

Sadaka, Jennifer -JLT

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**From:** Dean, Stuart  
**Sent:** July 21, 2006 4:07 PM  
**To:** Barnes, Marvin; Snow, Stephen  
**Cc:** Massicotte, Claude; Gee, Cathy; Flood, Ginny; Hood, Bruce  
**Subject:** RE: Belleoram Quarry scoping/EA track

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Marvin/Stephen,

I noticed that "operation" has been left out of the scope of project statement for the Comp study and for one aspect of the screening (i.e. construction of water control structures). In accordance with subsection 15(3) of CEAA :

Where a project is in relation to a physical work, an environmental assessment shall be conducted in respect of every construction, **operation**, modification, decommissioning, abandonment or other undertaking in relation to that physical work that is proposed by the proponent or that is, in the opinion of

(a) the responsible authority, or

(b) where the project is referred to a mediator or a review panel, the Minister, after consulting with the responsible authority,

likely to be carried out in relation to that physical work.

The scope of project wording below should be adjusted accordingly in order to comply with the CEAA.

Stuart

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

**From:** Hood, Bruce  
**Sent:** July 21, 2006 2:57 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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