

Canadian Environmental Assessment Act

Scoping Document

Continental Stone Limited

Crushed Granite Stone Quarry

CEAR Reference Number: 06-03-19881

Bellcoram, NL

Prepared pursuant to Subsection 21(1) of the
Canadian Environmental Assessment Act (CEAA)

**Prepared by:
Transport Canada
Fisheries and Oceans Canada
&
Atlantic Canada Opportunities Agency**

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1.0 Introduction

1.1 Purpose of Document

The purpose of this document is to publicize the proposed scope of the federal comprehensive study for the proposed crushed granite stone quarry and marine terminal near Belleoram, Newfoundland and Labrador that Transport Canada (TC), Fisheries and Oceans Canada (DFO), and the Atlantic Canada Opportunities Agency (ACOA) are conducting. The public are invited to provide comments on the proposed scope of the project, the proposed factors to be considered in the assessment, the proposed scope of those factors, and the ability of the comprehensive study to address issues relating to the project. TC, DFO, and ACOA have determined that their respective departments have a responsibility to conduct an environmental assessment of the proposed project pursuant to paragraphs 5(1)(b) & (d) of the *Canadian Environmental Assessment Act* (the Act).

1.2 Project Summary

Continental Stone Limited (Proponent) proposes to develop a 900-hectare crushed granite stone quarry immediately north of the community of Belleoram, NL. The granite will be quarried and crushed on site using standard industry methodologies and loaded onto ships via a conveyor belt and then shipped to market. Core samples of the rock have been analyzed to ensure that the rock is suitable for market. The physical features will include the quarry, a marine wharf and a new access road. Additional constructed features will include a rock crusher, a conveyor system, administrative and cook house buildings. A conveyor system will transport crushed rock from the crushers and screeners to waiting transport vessels. A transmission line will be needed for electrical power and telephone service, however, installation of the new transmission line is the responsibility of Newfoundland and Labrador Hydro and will only be assessed as a cumulative effect throughout this comprehensive study. The project will be carried out in three phases;

Phase 1 (Development) will include excavation and removal of overburden material to enable construction of a road to the site for employees, visitors, and equipment suppliers. This phase will also include the excavation of an area suitable for set-up of the crusher and associated equipment, infilling of the lagoon area south of the Belleoram Barasway, and construction of a suitable marine wharf for the project. All equipment will be set-up at this phase.

Phase 2 (Operation) will consist of drilling and blasting of the rock source. Fractured rock will then be crushed in various sizes for transport by bulk carrier to market. It is estimated that 2,000,000 tonnes of aggregate will be shipped in the first year of operation, with future planned export increasing to approximately 6,000,000 tonnes of aggregate annually.

Phase 3 (Decommissioning) of this project will involve demobilizing all unsuitable structures at the site and the creation of an area friendly for the

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community and the environment. A Rehabilitation and Closure Plan pursuant to the requirements of the Department of Natural Resources as outlined in the *Minerals Act* is being prepared.

The proposed site of the Continental Stone quarry (55°25'27" W - 47°32'37" N) covers 900 ha and is immediately north of the community of Belleoram, which is located in Fortune Bay Newfoundland. The town has a population of approximately 450 people. Commercial fishing is currently the main industry in the area. Aquaculture is also a prominent industry within the area. Tourism and recreation are growing industries in the area.

The primary physical features will include the quarry, a marine wharf and a new access road. Additional constructed features will include a rock crusher, a conveyor system, administrative and cook house buildings. A conveyor system will transport crushed rock from the crushers and screeners to transport vessels.

An access road will be constructed from the community to the quarry following an established trail along the shoreline. Construction of the access road, which will include construction of at least one stream crossing, is expected to take approximately 4 weeks. The access road will be used to transport employees and service vehicles to the site but will not be used on a regular basis for heavy equipment. A network of site roads will be constructed as needed within the quarry for safe and efficient movement of people and equipment.

Overburden will be removed to uncover the bedrock during the development phase. The overburden thickness varies over the projected extent of the quarry. The starting pit will target an area of minimal overburden cover, to minimize the volume to be removed and stored. The volume of overburden that will be removed will be confirmed once the in-fill drilling program and final detailed designs are completed. Overburden will be stored around the perimeter of the property in a berm that will reduce the visual impact of the quarry as well as act as a barrier to unauthorized off-road vehicles. The berm will be planted with trees, shrubs, and grasses to increase structural stability and to reduce erosion. Unused overburden will be used for other purposes such as fill for contractors in the area. A large amount of overburden is not expected. Overburden and waste rock will be used for future rehabilitation of the quarry site.

The establishment of the crushing and screening equipment along with the conveyors will require the construction of some permanent structures. The immediate area affected by this construction is just south of the Belleoram Barasway and north of the community of Belleoram. Infilling of the lagoon area located south of the Belleoram Barasway will be required for equipment set-up and aggregate storage. The construction of the marine wharf is expected to take a year to complete. The wharf will include the construction and placement of caissons, installation of girder supported wharf sections, and anchorage emplacement. The rock fill section will be constructed with clean armour stone from within the quarry site along the east facing shoreline.

