk category to fish.

#### **Key Considerations: (provide in non-technical language)**

Risks to aquaculture sites and the rockweed harvesting industry from impacts to the water table need to be monitored appropriately. The proponent should be made aware of the rockweed and aquaculture operations within the area and ensure mitigations are implemented appropriately.

Negligible risk to marine fisheries from the quarry site expansion.

Proponent has stated minimal disturbances will occur, based on their calculations. Therefore, there is no anticipated risk to sportfishing opportunities in the local area.

Project proponent should be made aware of:

- the [Fisheries and Coastal Resources Act](#),
- Provincial [Aquaculture License and Lease Regulations](#),
- Provincial [Aquaculture Management Regulations](#),
- the [Nova Scotia Rock Weed Harvesting Regulations](#), and
- the Department's [Site Mapping Tool](#) for information on the location of sites and leases in the area of their proposed project.



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Date: April 9, 2025

To: Anthony Heggelin, Environmental Assessment Officer, EA Branch

From: Donald Sam, Hydro and Flows, Regulatory Review Biologist, Fish and Fish Habitat Protection Program

Subject: Seabrook Quarry Expansion Project, Digby County, Nova Scotia

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### Scope of review:

Fisheries and Oceans Canada (DFO) is responsible for administering the fish and fish habitat protection provisions of the *Fisheries Act* (FA), the *Species at Risk Act* (SARA), and the *Aquatic Invasive Species Regulations*.

DFO's review focused on the impacts of the works outlined in the Hartville Quarry Expansion Project Environmental Assessment Registration Document to potentially result in:

- the death of fish by means other than fishing and the harmful alteration, disruption or destruction of fish habitat, which are prohibited under subsections 34.4(1) and 35(1) of the *Fisheries Act*;
- effects to listed aquatic species at risk, any part of their critical habitat or the residences of their individuals in a manner which is prohibited under sections 32, 33 and subsection 58(1) of the *Species at Risk Act*; and
- the introduction of aquatic species into regions or bodies of water frequented by fish where they are not indigenous, which is prohibited under section 10 of the *Aquatic Invasive Species Regulations*.

### Recommendations:

DFO makes the following recommendations to the proponent:

- Assess whether wetland WL-2, which is in close proximity to the proposed expanded quarry operations, provides direct or indirect fish habitat and whether fish or fish habitat will be impacted by the proposed quarry expansion.
- Evaluate how the estimated reductions in surficial and baseflow may modify the thermal regime of Post Brook, Henderson Brook, and their tributaries including any impacts to fish and fish habitat. The estimated reduction in existing baseflow in some watercourses, post-construction (i.e. before reclamation) is approximately 30% annually. Reductions of this magnitude may have impacts on fish and fish habitat.
- Use the methods within DFO's Framework for Assessing the Ecological Flow Requirements to Support Fisheries in Canada (<https://waves-vagues.dfo-mpo.gc.ca/Library/348881.pdf>) to assess potential impacts to fish and fish habitat within watercourses in close proximity to the proposed project. It should be noted that for

cumulative water loss of >10% of instantaneous discharge or that results in flows < 30% of the mean annual discharge (MAD), a more rigorous level of assessment is recommended to evaluate potential impacts on ecosystem functions which support fish.

- DFO uses the monthly 70% Q50 and 10% Mean Annual Flow values (whichever is greater) as a reference point to determine the potential for a work, undertaking, or activity to result in the harmful alteration, disruption, or destruction (HADD) of fish habitat. Please submit an application for *Fisheries Act* authorization and all information required as part of that process to DFO for regulatory review if your project affects flows to an extent where they are lower than these reference points for a given month.
- If blasting will be conducted, refer to [Wright and Hopky 1998](https://publications.gc.ca/collections/Collection/Fs97-6-2107E.pdf) (<https://publications.gc.ca/collections/Collection/Fs97-6-2107E.pdf>) for Guidelines for the Use of Explosives in or Near Canadian Fisheries Waters.
- Refer to DFO's website, <https://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>, for further information on DFO's regulatory review process and for further measures to protect fish and fish habitat.

This information can be provided through the NSECC watercourse and/or wetland alteration approval process(es), and/or through submission of a DFO '*Request for Review*' application to DFO to allow DFO staff to conduct a regulatory review of the project. This review will identify potential impacts to fish and fish habitat and determine if an authorization under the *Fisheries Act* and/or a *Species at Risk* permit is required.

