



Canadian Environmental
Assessment Agency

Agence canadienne
d'évaluation environnementale

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November 12, 2013

Mr. Derek Holmes
Regional Manager
BURNCO Rock Products Ltd.
1A – 2670 Emerson Street
Abbotsford BC V2T 3J6

Dear Mr. Holmes:

Re: BURNCO Aggregate Mine Project

Thank you for your letter dated October 2, 2013, regarding the potential impacts of marine shipping associated with the BURNCO Aggregate Mine Project (the Project). The Canadian Environmental Assessment Agency (the Agency) has reviewed your letter and supporting analysis, and has made the following adjustments to the requirements of the comprehensive study being completed under the former *Canadian Environmental Assessment Act*. The Agency requests that these revisions be reflected in the joint *Application Information Requirements / Environmental Impact Statement (EIS) Guidelines* before they are finalized and approved by the B.C. Environmental Assessment Office and the Agency.

Barging traffic

The initial spatial boundary for the assessment of the marine shipping component of the Project extended along the proposed barging routes from the sand and gravel pit site at McNab Creek to BURNCO's existing load-out facilities in Burnaby and Langley, B.C. Based on the analysis provided, the Agency now understands that the Project would result in one barge every two days between McNab Creek and the load-out facilities, which would result in the following incremental changes to existing barge traffic (see Annex A – Marine Barge Shipping Analysis):

- 92% increase along Ramillies Channel,
- 9.6% increase along Thornbrough Channel,

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- 12.3% increase along Queen Charlotte Channel to south of Passage Island, and
- 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River, and
- 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley.

Based on this information, the scope of assessment of marine shipping for the purposes of the comprehensive study will continue to include barge traffic in Howe Sound, Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel (south of Passage Island). The scope will no longer include shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley.

Aboriginal consultation

The adjusted scope of assessment will not result in any change to the Agency's approach to consulting with the Squamish Nation as part of the comprehensive study. As described in our letter of December 19, 2011, the Agency is consulting with the Squamish Nation at a "high depth" of consultation, and as such requires BURNCO to directly engage with the Squamish Nation to identify:

- The current use of lands of resources for traditional purposes by the Squamish Nation,
- Potential effects of changes to the environment resulting from the Project on their current use of lands and resources for traditional purposes, and
- Options for mitigating these effects as part of the comprehensive study, including instances where this mitigation may also accommodate potential adverse impacts to the Squamish Nation's asserted rights.

Part C (Aboriginal Information Requirements) of the draft *Application Information Requirements / Environmental Impact Statement (EIS) Guidelines* requires that this information be fully described in the EIS, including any outcomes of engagements with the Squamish Nation that demonstrate responsiveness to their concerns with respect to the potential environmental effects of the Project.

The Agency will also continue to consult with a number of Aboriginal groups at a "low depth" of consultation, including:

- Musqueam Indian Band,
- Tsleil-Waututh Nation,
- Stz'uminus First Nation,
- Cowichan Tribes,
- Halalt First Nation,
- Lake Cowichan First Nation,
- Lyackson First Nation,
- Penelakut Tribe, and
- Métis Nation British Columbia.

For these Aboriginal groups, the EIS must include a description of the current use of lands and resources for traditional purposes by each group, as well as a description of the potential effects of changes to the environment resulting from the Project on these uses. Once this information has been prepared, BURNCO must provide each group with an opportunity to review the information, and include a summary of any comments provided by these groups in the EIS.

Please contact me at 604-666-1491 or by email at Kevin.Inouye@ceaa-acee.gc.ca should you have any questions.

Sincerely,



Kevin Inouye
Project Manager and Crown Consultation Coordinator
Pacific and Yukon Region

Attachment: Annex A: Marine Barge Shipping Analysis

c.c.: Gerry Hamblin, B.C. Environmental Assessment Office
Corrinne Gibson, Fisheries and Oceans Canada
Yota Hatziantoniou, Health Canada
Shelley Ball, Natural Resources Canada
June Yoo Rifkin, Environment Canada
Suzanne L'Heureux, Transport Canada
Alan Calder, Golder
Mark Johannes, Golder

Annex A – Marine Barge Shipping Analysis

BURNCO

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October 2, 2013

Kevin Inouye, Project Manager
Canadian Environmental Assessment Agency
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RE: Marine Shipping Scoping Rationale for the Proposed BURNCO Aggregate Project

Further to our discussion on September 6, 2013, I am providing rationale for the scoping of the marine shipping component of the proposed BURNCO Aggregate Project (the Project) for the purpose of an Environmental Impact Statement (EIS) under *Canadian Environmental Assessment Act, S.C. 1992, c.37* (former CEAA). While there is a limited increase in BURNCO's contribution to marine traffic as a result of shipping aggregate by barge along routes transiting Howe Sound, there will be no change to BURNCO's contribution to existing marine traffic as a result of the Project from where the barges would intersect with existing BURNCO shipping routes, off of Point Grey south of Round Island and the southern boundary of Howe Sound. In our view, the scoping of the marine shipping component for the EIS should therefore exclude BURNCO's contribution to existing traffic from this point to existing sites on the Fraser River. Analysis supporting this rationale and its implications are presented below.

Background

BURNCO's B.C. operations currently transport sand and gravel by barge from Treat Creek (northwest of Powell River), and as far away as Port McNeil on northern Vancouver Island, to existing facilities along the Fraser River in Burnaby and Langley. The development of the Project would replace the need to transport aggregate from both these sites. Instead, BURNCO would tow aggregate-filled barges (on average, one barge every two days) from the marine loading facility in Howe Sound through Queen Charlotte Channel to the Fraser River via both Ramillies Channel (regular route) and Thornbrough Channel (bad weather route) (Figure 1). Beyond this point, Project-related shipping would fully replace existing barge traffic currently associated with existing BURNCO facilities, resulting in no change in BURNCO's contribution to existing marine traffic levels.