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The operational phase will consist of quarrying operations: which include drilling and blasting; primary, secondary, and tertiary crushing; dry and wet screening; stockpiling; reclaiming of finished products; and ship loading. Quarry and settling pond dewatering will occur as required. Ponds to be utilized as water sources for aggregate washing include: Dick's Pond, Big and Little Nut Pond, Bear Pond, and Lou Pond. A water intake will be installed in one of these ponds to supply wash water to the processing line. Manmade settling ponds will also be created. Water quality will be tested but associated metals are not expected to be present. The grounds and facilities will be maintained according to environmental health and safety standards and regulations. Licensed blasters will conduct blasting operations. The explosives will not be manufactured on site but will be ordered on a regular basis from reputable suppliers. The quarry operation is expected to run approximately 40 weeks from March to December each year with a two-shift operation as required. The ship loading activities are expected to run year round in order to supply contract demands. The quarry is expected to operate for 50 years. It is envisaged that at peak times during construction, there will be 60 to 70 personnel on site and approximately 80 to 100 during the operation phase.

Transport Canada (TC), Fisheries and Oceans Canada (DFO), and the Atlantic Canada Opportunities Agency (ACOA) are each required to exercise decision making authority for some components of the proposal thereby allowing the project to proceed. For this reason these departments are the Responsible Authorities (RA) and are required to ensure that a coordinated federal assessment is conducted in accordance with the Act prior to making their respective decisions. The Canadian Environmental Assessment Agency is the Federal Environmental Assessment Coordinator (FEAC) for this project.

The proposed project is subject to a provincial environmental assessment in accordance with the Newfoundland and Labrador *Environmental Protection Act*. The federal environmental assessment will be coordinated to the extent possible with the provincial environmental assessment. However, the federal and provincial governments will each make decisions within their own legislative mandates.

The purpose of this scoping document is to provide information to the public on the federal environmental assessment process, and to seek public comment on the federal assessment to be conducted in relation to the proposed development and operation. Specifically, this document provides an opportunity for the public to comment on the project in accordance with Section 21(1) of the Act. Comments can be submitted on the following aspects;

- proposed scope of the project for the purposes of the federal environmental assessment;
- the factors proposed to be considered;
- the proposed scope of the factors;
- the ability of the comprehensive study to address issues relating to the components of the quarry development and operational subject to the Act.

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Information on the deadline for comment and how to submit comments are found in Section 5.0.

Following the public comment period the RAs will finalize the scoping document and provide a report to the federal Minister of the Environment in accordance with Section 21(2) of the Act. At this time RAs will make a recommendation to the Minister on whether to continue with the environmental assessment by means of a comprehensive study report or to refer the project for mediation or a review panel.

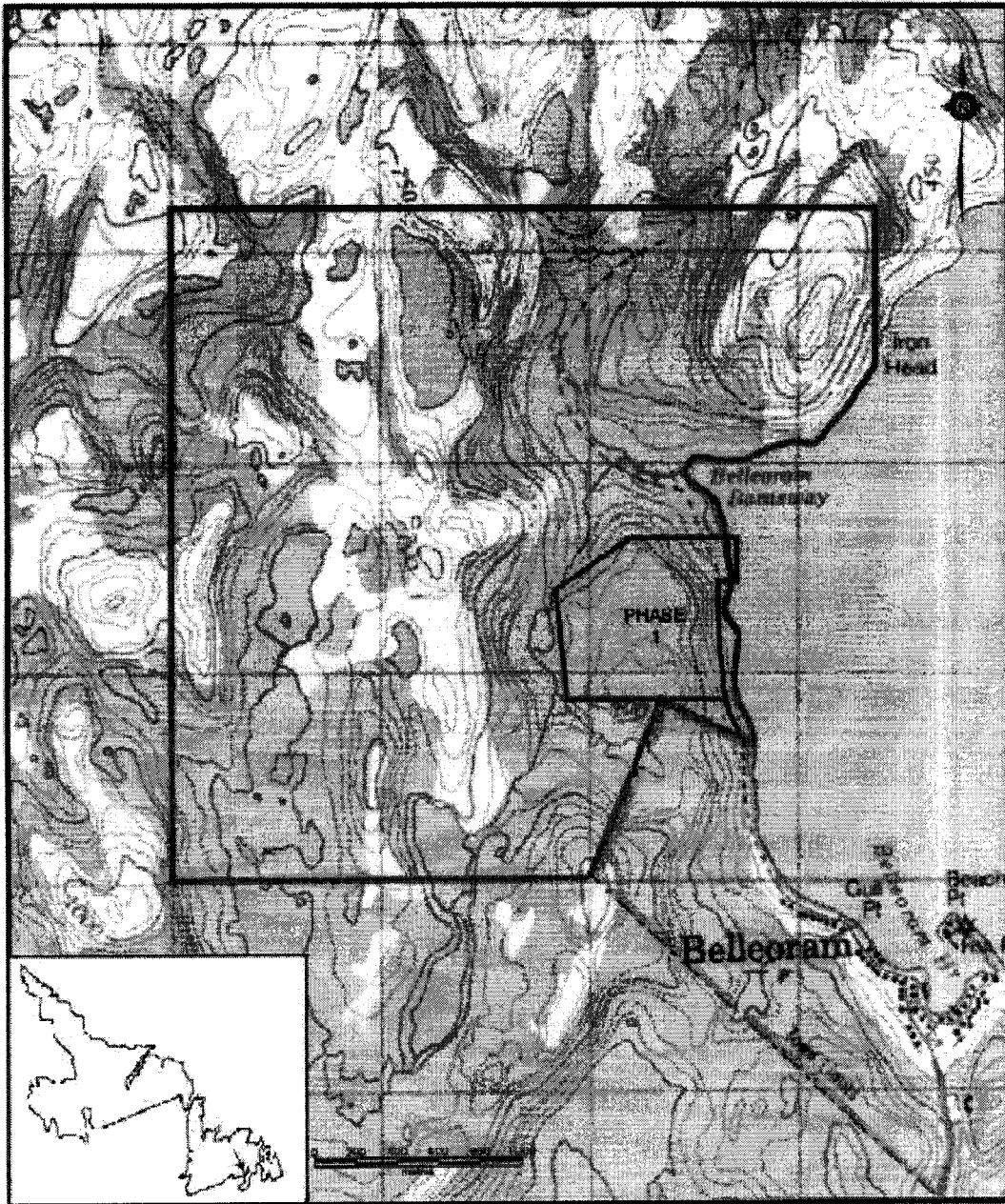


Figure 1: 1:50,000 topographic map of Belleoram (01/M/11) indicating proposed quarry site.