Date: April 1, 2025

To: Anthony Heggelin, Environmental Assessment Officer

From: Water Branch, Sustainability and Applied Science Division

Subject: **Addendum - Seabrook Quarry Expansion Project, Digby County, Nova Scotia**

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**Scope of review:**

This review focuses on the following mandate:

The additional information requested of the proponent regarding the EARD application, by the Minister of Environment and Climate Change dated July 13, 2023. Specified below.

*1. Groundwater Quality and Quantity*

- a. Complete a hydrogeological study to adequately assess potential impacts to the surrounding aquifer(s) and water resources due to quarrying below the water table over the 40-year lifespan of the Project. The study shall include identifying the predicted zone of influence (ZOI) as a result of dewatering in consideration of quarry progression and the final quarry floor depth/elevation, and how the potential impacts will be avoided or mitigated.*
- b. Provide an updated groundwater monitoring program to ensure impacts are not occurring outside the predicted ZOI. Install monitoring wells in the Project Area with depths representative of the anticipated 25 metre depth to the quarry floor and conduct monitoring to establish baseline conditions, across seasonal fluctuations.*
- c. Based on the findings of the hydrogeological study and the updated groundwater monitoring program; provide an updated assessment of the potential risks to nearby potable wells, watercourses, and wetlands from dewatering activities due to the quarry expansion. Include potential impacts to fish and fish habitat from potential reduced baseflow and thermal regime changes in affected watercourses.*
- d. The hydrogeological study, subsequent updated groundwater monitoring program, and risk assessments shall be designed by a qualified professional hydrogeologist licensed to practice in Nova Scotia.*
- e. Provide initial sample results for Acid Rock Drainage (ARD) to satisfy the Sulphide Bearing Material Disposal Regulations.*

*2. Surface Water Quality and Quantity*

- a. Update the water balance assessment to include both watersheds (WS-1 and WS-2 in the registration document) and include field monitoring data to validate the selected model. The assessment and analysis shall be designed by a qualified professional engineer licensed to practice in Nova Scotia.*

**List of Documents Reviewed:**

The following report to NSECC was reviewed: Environmental Assessment Addendum Seabrook Quarry Expansion Project, Nova Construction Co. Ltd., prepared by GHD Limited, dated March 13, 2025.

**Details of Technical Review:****Surface Water**

GHD provided an updated water balance assessment with updated watershed delineation. The assessment was prepared by a professional engineer licensed to practice in Nova Scotia. GHD also provided calibration results for the water balance assessment using field monitoring water levels and flows.

Post-Development Conditions in Table C.1 (Appendix C of the Water Balance Analysis) and site drainage patterns during the proposed expansion indicates runoff diversion from Sub-catchment SW-1 to SW-4. This runoff diversion leads to reduction in surface runoff contribution to watercourses in Sub-catchment SW-1. The Addendum did not provide discussion on the impact of this reduction to watercourses in Sub-catchment SW-1, nor discussion on whether mitigation measures are required.

**Groundwater****1a Hydrogeological Study**

GHD has completed the requested hydrogeological study, including predicted zone of influence (or radius of influence ROI).

**1b Groundwater Monitoring Program**

The site groundwater monitoring network has been updated with the addition of a representative deep well, completed to a depth below the quarry floor. The updated groundwater level and quality monitoring programs is for the collection of baseline quarterly and annual chemistry groundwater data.

**1c Update Risk Assessment**

GHD has completed an updated risk assessment with the provision of ROI calculated drawdown effects, identification of closest domestic water wells, a series of site geological cross-sections and an updated water balance including discussion of groundwater baseflow.

**1d Use of Professional Hydrogeologist, registered in NS**

The hydrogeological study provided in Appendix A of the Addendum was prepared by a qualified professional hydrogeologist licensed to practice in Nova Scotia.

**1e Sample Results for ARD**

The proponent collected 5 samples across the site for analysis of total sulphur and acid producing potential (ARD)



## **Key Considerations: (provide in non-technical language)**

### **Surface Water**

The proponent should establish a surface water quantity monitoring plan for all water resources (e.g., watercourses in Sub-catchment SW-1, SW-3, SW-4, and SW-5) that may be impacted by the proposed quarry expansion. The plan should collect necessary data for quarry discharge to nearby water resources to support ongoing prediction and assessment of impacts, and thus to support planning and implementation of mitigation measures over the lifespan of the proposed expansion. It is recommended that climate change impacts the local hydrological cycle and site runoff are considered in the ongoing assessment.

