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MEMORANDUM - NOTE DE SERVICE

To
à

Mike Nassichuk, Manager, PPAD

Lisa Walls, Manager, EAWP

Andrew Robinson, CWS

Date: April 8, 2003

From
de

Adrian Duncan
Coordinator, Referral and Liaison

Re: Proposed Container Terminal Expansion at Roberts Bank - 2003

Attached please find a copy of a letter dated April 1, 2003 from the Department of Fisheries and Oceans (DFO) to Vancouver Port Authority (VPA). As you will see, DFO has specifically stated in this letter that DFO "*cannot exercise any power, duty or function that would permit the Delta Port project to proceed as proposed*". Similarly, DFO has indicated that options E1 and W3 also cannot be authorized by DFO pursuant to their legislated mandate.

In accordance with Section 26 of the Canadian Environmental Assessment Act (CEAA) the effect of DFO's letter is to prevent any environmental assessment from taking place with respect to the Delta Port expansion and options E1 and W3 for Terminal 2. In particular, Environment Canada will be similarly prevented from issuing an Ocean Disposal Permit with respect to these design options since the issuance of such a permit would make Environment Canada a Responsible Authority under CEAA and a RA may not exercise power duty or function with respect to the project for which another RA is unwilling to exercise its own power duty or function.

I believe that it is incumbent upon Environment Canada to advise VPA accordingly by letter citing DFO's letter as the basis for our position. Please advise if you wish me to undertake the preparation of a draft.

Thanks...Adrian