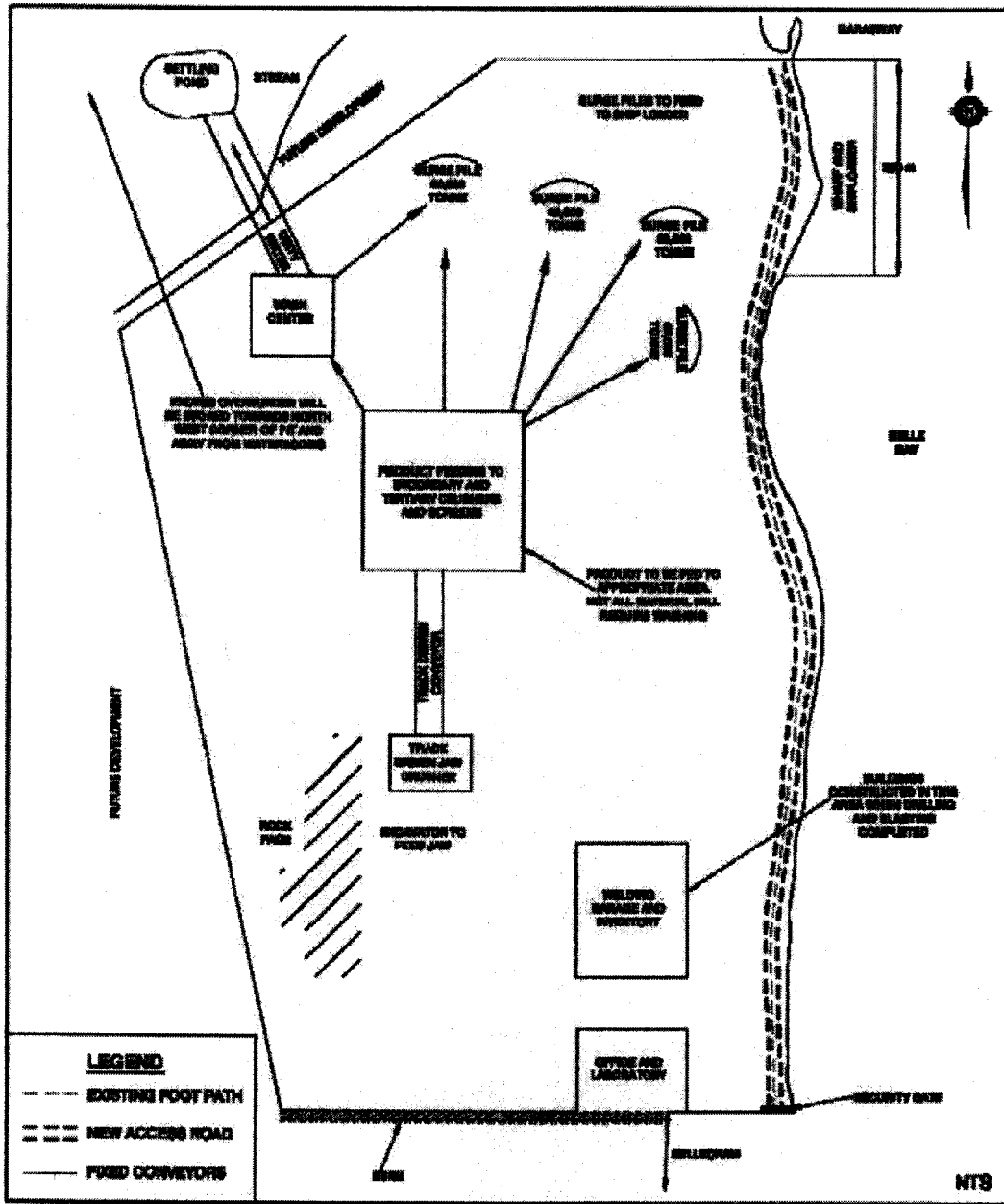


Figure 2: Site plan for Phase I of proposed quarry development.