The proponent should use the ongoing assessment to inform environmental protection measures (e.g., surface water management, erosion and sediment control to prevent impacts to water quality from the site).

### **Groundwater**

**1a** The hydrogeological study and ROI calculations demonstrate an empirical estimate of between 25-79 m extent of the effects of drawdown from the active quarry areas. GHD states: *“The nearest domestic water supply well is located approximately 1 km south of the quarry limit. Therefore, Project operations are not expected to impact domestic water supply wells.”* The calculated ROI demonstrates a likely limited effect of the proposed quarry expansion within the bedrock aquifer.

**1b** An additional deep well MW-01A (to below base of quarry floor depth) was established along the northern border of the project area. The groundwater table elevation at 2.92 m below surface was similar to that previously in the former, shallower well in this area. Baseline groundwater samples were collected from the new well and an updated Groundwater Monitoring Program schedule was provided.

**1c** Based on the additional information from the hydrogeological study, an updated assessment of groundwater risks by GHD concludes: *“Project operations are not expected to impact domestic water supply wells. Furthermore, the predicted groundwater ROI does not intercept wetland habitat adjacent to the Project Area.”*

**1d** GHD used a Professional Geoscientist/Hydrogeologist for the hydrogeological study.

**1e** None of the ARD sample results showed issues according to GHD “These results are well beneath the thresholds established in Section 5 of the Sulphide Bearing Material Disposal Regulations.”

Based on this review, the GHD additional information addendum report meets all the requirements of the Minister’s request for groundwater information. No concerns are raised with the new data.



Kwilmu'kw Maw-klusuaqn Negotiation Office

**Mi'kmaq Rights Initiative**

Our Rights. Our Future.

75 Treaty Trail  
Truro, NS B6L 1W3

**Tel** (902) 843 3880 **Fax** (902) 843 3882

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April 15, 2025

Anthony Heggelin  
Environmental Assessment Officer  
Nova Scotia Environment and Climate Change

**Re: Consultation on the Proposed Seabrook Quarry Expansion Project**

Mx. Heggelin,

I write to acknowledge receipt of your letter dated March 19, 2025 with respect to continued consultation under the *Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process* (ToR) as ratified on August 31, 2010, on the above noted project.

We look forward to working with the Province and Proponent on the development of Monitoring and Management Plans should the proposed project be approved.

Kindly provide the results of the archaeological shovel testing and hydrological study once complete.

Finally, the Mi'kmaw Nation in Nova Scotia has a general interest in all lands, waters and resources in Nova Scotia as the Mi'kmaq have never surrendered, ceded, or sold the Aboriginal Title to any of its lands in Nova Scotia. The Mi'kmaq have a Title claim to all of Nova Scotia and as co-owners of the land and its resources it is expected that any potential impacts to Rights and Title shall be addressed.

Yours in Recognition of Mi'kmaw Rights and Title,

Director of Consultation  
Kwilmu'kw Maw-Klusuaqn

C.C.:  
Candace Quinn, Nova Scotia Office of L'nu Affairs  
Beata Dera, Nova Scotia Office of L'nu Affairs

Jacqueline Cook, Environment and Climate Change ICE Division  
Adam d'Entremont, Environment and Climate Change ICE Division  
Paul Jones, Environment and Climate Change ICE Division  
Lanying Zhao, Environment and Climate Change ICE Division  
Joel Corcoran, Environment and Climate Change ICE Division

# Maritime Aboriginal Peoples Council



The Maritime Regional Aboriginal Leaders  
Intergovernmental Council of Aboriginal Peoples  
Continuing to Reside on Traditional Ancestral Homelands

## Forums

- ☐ Leaders Congress
- ☐ MAPC Commissions/Projects
- ☐ MAARS Secretariate
- ☐ IKANAWTIKET SARA
- ☐ MAPC Administration

### MAPC Regional Administrative Office

80 Walker St Unit 3,  
Truro, Nova Scotia  
B2N 4A7

Tel: 902-895-2982  
Fax: 902-895-3844  
Toll Free: 1-855-858-7240  
Email: [frontdesk@mapcorg.ca](mailto:frontdesk@mapcorg.ca)

