

From: Andrew Paton
To: MacPhail, F Helen
Date: 2009-11-17 10:47 AM
Subject: EA - Miller's Creek Mine Extension

Helen

The CGC Inc. Fundy Gypsum's, Miller's Creek Mine Extension proposal is in an area, the Avon Peninsula, currently predominated by agricultural activities and characterized by Class 2 and 3 soils according to the Canada Land Inventory Land Capacity for Agriculture system. As well, as noted in the EA Registration document, the proposed mine site is designated and zoned for agriculture in the Municipality of the District of West Hants' planning documents.

The Province has adopted a Statement of Provincial Interest (SPI) Regarding Agricultural Land (...a Regulation) under the Municipal Government Act (MGA) . Section 196 of the MGA states: "*The activities of the Province shall be reasonably consistent with a statement of provincial interest*". As well, Section 197 states that "*A department of the Province, before carrying out or authorizing any development in a municipality, shall consider the planning documents of the municipality*".

Although the MGA is legislation of Service Nova Scotia and Municipal Relations (SNSMR), and Statements of Provincial Interest are adopted pursuant to the MGA (Section 193) , they are actually adopted by the Governor in Council. As well, although SNSMR is the custodian of the SPI, we are often not the experts when it comes to the interpretation and application of these and such is the case when it comes to the resource of agricultural land. In these situations we look to Nova Scotia Department of Agriculture. Hence, your department may wish to contact NS Agriculture for their advice and comment.

If you have any questions regarding this matter, please contact me.

thank you
Andrew