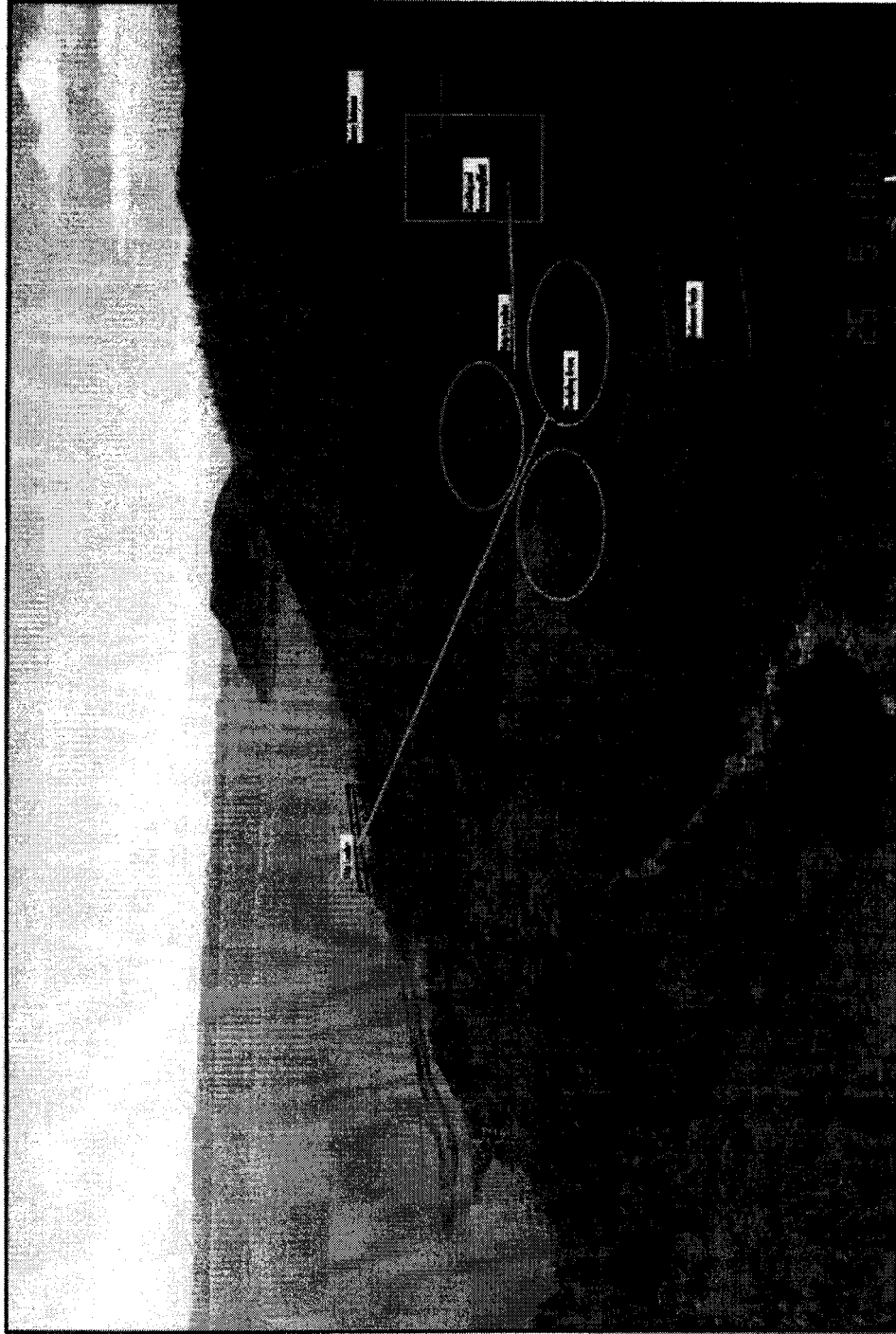


Figure 3: Proposed site layout for quarry operations, as indicated by proponent.