### Governmental APRO Councils

Native Council of  
Nova Scotia  
P.O. Box 1320  
Truro, Nova Scotia  
B2N 5N2

Tel: 902-895-1523  
Fax: 902-895-0024  
Email: [chiefaugustine@ncns.ca](mailto:chiefaugustine@ncns.ca)

### New Brunswick Aboriginal Peoples Council

320 St. Mary's Street  
Fredericton, New Brunswick  
E3A 2S4

Tel: 506-458-8422  
Fax: 506-451-6130  
Email: [chief@nbapc.org](mailto:chief@nbapc.org)

### Native Council of Prince Edward Island

6 F.J. McAuley Court  
Charlottetown  
Prince Edward Island  
C1A 9M7

Tel: 902-892-5314  
Fax: 902-368-7464  
Email: [chief@ncpei.com](mailto:chief@ncpei.com)

April 19<sup>th</sup>, 2025

Nova Construction Co. Ltd.

3098 Post Road  
Antigonish, NS  
B3A 0A3

## RE: Seabrook Quarry Expansion Project

On behalf of the Native Council of Nova Scotia (NCNS), the Maritime Aboriginal Aquatic Resources Secretariate (MAARS) we would like to thank Nova Construction Co. Ltd. for taking the time to discuss the Seabrook Quarry Expansion Project with us virtually on January 17<sup>th</sup>, 2025. We would like to summarize the discussion to ensure our comments are captured for the Environmental Assessment Review.

Firstly, we discussed concerns around the water quality monitoring and water balance assessment. As addressed in the Addendum, further hydrologic studies were completed, and additional ground water monitoring wells were placed at the site. Additionally, we discussed the testing of discharge of run-off, and Nova Construction stated that given the location of the quarry there is minimal discharge. We appreciated your thorough responses to our inquiries at that time.

Section 5.4.1 states that no lichen surveys were conducted during either the EARD or the Addendum. Given that the ACCDC does list one species at risk and two species of conservation concern, MAARS requests that the proponent complete targeted lichen surveys to confirm absence/presence of any at-risk lichens in the area. While we can appreciate the use of the ACCDC and Boreal Felt Lichen Habitat Layer modelled occurrences, we do not find it a fitting one-to-one substitute for a targeted ground survey.

While the bird survey conducted is thorough, it is important to emphasize the need to educate employees on the nesting and

migrating bird species that have been found within and around the study area. While ensuring that employees are made aware of the need to check areas for activity and nests before undertaking activities, there is an equally important need to ensure employees are educated on what to look for.

Lastly, the Archeological Resource Impact Assessment (ARIA) noted one high potential area (HPA) during the surveys in 2022. While there were no HPAs noted within the project footprint, there is the potential in the future for further expansion, which could encroach on this area. If there is need for additional ground disturbance to occur, we would ask that further shovel testing be completed to prevent potential resource disturbance.

At this time, MAARS and NCNS do not have any further commentary to provide related to this proposed undertaking; however, we would like to be kept apprised to any developments or changes to the project.

We would like to take this opportunity to reiterate that it is important for all proponents of projects to understand that the Off-Reserve Aboriginal Community represented by the NCNS is included within the definition of the word “Indian” of Section 91(24) of the *Constitution Act*, 1982. The Supreme Court of Canada in a landmark decision in *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12, declared that “the exclusive Legislative Authority of the Parliament of Canada extends to all Indians, and Lands reserved for the Indians” and that the word “Indians” in s.91(24) includes the Métis and non-Status Indians<sup>1</sup>. Since 2004, in multiple decisions passed by the Supreme Court of Canada: *Haida Nation*<sup>2</sup>, *Taku River Tlingit First Nation*<sup>3</sup>, and *Mikisew Cree First Nation*<sup>4</sup>, has established that,

Where accommodation is required in decision making that may adversely affect as yet unproven Aboriginal Rights and title claims, the Crown must balance Aboriginal concerns reasonably with the potential impact of the decision on the asserted right or title and with other societal interests.

Further, both the Government of Nova Scotia and the Government of Canada are aware that the “Made in Nova Scotia Process” and the *Mi’kmaq-Nova Scotia-Canada Consultation Terms of Reference* does not circumvent the Provincial Government’s responsibility to hold consultations with other organizations in Nova Scotia that represent Indigenous Peoples of Nova Scotia. While the proponent may have to engage with the thirteen Mi’kmaq First Nations through the Assembly of Nova Scotia Mi’kmaq Chiefs, represented by the Kwilmu’kw Maw-klusuaqn Negotiation Office (KMKNO), the KMKNO does not represent the Off-Reserve Aboriginal Community who have elected to be represented by the NCNS since 1974.

