

Sadaka, Jennifer -JLT

From: Hood, Bruce
Sent: August 31, 2006 9:12 AM
To: Barnes, Marvin
Cc: Flood, Ginny; Bourgon, Michel; Dean, Stuart
Subject: RE: Belleoram Quarry scoping/EA track

Follow Up Flag: Follow up
Flag Status: Red

Hi Marvin,

Yes, as you indicate, our recommendation would be for you to remain with your screening of non-marine terminal components that have DFO regulatory triggers for CEAA. I verified this with Ginny. The rationale is as you would expect that DFO doesn't have a regulatory trigger for the quarry and if we accepted the same scope as ACOA and ACOA backed out of the EA at some point, we would be responsible for the whole enchilada.

On another note, one would think that ACOA with its funding trigger for the entire project would assume the lead for the EA, even if it had to get PWGSC to do the work. We have been involved with EA's in Maritimes Region, e.g. Halifax Harbour Solutions Project, which were handled this way.

Please let me know if you want to discuss further.

Bruce

-----Original Message-----

From: Barnes, Marvin
Sent: Wednesday, August 30, 2006 1:13 PM
To: Hood, Bruce
Subject: RE: Belleoram Quarry scoping/EA track
Importance: High

Please note that I have been advised by Transport Canada that ACOA will be participating within the comprehensive study process for the proposed rock quarry and marine terminal in Belleoram because they may potentially provide funding to the proponent to enable the project.

ACOA's scope will include all project components associated with the construction, operation, modification, decommissioning, and/or abandonment of the proposed 900-hectare quarry and marine terminal. TC, as lead RA, has indicated/proposed that all aspects of the project (i.e. clearing, blasting, road construction, building construction, wharf construction, equipment set-up, water intakes, settling pond development, bridge installation, barasway infilling, etc...) will be covered within a single CSR and the three RAs (DFO, TC, and ACOA) will have signing authority respective to their scopes.

I presume that DFO would still participate in the CSR with our scope being the dock as previously discussed. My question is, with respect to the remainder of the project, i.e. the 'non dock' components, would we be best advised to continue with a screening as we do not have a Comprehensive Study trigger for the other components or throw in our lot with ACOA and participate in a Comprehensive Study for the whole project?

I assume based on previous discussions we would proceed with our screening for the non dock components ?

Please advise as to your thoughts.

Thanks,

Regards,

M. A. Barnes

Regional Manager | Gestionnaire régional
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-----Original Message-----

From: Hood, Bruce
Sent: Friday, July 21, 2006 4:27 PM
To: Flood, Ginny
Cc: Barnes, Marvin; Dean, Stuart; Massicotte, Claude; Gee, Cathy
Subject: Belleoram Quarry scoping/EA track

Ginny,

Further to the Belleoram Quarry/Marine Terminal discussion at our bilat this week, Transport Canada determined yesterday at a site visit that it does not have CEAA triggers for any components of the proposal other than the marine terminal. Consequently, Marvin proposes to conduct a comprehensive study of the marine terminal component with TC as lead, and a screening for the other components of the proposal for which DFO is the only RA. The screening would be conducted at the same time as the comprehensive study, rather than being deferred so that the proponent has regulatory certainty and is aware up front of required mitigation and can calculate the costs and logistics.

An unknown is the role of the Atlantic Canada Opportunities Agency (ACOA), who may contribute funds to the project, making it a potential RA. This would result in the need for further discussions between TC, DFO and ACOA regarding EA scope and track. In the meantime, Marvin has provided a draft scoping document to TC, who I understand will hold it (as well as its own scoping document) until ACOA's intentions are known.

After considerable discussion pertaining to scoping/EA track for this proposal, with Marvin and staff at NHQ and weighing all the considerations, I am recommending your concurrence with the scope/EA track as proposed by Marvin, which reads as:

"DFO has determined that aspects of the project are likely to result in a HADD and therefore require the issuance of a subsection 35(2) *Fisheries Act* Authorization, which is a section 5 CEAA trigger. TC has determined that aspects of the project are likely to result in interference to navigation and thus require a subsection 5(1) approval under the *Navigable Waters Protection Act*. As such, DFO's proposed scope of project for the Comprehensive Study component includes the following:

- Construction, modification, decommissioning, or abandonment of the marine wharf;

DFO's proposed scope of project for the screening components includes the following:

- Infilling of the lagoon area located south of the Belleoram Barasway;
- Infilling and/or dewatering of ponds associated with operation of the quarry, including

- infilling and/or dewatering of associated outlet streams;
- Drawdown or dewatering of water bodies (i.e. Dick's Pond, Big and Little Nut Pond, Bear Pond, and/or Lou Pond) for the purpose of supplying water to the washing station;
 - Construction, modification, decommissioning, or abandonment of any water control structures;
 - Marine infilling associated with road construction and/or quarry construction/operation;
 - Creation of stream crossings during construction of the access road.

DFO will work with TC to conduct a single federal environmental assessment process (Comprehensive Study and a single screening) that will allow both RAs to fulfill their respective responsibilities under CEAA. A Federal Project Committee has been formed consisting of members from DFO and TC as RAs; EC and HC as the expert FAs; and the Canadian Environmental Assessment Agency as the FEAC. The purpose of the committee is to guide the EA process under CEAA and ensure the requirements of all RAs are met. "

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