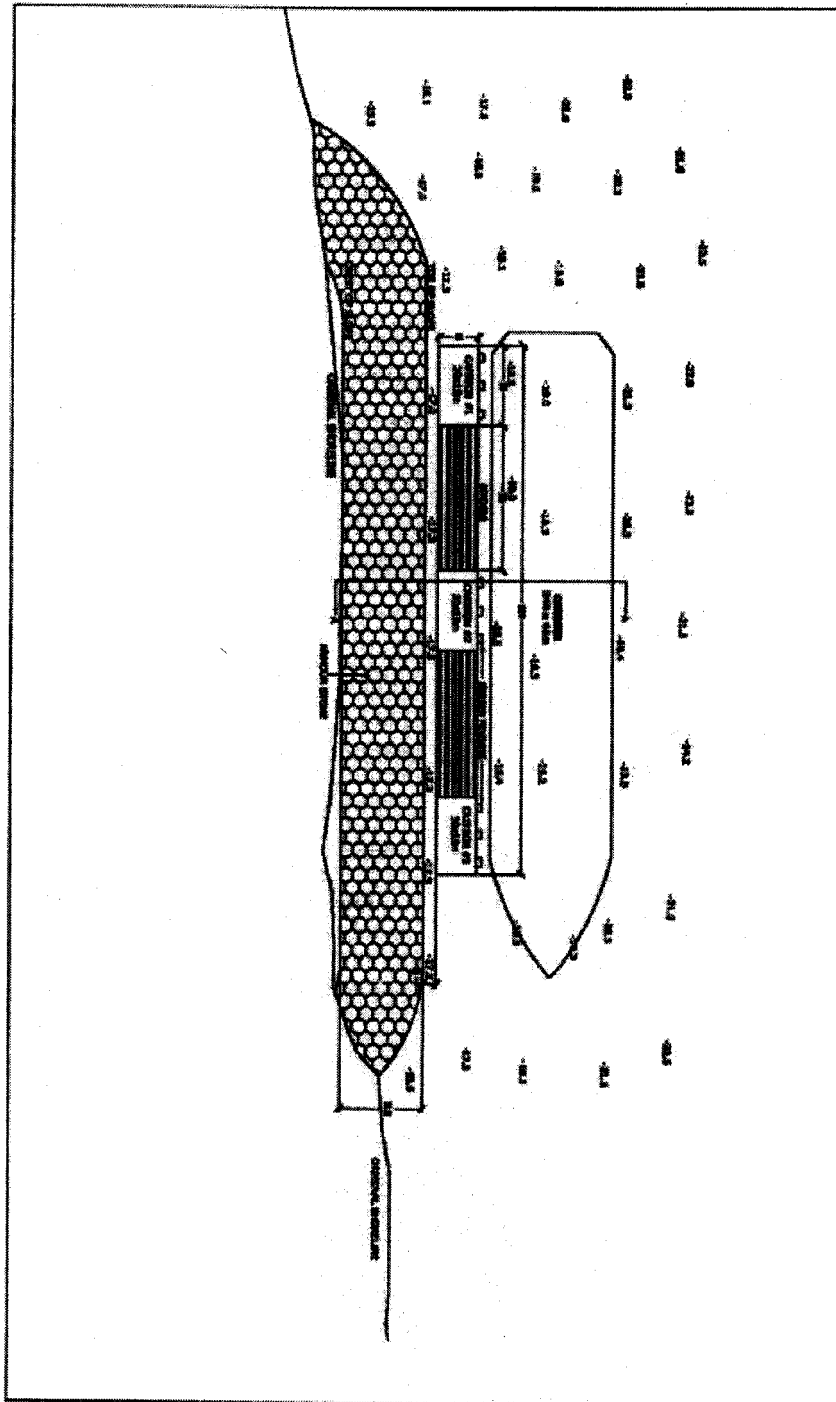


Figure 4: Preliminary drawing of the proposed concrete caisson wharf to be constructed adjacent to quarry site.

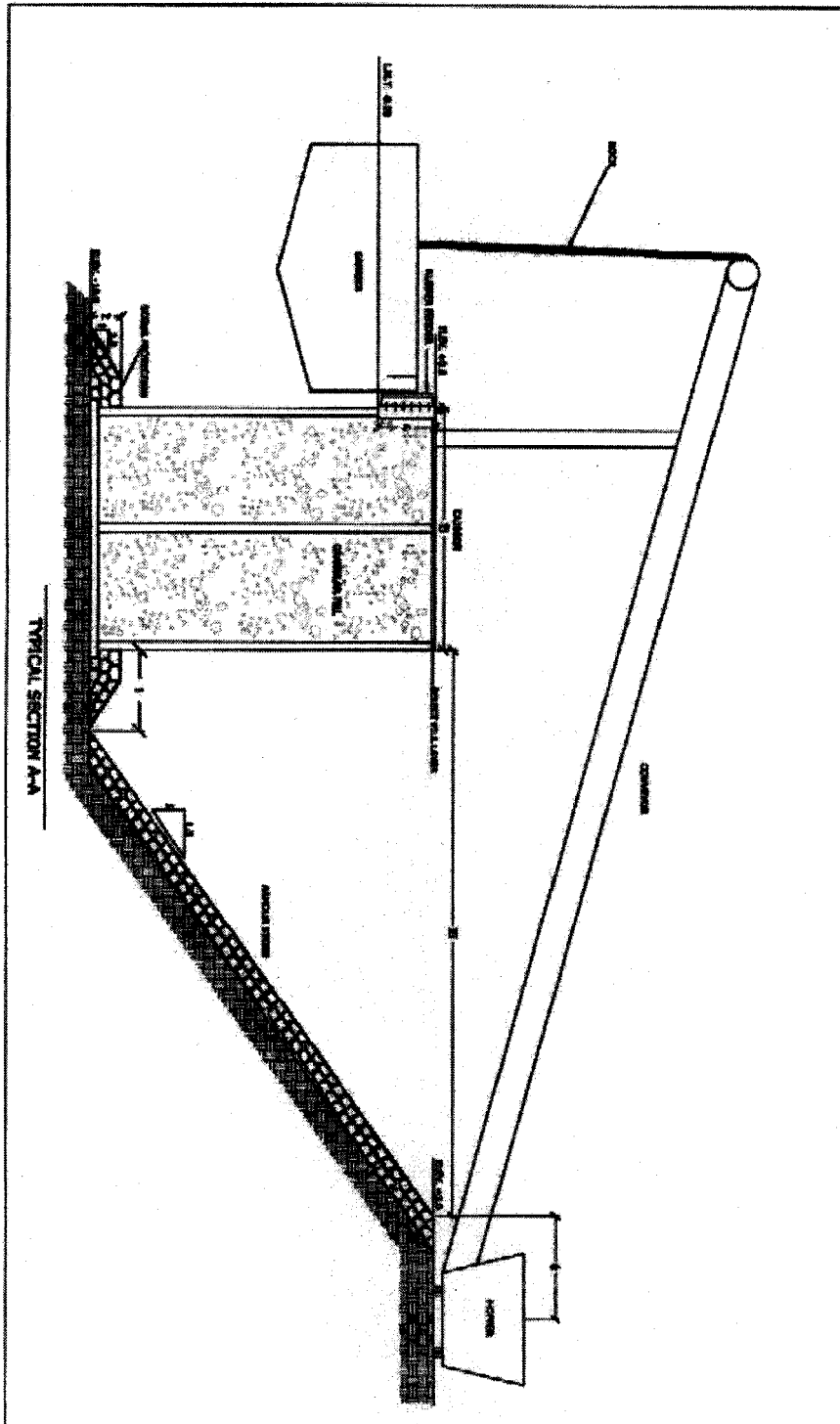


Figure 5: Cross sectional drawing of proposed wharf and loading conveyor system.