We assert that the Off-Reserve Aboriginal Communities, as 91(24) Indians, are undeniably heirs to Treaty Rights and beneficiaries of Aboriginal Rights as substantiated by Canada’s own Supreme Court jurisprudence. As such, there is absolutely an obligation to consult with the Off-Reserve

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<sup>1</sup> *Daniels v. Canada (Indian Affairs and Northern Development)*, 2016 SCC 12, [2016] 1 S.C.R. 99

<sup>2</sup> *Haida Nation v. British Columbia (Minister of Forests)*, (2004), 2 S.C.R. 511

<sup>3</sup> *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, (2004), 3 S.C.R. 550

<sup>4</sup> *Mikisew Cree First Nations v. Canada (Minister of Canadian Heritage)*, (2005), 3 S.C.R. 388

Community through their elected representative body of the NCNS. The Crown's duty is to consult with all Indians, not only the Indian Act Bands.

For contextual purposes, for over forty years, the three Native Council partners of the Maritime Aboriginal People's Council (MAPC) have continued to be the Aboriginal Peoples Representative Organizations representing and advocating for the Rights and issues of the Mi'kmaq/Wolastoqiyik/Peskotomuhkati/Section 91 (24) Indians, both Status and non-Status, continuing to reside on their unceded Traditional Ancestral Homelands. In the early 1970s, the communities recognized the need for representation and advocacy for the Rights and Interests of the off-Reserve community of Aboriginal Peoples, "the forgotten Indian". Women and men self-organized themselves to be the "voice to the councils of government" for tens of thousands of community members left unrepresented by Indian Act-created Band Councils and Chiefs. Based on the Aboriginal Identity question, Statistics Canada (2021 Census - 25% sample) enumerate 25,415 off-Reserve Aboriginal Persons in New Brunswick, 42,580 in Nova Scotia, and 2,865 in Prince Edward Island.

Each Native Council in their respective province asserts Treaty Rights, Aboriginal Rights, with Interest in Other Rights confirmed in court decisions, recognized as existing Aboriginal and Treaty Rights of the Aboriginal Peoples of Canada in Part II of the Constitution Act of Canada, 1982. Each Native Council has established and maintains Natural Harvesting Regimes, and each have a co-management arrangement with DFO for Food, Social, and Ceremonial use of aquatic species, through the: Najiwsgetaq Nomehs (NBAPC), the Netukulimkewe'l Commission (NCNS), and the Kelewatl Commission (NCPEI).

The Native Council of Nova Scotia was organized in 1974 and represents the interests, needs, and rights of Off-Reserve Status and Non-Status Section 91(24) Indians/Mi'kmaq/Aboriginal Peoples continuing on our Traditional Ancestral Homelands throughout Nova Scotia as Heirs to Treaty Rights, Beneficiaries of Aboriginal Rights, with Interests to Other Rights, including Land Claim Rights.

The Native Council of Nova Scotia (NCNS) Community of Off-Reserve Status and Non-Status Indians/Mi'kmaq/Aboriginal Peoples supports projects, works, activities and undertakings which do not significantly alter, destroy, impact, or affect the sustainable natural life ecosystems or natural eco-scapes formed as hills, mountains, wetlands, meadows, woodlands, shores, beaches, coasts, brooks, streams, rivers, lakes, bays, inland waters, and the near-shore, mid-shore and off-shore waters, to list a few, with their multitude of in-situ biodiversity. Our NCNS Community has continued to access and use the natural life within those ecosystems and eco-scapes where the equitable sharing of benefits arising from projects and undertakings serve a beneficial purpose towards progress in general and demonstrate the sustainable use of the natural wealth of Mother Earth, with respect for the Constitutional Treaty Rights, Aboriginal Rights, and Other Rights of the Native Council of Nova Scotia Community continuing throughout our Traditional Ancestral Homeland in the part of Mi'kma'ki now known as Nova Scotia.

We appreciate the opportunity to engage with Nova Construction directly to discuss the Seabrook Quarry Expansion Project. Now that we have made this important connection, we look forward to

further dialogue as we continue to advocate for the rights of Off-Reserve Status and Section 91(24) Indians/Mi'kmaq/Aboriginal Peoples of Nova Scotia.

