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CC: Potter, Ted
Sent: 12/15/2003 1:30:56 PM
Subject: RE: Bear Head EA Project update

As some of you already know, Fisheries and Oceans (DFO) has closely examined the information for the Bear Head project and the only federal trigger identified for an environmental assessment under the *Canadian Environmental Assessment Act* (CEAA) is the requirement for an approval under the Navigable Waters Protection Act, administered by DFO. Any requirement for an Authorization under the *Federal Fisheries Act*, pending final design consideration, would also be applicable to the marine environment only.

Since no trigger has been identified for the land based portion of the project, the DFO has determined the scope of the project will include only the marine based portion of the project, where we will be required to take regulatory actions in accordance with our mandate, after a CEAA environmental assessment review has been concluded.

Since the location of the marine terminal is within an area the West Richmond Municipal Planning Strategy Land Use Bylaw has designated as Port Industrial, which includes marine terminals and other port related facilities, and the zoning decisions were subject to public consultation in 2000, a screening level assessment under CEAA will be required.

Therefore please be advised that DFO does not have a legal requirement to require a comprehensive study level assessment of the Bear Head LNG terminal facility. This information was conveyed to the proponent on December 12, 2003.

DFO, The Province of Nova Scotia and the CEA Agency held a meeting today to continue to coordinate a harmonized review. We are still hopeful that since the project is subject to review under both the Provincial and Federal environmental assessment processes, a coordinated process can be undertaken to gain efficiency, and allow for the submission of one environmental assessment document and a common approval timeline. However both Fisheries and Oceans and the Province of Nova Scotia will render separate decisions on the project according to our respective regulatory requirements.

The scoping document will be changed to reflect the above but in the interim, we encourage you to provide comments on the existing documents as all comments will be beneficial in the environmental assessment process. CEAA are continuing to provide a coordination role and comments may be sent to Maya Bevan as usual.

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