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2.0 Federal Environmental Assessment

2.1 Regulatory Context

Under section 5 of CEAA, a federal environmental assessment may be required when, in respect of a project, a federal authority proposes to:

- be the proponent;
- make or authorize payment or any other form of financial assistance to a proponent;
- sell, lease or otherwise dispose of land; or
- issue a permit, or licence or other form of approval pursuant to a statutory or regulatory provisions identified in the *Law List Regulations*.

TC, DFO, and ACOA are required to ensure that a federal environmental assessment is conducted in accordance with the Act therefore these departments are responsible authorities (RAs) under the Act. TC's and DFO's responsibility to ensure an assessment is conducted is related to the issuance of a permit, license, or other approval that is included in the *Law List Regulations* made pursuant to the Act. ACOA's responsibility to ensure an assessment is conducted is related to a payment or any other form of financial assistance provided to the proponent to enable the project.

2.1.1 Transport Canada

TC's responsibilities under the Act arise from the Section 5(1)(a) approval under the *Navigable Waters Protection Act (NWPA)* to allow for interference to navigation associated with the construction, operation, modification, decommissioning, and/or abandonment of the marine wharf.

2.1.2 Fisheries and Oceans Canada

DFO's responsibilities under the Act arise from the requirement for a *Fisheries Act* Section 35(2) authorization for the harmful alteration, disruption, or destruction of fish habitat associated with the construction, operation, modification, decommissioning, and/or abandonment of the marine wharf.

2.1.3 Atlantic Canada Opportunities Agency

ACOA's responsibilities under the Act arise because they may potentially provide financial assistance to the proponent for the purpose of enabling the project for the purpose of enabling construction, operation, modification, decommissioning, and/or abandonment of the proposed 900-hectare quarry and marine terminal.

2.2 Level of Environmental Assessment

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The RAs have determined that the project is subject to a comprehensive study under the Act pursuant to paragraphs 18(i) and 28(c) of the *Comprehensive Study List Regulations*, which reads:

18. The proposed construction, decommissioning, or abandonment, or an expansion that would result in an increase in production capacity of more than 35 percent, of

(i) a stone quarry or gravel or sand pit with a production capacity of 1 000 000 t/a or more.

and;

28. The proposed construction, decommissioning, or abandonment of

(c) a marine terminal designed to handle vessels larger than 25 000 DWT unless the terminal is located on lands that are routinely and have been historically used as a marine terminal or that are designated for such use in a land-use plan that has been the subject of public consultation.

The proposed stone quarry will have an operational capacity of 2,000,000 to 6,000,000 t/a which exceeds the 1,000,000 tonnes/annually (t/a) threshold listed in paragraph 18(i) of the *Comprehensive Study List Regulations*. Also, the proposed marine terminal will handle vessels larger than the 25,000 dead weight tonnes (DWT) threshold listed in paragraph 28(c) of the *Comprehensive Study List Regulations*.

DFO will conduct separate screening level assessment(s) for *Fisheries Act* Section 35(2) authorizations for the construction, operation, modification, decommissioning, or abandonment for the following project components: all water control structures; stream crossings created during construction of the access road; infilling and/or dewatering of aquatic habitats associated with operation of the quarry and road construction; and drawdown or dewatering of water bodies for the purpose of supplying water to the washing station.

2.3 Overview of the Environmental Assessment Process

Pursuant to Section 21(2) of the Act, the RAs must report to the Minister of the Environment after public consultation on the following aspects;

- the scope of the project, the factors to be considered in the environmental assessment, and the scope of those factors;
- public concerns in relation to the project;
- the project's potential to cause adverse environmental effects; and
- the ability of the comprehensive study to address issues relating to the project.

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The RAs must also recommend to the Minister of Environment whether the environmental assessment should be continued by means of a comprehensive study or whether the project should be referred to a mediator or review panel. After considering the Subsection 21(2) report and recommendation, the Minister of the Environment will decide whether to refer the project back to the RAs to continue with the comprehensive study process, or refer the project to a mediator or review panel. If the Minister of the Environment decides that the project should continue as a comprehensive study then the project cannot be referred to either a mediator or review panel at a later date.

If the Minister of the Environment determines that the environmental assessment process will continue as a comprehensive study then the RAs will coordinate to prepare a single Comprehensive Study Report (CSR). The public will be given an opportunity to participate during the comprehensive study process. Once completed, the CSR will be submitted to the Minister of the Environment and the Canadian Environmental Assessment Agency (the Agency).

The Agency will invite the public to comment on the CSR prior to the Minister of the Environment making a final decision. The Minister of the Environment may request additional information or require that public concerns be addressed further before issuing the environmental assessment decision statement. Once the Minister of the Environment issues the decision statement the project will be referred back to the RAs for appropriate action.

Whether the environmental assessment proceeds by means of a comprehensive study or is referred to a mediator or review panel, participant funding will be made available by the Agency to facilitate public participation.

2.4 Expert Advice from Federal Authorities

Environment Canada (EC), Natural Resources Canada (NRCan), and Health Canada (HC) will provide specialist or expert information and departmental knowledge in support of the environmental assessment process.

3.0 Canada – Newfoundland & Labrador Harmonization Process

The quarry proposal is also subject to a provincial Environmental Preview Report (EPR) pursuant to the Newfoundland and Labrador *Environmental Protection Act*. An EPR provides additional information not contained within the original registration document so that the provincial Minister of Environment and Conservation can determine whether the project may be released from further assessment or if an Environmental Impact Statement (EIS) is required. An EIS is required when significant environmental effects are likely and/or there is significant public concern regarding the proposal. If the provincial government requires an EIS then the federal environmental assessment process will be coordinated, to the extent possible, with the provincial EIS process. However, the

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Federal and provincial governments will each make decisions on matters within their own legislative authorities.

A registration document prepared by the Proponent was submitted to the Newfoundland & Labrador Department of Environment and Conservation on April 3, 2006 as required for the Newfoundland and Labrador *Environmental Protection Act*. This document, "Registration Document: Continental Stone Limited, Proposed Development Belleoram Crushed Granite Rock Quarry" contains a full project description with a thorough depiction of the biophysical environment. The document can be viewed at the following website: <http://www.env.gov.nl.ca/env/Env/EA%202001/Project%20Info/1247.htm>. The information provided by the proponent in this document was utilized for both the provincial and federal environmental assessment processes.

4.0 Proposed Scope

Scoping establishes the boundaries of the federal environmental assessment. The scope identifies elements of the project to include in the environmental components likely to be affected and focuses the assessment on relevant issues and concerns. Currently, TC, DFO, and ACOA have different scopes related to their regulatory responsibilities however, a single comprehensive study report will be prepared and each RA will have decision-making authority respective to their individual scopes. The public is invited to comment on the proposed overall scope of the project.

4.1 Proposed Scope of the Project

TC has determined, based on the NWPA Section 5(1)(a) trigger under the *Law List Regulations of the Act*, that the scope of the project for the purposes of the environmental assessment will include the construction, operation, maintenance, modification, and decommissioning (including closure and reclamation) of the concrete caisson marine terminal.

DFO has determined, based on the anticipated *Fisheries Act*, Section 35(2) trigger under the Law List Regulations of the Act, that the scope of the project for the purposes of DFO's environmental assessment will be the construction, operation, maintenance, modification, and decommissioning (including closure and reclamation) of the concrete caisson marine terminal.

ACOA has determined that the scope of the project for the purposes of ACOA's environmental assessment will include all project components associated with the construction, operation, maintenance, modification, and decommissioning of the 900-hectare crushed granite stone quarry and the marine terminal.

DFO will conduct separate screening level assessment(s) for *Fisheries Act* Section 35(2) authorizations for the construction, operation, modification, decommissioning, or abandonment for the following project components: all water control structures; stream crossings created during construction of the access road; infilling and/or dewatering of

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aquatic habitats associated with operation of the quarry and road construction; and drawdown or dewatering of water bodies for the purpose of supplying water to the washing station.

Operation of the marine terminal includes docking and de-borthing of vessels but does not include shipping. Shipping will be assessed for potential accidents/malfunctions.

4.2 Proposed Scope of Assessment

The scope of assessment defines the factors proposed to be considered in the environmental assessment and the proposed scope of those factors. The RAs are required to consider the factors specified in Section 16 of CEAA, taking into consideration the definitions of the environment, environmental effect, and project.

4.2.1 Factors to be Considered

As defined under CEAA, "environmental effect" means, in respect of a project:

- a) *any change that the project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residences of individuals of that species, as those terms are defined in subsection 2(1) of the Species at Risk Act*
- b) *any effect of any change referred to in paragraph (a) on*
 - i) *health and socio-economic conditions*
 - ii) *physical and cultural heritage*
 - iii) *the current use of lands and resources for traditional purposes by aboriginal persons, or*
 - iv) *any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or*
- c) *any change to the project that may be caused by the environment whether any such change or effect occurs within or outside Canada;*

Under section 16 of CEAA, the following factors must be considered in an environmental assessment conducted as a comprehensive study:

- the environmental effects of the project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out;
- the significance of the environmental effects referred to above;
- comments from the public that are received in accordance with this Act and the regulations;

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- measures that are technically and economically feasible and that would mitigate any significant adverse environmental effects of the project;
- the purpose of the project;
- alternative means of carrying out the project that are technically and economically feasible and the environmental effects of any such alternative means;
- the need for, and the requirements of, any follow-up program in respect of the project;
- the capacity of renewable resources that are likely to be significantly affected by the project to meet the needs of the present and those of the future; and,
- any other matter that the responsible authorities deem to be necessary, including community knowledge and aboriginal traditional knowledge.

4.2.2 Scope of the Factors to be Considered

To obtain a good prediction of the effects of a project on the environment, it is important to focus the assessment. "Environmental components" is a term used to describe the various aspects of the biological, physical, and social environment. Environmental components can refer to a physical feature (i.e. vegetation), a process (i.e. biodegradation), or a condition (i.e. biodiversity).

One of the purposes of this public comment period is to identify "Environmental Components of Concern" (ECC). These are the environmental components that exist in the area, and therefore could possibly be impacted by the project. As the assessment proceeds, a determination will be made on which of these environmental components of concern will be impacted by the project, and are of legal, scientific, ecological, cultural, economic, etc. value. These will be referred to as the Valued Environmental Components (VEC) and will be the focus of the environmental assessment.

Please note that the scope of project, as described in Section 5.1 above, does not mean that the area to be studied will be confined to the project site. Rather, the study area, for the purposes of the environmental assessment, must include the area within which the environmental components that could potentially be affected by the scoped project (i.e., undertakings associated with the marginal wharf) are located.

The environmental assessment methodology to be used by the Proponent will include the following:

- an overview or study, as appropriate, for each of the ECC, in order to describe the actual conditions in the study area (i.e., baseline conditions);
- prediction of environmental effects;
- identification of mitigation that can be used to avoid or minimize adverse effects on the environment;
- identification and assessment of residual (i.e., still remaining) effects;
- prediction of cumulative environmental effects discussion of significance;

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- and preparation and implementation of a follow-up program.