Marine Barge Shipping Analysis

BURNCO has undertaken a marine traffic analysis to evaluate the potential incremental changes in barge traffic and activity from the proposed marine loading facility in Howe Sound to BURNCO's facilities in Burnaby and Langley. The analysis was based on the Automated Industry Standard (AIS), a mandatory vessel signal transmitted from all commercial vessels and relayed by satellite to receiving and archive centres. AIS data for a one year period (September 1, 2012

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to September 1, 2013) was acquired from Industry Canada and Transport Canada for all commercial vessels within the entire Fraser River, Burrard Inlet, Howe Sound and Strait of Georgia area, and compiled to help model BURNCO's contribution to existing marine traffic over a 365 day period. Considered in the analysis were the following six barge routes:

1. Ramillies Channel - Gambler Island eastern route to the south-eastern tip of Gambier Island near Bowen Island to Queen Charlotte Channel (i.e., BURNCO's proposed regular route);
2. Thornbrough Channel - Gambier Island western route to the south-eastern tip of Gambler Island near Bowen Island to Queen Charlotte Channel (i.e., BURNCO's proposed bad weather route);
3. Queen Charlotte Channel from the south-eastern tip of Gambier Island near Bowen Island to the southern extent of Howe Sound near the existing shipping lanes in the Strait of Georgia;
4. Strait of Georgia south of Howe Sound connecting Burrard Inlet, north arm Fraser River, and main south arm Fraser;
5. North arm of the Fraser River; and
6. South arm of the Fraser River.

The AIS data are presented in Table 1 as tug/barge and bulk cargo vessel commercial vessel movements per day. BURNCO's incremental change in tug-barge vessel movement per day has also been estimated and presented in Table 1. Ferry, recreational vessels, passenger, pilotage and other vessels were not included in this analysis, but will be considered as part of the effects assessment being prepared for the EIS.

Table 1: AIS tug/barge and bulk cargo commercial vessel activity per day from September 1, 2012 to September 1, 2013.

Shipping Route	AIS Data: Vessel Type		Proposed BURNCO Aggregate Project	
	Bulk Cargo (Vessels per Day)	Tug/Barge (Vessels per Day)	% of Total Tug/Barge Traffic	% Incremental Change in Project-related Tug/Barge Traffic
1. Ramillies Channel	0.04	0.27	48%	92%
2. Thornbrough Channel	0.20	2.6	8.7%	9.6%
3. Queen Charlotte Channel	0.44	4.04	11%	12.3%
4. Strait of Georgia	19.1	42.5	1.1%	0% (Note 1)
5. North Arm Fraser	0.5	14.3	1.7%	0% (Note 1)
6. South Arm Fraser	9.3	12.1	2.0%	0% (Note 1)

Notes: 1. Project-related barge traffic would replace BURNCO's existing contribution to marine traffic in this area, resulting in a zero net increase.

Conclusion

Based on this analysis, incremental increases to marine traffic as a result of the Project are anticipated only for Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel in Howe Sound to where the barges would intersect with existing BURNCO shipping routes. No project-related effects are anticipated south of this point of interconnection in the Strait of Georgia.

BURNCO is aware that the Squamish Nation and Tseil-Waututh Nation assert territories that fully overlap the area of anticipated change in barging traffic and activities from the proposed Project area to the point of intersection with existing shipping lanes and barge routes in Howe Sound. We are also aware that a small portion of that area of anticipated change (i.e., Queen Charlotte Channel south to the point of intersection) overlaps the margins of the asserted territory of the Musqueam Indian Band, as well as the margins of an extensive marine territory asserted collectively by the following Hul'qumi'num Treaty Group member First Nations, based on Vancouver Island: Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Lyackson First Nation, Penelakut Tribe, and Stz'uminus (Chemainus) First Nation.

Based on our review of publicly available information, there are no other Aboriginal groups that assert interests in the area of anticipated change; however, it is understood that Canada recognizes a legal duty to consult Métis, and that Métis Nation British Columbia is viewed by Canada as the consultative body for this purpose.

We acknowledge that the Crown's common law duty to consult Aboriginal groups is raised when it is aware of Aboriginal interests and is contemplating conduct or a decision that may adversely affect those interests. We also understand that there is a statutory requirement under CEAA for the CEA Agency to consider current use of lands and resources for traditional purposes, and that the CEA Agency has accordingly identified a requirement to include information on any current use of potentially affected areas in the EIS for the Project. In our view, this should be limited to the proposed Project area and the area of anticipated change in barging activities from the proposed Project area to the point of intersection with existing barge routes.

BURNCO will undertake efforts to acquire the requisite information for the groups identified above; however, we respectfully ask that the CEA Agency explicitly seek information about current use in the area of anticipated change from these same groups, for receipt within a relatively short time frame. We trust that any information received by the CEA Agency to this effect will be provided expeditiously to BURNCO to assist with meeting the information requirements for the EIS, particularly since it has become apparent that there is limited if any public information available to help identify current uses for traditional purposes in the area of anticipated change.

BURNCO

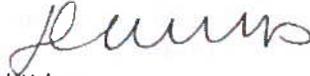
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Thank you for considering this analysis in determining the appropriate scope for the marine shipping component of the Project. Please contact me if there are questions.

Sincerely,



Derek Holmes
Regional Manager, BURNCO Rock Products Ltd

cc: Mark Johannes, Golder Associates

Alan Calder, Golder Associates

Enclosure (1)

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