

Robinson,David J. [CEAA]

From: Rodrigues, Vanessa [CEAA]
Sent: Wednesday, May 23, 2007 2:53 PM
To: 'Barnes, Marvin'; 'Decker, Randy'; 'Whiteway, Julie'; 'Powell, Shawna'; 'Power, Randy (NWAFC)'; 'Whyte, Margie'; 'McAllister, Andrew: NRCAN'; 'David, Jacinthe: HC'; 'Clements, Debra: HC LOTUS'; 'Troke, Glenn [St. John's]'; 'Goulet, Jeanette [St. John's]'; 'Robinson, David J. [CEAA]'; 'Tee, Karl: ACOA'; 'Appleby, John: PWGSC ATL'; 'Shawn Kean'
Subject: Conference Call - Belleoram Crushed Granite Rock Quarry

Good afternoon - please find a summary of the major points of today's conference call below. Let me know if there are any errors/omissions.

Randy, I think it may be wise to consider deferring tomorrow morning's meeting with Robert until ACOA has determined their opinion on the potential to re-scope and all RAs should be present, including ACOA (Karl Tee) when the path forward is discussed with the proponent.

Best regards,
Vanessa

May 23, 2007
Federal Review Team Conference Call - Belleoram Crushed Granite Rock Quarry

PURPOSE: Purpose of today's call is to discuss outstanding issues with this project and determine path forward.

POINTS OF CLARIFICATION:

ACOA's responsibility for including water bodies in the comprehensive study:
- There was a misunderstanding regarding ACOA's responsibility to include water bodies in the comprehensive study, given that DFO had determined there were no concerns from their perspective at the current time. From a DFO perspective, no water bodies would be affected during Phase 1 so based on the fact that the Phase 1 operations would take 20-25 years, and DFO's scope for the comprehensive study is the marine terminal only, DFO deferred any screening requirements beyond the Phase 1 boundary to a later date - when and if the quarry operations affected those water bodies.
- CEAA clarified that regardless of DFO's current determination, ACOA's scope is the whole 900ha and given this scope, ACOA is responsible for determining the environmental effects of the project on the 900ha, including the water bodies. In this case, they would need environmental data on the 900ha to be able to determine environmental effects and would utilise DFO as an expert department in assessing the water bodies. If they do not do this, the determination of environmental effects would be unknown and the Minister of Environment can not make an EA decision based on this.

CURRENT STATUS/INFORMATION REQUIREMENTS:

- at the onset of the project DFO advised the proponent to collect environmental data for the 900ha but the proponent felt this would take too long, contacted the Minister of DFO... and through subsequent discussions with DFO it was determined that no additional information on waterbodies was required from DFO's perspective. However, the proponent/consultant neglected/misunderstood ACOA's scope and requirements.
- there is currently no data on the water bodies within the 900ha with the exception of Ponds 1-4 and T-1 Stream referred to in the CSR. In fact - a VEC listed in the track report has even been omitted from the CSR (surface and groundwater quality and quantity)
- waterfowl and vegetation surveys have been completed for the 900ha and land bird surveys will be completed for the 900ha in June 2007
- hydrogeological data is lacking on the whole site
- CSR is deficient in site specific information and does not meet CEAA requirements despite the fact that the proponent has been provided with a detailed terms of reference, scoping document, track report, table of contents for a sample CSR among other guidance.

OPTIONS:

- Continue with current scope - this will require additional field data to be collected and time delay.
- Proponent withdraws intention to apply for federal funding thereby ACOA would withdraw from the comprehensive study and scope would be reduced to TC and DFO current scope, the marine terminal. The proponent has verbally indicated that this is an option if applying for funding causes additional delays.

- Proponent submits an application to ACOA for funding limited to the marine terminal or phase 1 only - this would enable ACOA to reduce the scope significantly thereby eliminating some of the information requirements beyond the Phase 1 boundary or beyond the marine terminal.
- Should ACOA decide to re-scope, there are two approaches to consider. The most cautious approach from a legal perspective is to re-scope, re-consult with the public, re-submit a track report to the Minister of Environment and wait for a new track decision; this will take significant time. The next approach is a risk management approach whereby the scope would be adjusted and the community would be consulted shortly thereafter via a community meeting, the posting on CEAR would be adjusted to reflect the change; this will take less time but there is some level of risk. The fact that the RAs have received no environmental concerns from the public/NGOs etc... and that there is community support for this project may be used in determining level of risk.

NEXT STEPS:

- 1) Shawn to speak with Karl to determine what ACOA is comfortable with in terms of the current scope/circumstances and options for re-scoping.
- 2) Once it has been determined what ACOA is comfortable with - it is suggested the RAs (including Karl Tee) meet with the proponent to discuss a path forward and determine the proponent's intentions to apply for funding.
- 3) When the path forward has been determined, the RAs should decide what level of confidence they have in the proponent/consultant in producing a viable CSR and the whole team to meet with the proponent and AMEC as appropriate to ensure the required information is provided.

Vanessa Rodrigues

Senior Program Officer | Agent principal des programmes
Canadian Environmental Assessment Agency
1801 Hollis Street, Suite 200, Halifax, NS B3J 3N4
Agence canadienne d'évaluation environnementale, 1801, rue Hollis, bureau 200, Halifax NÉ B3J 3N4
Government of Canada | Gouvernement du Canada
902.426.9460 | facsimile / télécopieur 902.426.6550
<mailto:vanessa.rodrigues@ceaa-acee.gc.ca>
http://www.ceaa-acee.gc.ca/index_e.htm