Advancing Aboriginal Fisheries and Oceans Entities  
Best Practices, Management, and Decision-making

Habitat Impact Advisor, MAARS

Executive Director, MAARS & MAPC Projects

CC: , Chief & President, NCNS  
Netukulimkewe'l Commission, NCNS



April 22, 2025

**Anthony Heggelin**

*A/ Environmental Assessment Officer*

Nova Scotia Environment and Climate Change

1903 Barrington Street, Suite 2085

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**RE: Proposed Engagement with the Mi'kmaq of Nova Scotia on Seabrook Quarry  
Expansion Project, Digby County, Environmental Assessment – Sipekne'katik Governance  
Initiative Phase 3 Response**

**Consultation File Number: 3-4-NSECC-SBQ-01**

Dear Mr. Heggelin;

This letter follows up regarding the “public consultation” letter on the Seabrook Quarry Expansion Project located in Digby County, received by the Sipekne'katik Governance Initiative (SGI) on March 19, 2025.

Before starting any further conversation on this proposed project, we would like to restate that Sipekne'katik First Nation (SFN) is not part of the Kwi'mu'kw Maw'klusuaqn Negotiation Office (KMKNO) and, therefore, will not be consulting under the TOR. We have our community-based consultation protocol, the **SGI**, which shall be used and implemented for all projects contemplated by the Province to remain consistent with the recognition and affirmation of existing Aboriginal and Treaty Rights in **Section 35** of the *Constitution Act* (1982), and within the legal parameters established by the Supreme Court of Canada concerning the Duty to Consult.

Please note that the length of the SGI Protocol process may not accord with the proponent's proposed project timeline or legislated timelines imposed by the federal and provincial governments. Nonetheless, our process needs to be followed by the Province as soon as any project or decision is contemplated to ensure meaningful consultation. If a project commences without proper consultation respecting the Band's process, the ability to avoid, minimize, or mitigate potential impacts to Sipekne'katik's **Section 35** Rights is lost. In this case, any continuing attempts at consultation will not be respectful of the Band's Treaty and Aboriginal Rights, including Aboriginal Title. Instead, it will be directed at compensation for adverse impacts to the Band's Constitutional Rights. *Sipekne'katik strongly recommends further discussions with the Province of Nova Scotia to address these misalignments of consultation processes sooner rather than later.*





In the meantime, the review of the proposed addendum to the Environmental Assessment for the Seabrook Quarry Expansion project under the SGI process raised limited concerns. The additional studies performed by the proponent, including the hydrogeological study, updated groundwater monitoring program and sample results for Acid Rock Drainage, provide satisfying details. We have no specific concerns with the proposed results.

However, we require specific information on the following conclusion provided in the Water Balance Analysis, which affirms that: “increased flows [from the quarry activity] in summer and early fall may result in a positive benefit to the fish community as these months are known to be times of drought conditions, as evidence by the monitoring data.” We understand the concept behind this affirmation yet changes to the water flow or any other environmental parameter resulting from an industrial anthropogenic activity modify natural cycles and states of the ecosystems. Therefore, it is hard for us to consider this beneficial.

Furthermore, GHD records a potential reduction of 2.1 to up to 6.8% of the flow in streams surrounding the quarry operation during June or July. Summer months represent a critical period for migrating species of fish found in the area. It is unclear how this reduction in water flow could be “considered a negligible to low magnitude of impact to fish and fish habitat.” Additional information and mitigation strategies are necessary in this case.

We expect NSECC to include these comments as part of their review of the addendum. In the meantime, the SGI team awaits regular updates from Build Nova Scotia on any progress of the project, including timely notifications of any potential changes affecting the project scope or design.

As a final reminder, the SGI consultation team wants to clarify and restate that the Seabrook Quarry Expansion Project is located in Mi'kma'ki, the ancestral territory of the Mi'kmaq. The Band has Treaty and Aboriginal Rights regarding lands, waterways and natural resources that it has used, benefitted from, and occupied since time immemorial - **no undertaken activity shall impede the exercise of such Rights.**

Respectfully,

*Marine Biologist, on behalf of the Sipekne'katik Governance Initiative*  
[@sipeknekatik.ca](mailto:@sipeknekatik.ca)

CC: