

#28686

F. Helen MacPhail
Environmental Assessment Officer

Our File no.: 40100-34-70

December 10, 2002

Mr. Paul Buxton
PO Box 98
Annapolis Royal, NS
BOS 1A0

Dear Mr. Buxton:

This letter is to let you know that last week staff from the Environmental Assessment Branch met with federal authorities to discuss Nova Stone's proposed quarry expansion on Digby Neck, Digby County as described in your fax of September 30, 2002.

During the meeting it became clear that in order for provincial and federal authorities to determine the level of environmental assessment triggered by this project and to discuss environmental assessment coordination, a more detailed project description will be required. A copy of the Canadian Environmental Assessment Agency's Operational Policy Statement is attached to help you in the preparation of this project description.

In the meantime, it was felt that it would be useful for us all to meet as a group to discuss the project and its requirements. Please call me as soon as possible at 902 424-2581 so that we can make arrangements for this meeting.

Yours truly,

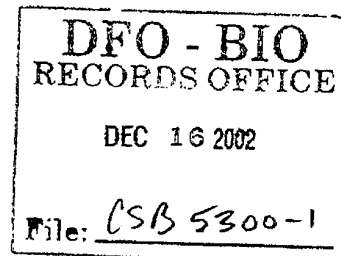
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FHM

Encls.

cc: C. Daly, NSDEL
W. Coulter, CEAA
B. Jeffrey, EC
R. Sweeney, DFO



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Operational Policy Statement

August 2000 - OPS - EPO/5 - 2000

Preparing Project Descriptions under the *Canadian Environmental Assessment Act*

1. PURPOSE

This Operational Policy Statement by the Canadian Environmental Assessment Agency (the Agency) is intended to provide guidance for proponents and federal authorities in preparing descriptions for projects¹ that may require assessment under the *Canadian Environmental Assessment Act* (the Act).

The need for guidance arises from concerns that, in the past, incomplete or unclear project descriptions have led to delays in response by federal authorities and to lack of coordination among various federal and provincial authorities. Effective project descriptions bring greater efficiency and predictability to the federal environmental assessment process by clarifying early on whether a federal assessment is required, identifying which federal authorities are involved and reducing the likelihood of costly delays as federal authorities seek further information from the proponent.

The information requested in this policy is only intended to determine whether the projects require assessment under the Act. The guidance provided here supplements the more general guidance for proponents and federal authorities found in the Reference Guide on the Federal Coordination Regulations.

2. ROLE OF PROJECT DESCRIPTION

A project description has two important functions in the federal environmental assessment (EA) process.

2.1 To Determine Need for an Environmental Assessment

Under the Act, an environmental assessment is required when a federal authority has certain decision-making responsibilities for a proposed project. The Act is triggered when a federal authority:

- is the proponent;
- provides financial assistance to a proponent to enable a project to proceed;
- grants an interest in land to enable a project to proceed; and/or
- exercises a regulatory function (such as issuing a permit or licence) pursuant to a provision contained in the *Law List*

Regulations, to enable a project to proceed.

A clear, thorough project description, as early as possible in the project's planning phase, will assist a federal authority in determining whether it has a decision-making responsibility that triggers the need for an assessment of the project. A complete project description also reduces the likelihood that a federal authority will require further information from the proponent before making this determination.

2.2 To Promote Efficient Coordination of the Environmental Assessment

Frequently, more than one federal authority will be involved in an environmental assessment, either in a decision-making role or as an expert department. The *Federal Coordination Regulations*² were introduced in 1997 to improve efficiency and timeliness in the federal environmental assessment process.

Under the regulations, the federal authority receiving the project description uses the information to determine whether it is likely to require an environmental assessment of the project under the Act and, if so, which other federal authorities may also have a responsibility or interest and need to be notified under the Regulations. Early identification and notification of other appropriate federal authorities will help ensure that the process is efficiently coordinated among various federal authorities, and that the proponent is informed of the federal EA requirements in a timely manner.

Proponents should be aware that information requirements may vary from region to region due to specific provincial requirements or harmonization agreements for environmental assessment. Therefore, proponents should contact the nearest regional office of the Agency early to assist them in identifying responsible authorities and other jurisdictions they may have to contact for project-specific information.

3. PROJECT DESCRIPTION INFORMATION REQUIREMENTS

The level of detail provided in a project description should be appropriate to the scale and complexity of the project and to the sensitivity of its location. Proponents are encouraged to contact potential responsible authorities (federal authorities with decision-making responsibilities under the Act) to identify any additional information requirements.

Table 1 serves as a general guide for proponents and federal authorities. The level of detail will vary according to the nature of the project, with greater detail required for larger, complex projects, such as those undergoing a comprehensive study.

A project description based on this Operation Policy Statement does not, however, preclude a federal authority from requesting additional clarification of the information from a proponent in order to determine if a federal authority has a decision-making responsibility for the project.

Information disclosed through a project description to the federal government, including confidential information, is given the same protection under section 55 of the Act as under the *Access to Information Act* (ATIA). Information identified as being protected under the ATIA, and thus not for public consumption, is also protected under section 55 of the Act. This information would not be part of the Public

Registry.

4. SUBMITTING THE PROJECT DESCRIPTION

Proponents are encouraged to submit a project description once the essential details are known, with any gaps or uncertainties in relation to project details identified.

The project description should be submitted to a federal authority likely to require an environmental assessment under the Act. Detailed guidance on identifying federal responsible authorities and applicable federal legislation and regulations is provided in Appendix 3 of the *Reference Guide on the Federal Coordination Regulations*.

Should proponents be uncertain as to the federal authority most likely to be involved, they should contact the Agency which will assist them in identifying the appropriate authorities for submitting their project descriptions.

For complex projects, the Agency will provide additional assistance to proponents, such as helping them navigate through the federal EA process. In these cases, proponents could submit their project description directly to the Agency which will then ensure that it goes to the appropriate authorities.

Table 1: Sample Outline of a Detailed Project Description

A proponent should provide responsible authorities with the following information.

1. General Information

General

- the nature of the project
- the name and proposed location of the project
- a copy of the distribution list of the parties who received the project description
- information on consultations held on the project with federal authorities, provincial or municipal governments, Aboriginal groups, the public, etc. and
- information on other EA regimes to which the project has been or could be subjected to (i.e., provincial, territorial, land claim EA processes, etc.).

Contacts

- the name of the proponent
- the name of any co-proponent, such as a federal government department or agency and
- the name and coordinates (address, telephone, fax, e-mail) of one or two contact persons from whom federal authorities can obtain more information.

Federal Involvement

- information identifying any federal government department or agency that is, or may be, providing financial support to the project

and

- ownership of the land to be used or required by the project, and in particular, whether any federal land is involved.

Authorizations Required

- information relating to federal permits and authorizations that the proponent believes must be obtained for the project to proceed and
- information on applicable provincial and municipal permits.

2. Project Information

Project Components/Structures

- the main components of the project, including any permanent and temporary structures, associated infrastructure, associated construction and type of equipment used
- production capacity and the size (e.g., length of road, acreage used) of the main components of the project.

Project Activities

- the construction, operation and decommissioning phases, and the timing and scheduling of each phase
- schedule (time of year, frequency, duration, magnitude and extent of activities)
- site plans/sketches with project location, features, activities on map
- engineering design details (when applicable, e.g., temporary diversion works, dam) and
- identification of requirements for off-site land use.

Resource/Material Requirements

- the production process(es) to be used in the project
- the project's raw materials, energy and water requirements and sources, including associated infrastructure (such as access roads and pipelines)
- excavation requirements and quantity of fill added or removed and
- identification of any toxic/hazardous materials to be used or by-products of the project.

Waste Disposal

- the nature of any solid, liquid or gaseous wastes likely to be generated by the project, and of plans to manage these wastes and
- disposal procedures for any toxic/hazardous materials to be used or by-products of the project.

3. Project Site Information

Project Location

- the location of the project, including a legal land description or geographical coordinates (latitude/longitude or UTM) and
- a map indicating the location of the project including the project

site, the site layout of the main components of the project, and the environmental features in the area that could be affected by the project.

Environmental Features

- a summary of the physical and biological components in the area likely to be affected by the project, such as terrain, water, air, vegetation, fish and wildlife (including migratory birds)
- information on whether the project may affect fish and fish habitat, and navigable waters (see section 4) and any unique or special resources not already identified.

Land Use

- current and past land use(s) (e.g., agricultural, traditional, recreational, industrial) at the project site and in the adjacent area
- potential contamination of site from past land use
- proximity of the project to Indian reserves and lands that are currently used or have been traditionally used by Aboriginal people
- proximity to important or designated environmental or cultural sites, such as national parks, heritage sites, historic canals, sensitive sites and other protected areas and
- proximity to residential and other urban areas.

4. Additional Requirements Related to Fish, Fish Habitat and Navigable Waters

The following information should also be provided for components of the project to be constructed or activities which will occur in a watercourse or within 30 metres of a watercourse. For more information related to fish, fish habitat and navigable waters for the purposes of developing a project description, please contact the Department of Fisheries and Oceans (www.ncr.dfo.ca).

Environmental Features

- description of freshwater/marine environmental features in the area (e.g., water bodies including name of watercourse, coastal areas, etc.)
- proximity to water bodies (freshwater and marine)
- physical characteristics of the waterway, i.e., length, width, depth, seasonal flow and fluctuations
- information on freshwater and marine fish and fish habitat (e.g., fish presence and species)
- qualitative and quantitative description of the fish habitat
- information on natural site features and characteristics (e.g., wetlands) and
- photos/video of the site.

Use of Waterway

- existing use of the waterway, (e.g., kind, size and frequency of vessels, description of existing obstructions in the waterway) and
- information on commercial, recreational or Aboriginal/subsistence fisheries in the area.

¹ Undertakings in relation to a physical work under the Act, the proposed construction, operation, modification, decommissioning, abandonment or other undertaking in relation to that physical work; or certain activities listed in the Act's *Inclusion List Regulations*.

² *Regulations Respecting the Coordination by Federal Authorities of Environmental Assessment Procedures and Requirements*, SOR/97-181.

For more information on this Operational Policy Statement or on the requirements of the Act, please contact the Agency office nearest you.

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