The following provides a preliminary list of ECC that will be considered in the environmental assessment. This list is not intended to be exhaustive.

- freshwater quality/quantity;
- marine water quality;
- groundwater;
- wetlands;
- soil/sediment quality and transport;
- air quality;
- species at risk;
- wildlife and wildlife habitat;
- fish and fish habitat;
- commercial/recreational fisheries;
- aquaculture;
- migratory birds and their habitat;
- navigation;
- marine safety and security;
- human health and safety;
- marine mammals;
- acoustic environment (i.e. noise, vibration);
- socio-economic/recreational impacts, and;
- aesthetics.

4.2.3 Spatial and Temporal Boundaries

Spatially, the main project site is located within a 900-hectare parcel of land and intertidal zone immediately north of Belleoram, NL. The southern portion of the boundary is shared with the town limits boundary. The spatial boundary will be determined specific to each factor in order to effectively assess the potential environmental effects of the project.

The temporal boundaries will encompass the entire lifespan of the proposed project. The environmental assessment will discuss the effects of the project on each factor in relation to the construction phase, operational phase (including any maintenance and modifications), and through to the completion, decommissioning, closure, and reclamation phases of the project.

4.2.4 Cumulative Environmental Effects

The evaluation of potential cumulative effects will include the residual environmental effects associated with the project in combination with the environmental effect of other past, present, or future projects or activities. The cumulative effects to be considered are those likely to result from the project in combination with current or future projects or

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activities. Future projects refer to those projects that are likely to occur within the foreseeable future.

4.2.5 Alternative Means of Carrying out the Project

The assessment will include an analysis of the alternative means of carrying out the project that are technically and economically feasible and the environmental effects of such alternative means. For example, the proponent has indicated that an alternative to marine shipping would be land transport via trucks. A rationale for the preferred alternative will be included in the environmental assessment.

4.2.6 Effects of the Environment on the Project

Also to be considered within the scope of the assessment is the potential changes to the project that may occur as a result of the existing environment. The environmental assessment will consider natural hazards such as extreme weather events, seismic activities, extreme tidal conditions, and climate change. Proposed mitigation, including engineering strategies, will be considered during the evaluation of effects of the environment on the project and used to determine their significance.

4.2.7 Potential Accidents and Malfunctions

This environmental assessment will also consider the potential for accidents and malfunctions that could occur during any phase of the project. This includes an evaluation of the likelihood and circumstances under which these events could occur, and the environmental affects that may result from such events.

4.2.8 Follow-up Program

The design and implementation of a follow-up program is a mandatory step within any comprehensive study under the Act. The purpose of the follow-up program is to verify the accuracy of the environmental assessment and determine the effectiveness of the proposed mitigation measures. The completed environmental assessment will detail the follow-up program and its associated requirements. Federal Authorities will provide assistance to the Responsible Authorities, as required, in ensuring the implementation and monitoring of the follow-up program as per section 38(4) of *CEAA* assigned to this proposed work.

5.0 Public Consultation

5.1 Submission of Comments

In consideration of the information contained in this document, the public is invited to provide their views and opinions on the following information contained within this document;

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- the proposed scope of the project;
- the factors proposed to be considered in this assessment;
- the proposed scope of the factors; and
- the ability of the comprehensive study to address issues relating to the project.

Persons wishing to submit comments may do so in writing to Transport Canada. Comments must be received prior to close of business on October 27, 2006. Comments may be sent by electronic mail to deckerr@tc.gc.ca, by facsimile to (709) 772-3072, or by mail to:

Randy Decker
Transport Canada – Environmental Affairs
7th Floor, Cabot Place
100 New Gower Street
P.O. 1300
St. John's, NL
A1C 6H8

Written submissions should be as detailed as possible and clearly reference the **Continental Stone Ltd. – Crushed Granite Stone Quarry** and the Registry File number **06-03-19881**. Please note that all submissions are considered public and will become part of the public registry.

Should a comprehensive study be conducted for the project, TC, DFO and ACOA will provide the public with an additional opportunity for input into the comprehensive study process. Once the comprehensive study report has been submitted to the Agency, the public will be provided an opportunity to review and provide comments during the Agency's public comment period, prior to final recommendation to the Minister of Environment. The public will also have opportunities to participate in the review, should the project be referred to a mediator or a review panel.

5.2 Participant Funding

The Government of Canada, through the Agency, will provide participant funding to assist groups and individuals to take part in the environmental assessment, whether it proceeds as a comprehensive study or is referred to a mediator or review panel. Information regarding the Participant Funding Program, the application form, and the contribution agreement are available on the Canadian Environmental Assessment Website at <http://www.ceaa-acee.gc.ca>.

5.3 Canadian Environmental Assessment Registry

Pursuant to the Act, section 55, a Canadian Environmental Assessment Registry (CEAR) has been established to provide notice of the environmental assessment and facilitate public access to records related to the environmental assessment. The CEAR consists of

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a project file and an Internet site. The Internet component of the CEAR can be accessed at http://www.ceaa.gc.ca/050/index_e.cfm.

Anyone wishing to obtain copies, or view records, from the CEAR project file should contact TC at 709-772-3061.

If you have general questions in relation to the Act, you can access the Agency website at www.ceaa-accr.gc.ca or contact the Atlantic Region office at 902-426-0564.