

**IN THE MATTER OF THE ENVIRONMENTAL ASSESSMENT ACT
S.B.C. 2002, c.43 (ACT)**

AND

**AN ENVIRONMENTAL ASSESSMENT OF THE
RICHMOND ISLAND MILLTOWN MARINA AND BOATYARD
(proposed Project)**

ORDER UNDER SECTION 10(1)(b)

Whereas:

- A. The Musqueam Indian Band and Bastion Development Corporation (Proponent) are proposing to construct a marina and boathouse at the mouth of the Fraser River North Arm in Richmond, British Columbia as described in the March 2012, Project Description attached to this order as Schedule A. The proposed Project would include a clear span bridge, crane, boat launch, gangway, 170- 200 boat slip floating structure, parking facilities, ancillary buildings, work areas, and dry-stack storage for up to 250 boats.
- B. The proposed Project constitutes a reviewable project pursuant to Part 5 of the *Reviewable Projects Regulation* (B.C. Reg 370/02), since it would result in changes in or about a stream, marine coastline or estuary and entails dredging, filling or other direct disturbance of greater than or equal to two hectares of foreshore or submerged land, or a combination of foreshore and submerged land, below the natural boundary of a marine coastline or marine estuary.
- C. On January 12, 2011, under section 10(1)(b) of the Act, the Proponent requested that the Executive Director determine that an environmental assessment (EA) Certificate is not required for the proposed Project and that the Proponent be allowed to proceed with the proposed Project without an assessment.
- D. On May 11, 2011, the Executive Director wrote to the Proponent informing them that he had determined that an order under section 10(1)(b) could not be granted based on the information provided at that time. At the Proponent's request, the Environmental Assessment Office (EAO) did not proceed further with a provincial EA, as the Proponent intended to request a section 10(1)(b) based on the information available upon completion of the federal review. On March 6, 2012, the Proponent contacted EAO requesting a section 10(1)(b).
- E. The proposed Project was subject to federal screening review lead by the Port Metro Vancouver's (PMV). This review began in May 13, 2011, and was completed on January 4, 2012, with a determination that the proposed Project will not have significant adverse effects that cannot be mitigated.
- F. On March 14, 2012, EAO referred the Proponent's request and the supporting information to the appropriate federal, provincial and local government agencies. The governments did not identify any significant adverse environmental, economic, social, heritage, or health effects.

- G. On March 14, 2012, EAO referred the Proponent's request and the supporting information to the following First Nations for consultation and comment on the potential effects on their treaty rights or aboriginal interests: Musqueam Indian Band, Seabird Island, Shxw'ow'hamel, Skawahlook, Soowahlie, Sto:lo Nation, Sto:lo Tribal Council, Squamish, Stz'uminus, Cowichan, Halalt, Lake Cowichan First Nations, Lyackson, Penelakut, Hul'qumi'num and Tsleil-Waututh Nation. No comments were received from the First Nations.
- H. Based on the information provided by the Proponent, the PMV screening review and the mitigation measures identified in the PMV screening report, and in the absence of comments from First Nations, EAO is satisfied that the proposed Project will have no significant adverse impact on the aboriginal interests of the First Nations.
- I. Following a review of the information provided to EAO, listed in Schedule A and Schedule B of this Order, the Executive Director considers that the proposed Project will not have significant adverse environmental, economic, social, heritage or health effects, taking into account the practical means of preventing or reducing to an acceptable level any potential adverse effects of the proposed Project.

NOW THEREFORE:

Pursuant to section 10(1)(b) of the Act, I order that:

- (i) the proposed Project does not require an EA Certificate, and
- (ii) the Proponent may proceed with the proposed Project, as described in Schedule A of this Order, without an assessment.



Derek Sturko
Associate Deputy Minister and Executive Director
Environmental Assessment Office

Dated APRIL 27, 2012

SCHEDULE A

Richmond Island Milltown Marina and Boatyard Waive-Out Request Information Package dated March 2012, submitted by Musqueam Indian Band and Bastion Development Corporation to EAO.

SCHEDULE B

Documentation and Correspondence Considered by EAO

- Waive out request information package submitted to EAO by Musqueam Indian Band and Bastion Development Corporation, on March 2012 (Schedule A).
- March 2012, Proponent Waive-Out Application Comment Response Table with EAO Analysis
- March 14, 2012, email from Ministry of Forest Lands and Natural Resource Operations to EAO, indicating support for the 'Request for Provincial EA Waive-Out' on the Proposed Project.
- March 5, 2012, letter from Fraser River Estuary Management Program (FREMP) to the Proponent indicating they are proceeding with an amendment of the FREMP Area Designation for Units 16 and 22 in support of the proposed Project.
- February 29, 2012, letter from City of Richmond to EAO, advising that the Richmond Council passed a resolution on February 27, 2012 that on the basis of additional work undertaken by the Proponent, the City of Richmond has no further objections to the Proponent's request for a "waive-out" from the BC EA review.
- February 28, 2012, Council of the City of Vancouver approved a By-law attached as Appendix A to the Administrative Report Dated February 7, 2012 entitled "Water Service to Richmond Island" for the purposes of servicing the Milltown Marina and Boatyard.
- February 10, 2012, letter from the President of the Marpole Business Association expressing support for the proposed Project.
- January 4, 2012, Approved CEAA Screening Report, Vancouver Fraser Port Authority.
- November 2011, Sediment Quality Investigation Report, Exp Services Inc.
- October 26, 2011 correspondence from ECL Envirowest Consultants Ltd on Fish habitat Budget – Eburne Slough and Richmond Island for Marina and Drydock Facility.
- August 30, 2011, Public Consultation Report, Port of Metro Vancouver
- June 29, 2011 email from City of Richmond to Proponent confirming emergency services coverage from RCMP and fire rescue for Richmond Island.
- June 15, 2011 Building By-Law Compliance Report for Milltown Marina (draft), by CFT Engineering Inc., providing summary of the life safety and fire protection features.
- May 12, 2011 Traffic Study, Bunt and Associates
- March 14, 2011, email from Archaeology Branch, Natural Resource Operations to EAO, indicating that Archaeological Overview Assessment for Milltown Marina and Boatyard, prepared by Leonard C. Ham, Phd. satisfies information requirements and that there is no need for further archaeological work.
- February 4, 2011, letter from the BC Marine Trades Association expressing support for the proposed Project.
- January 11, 2011, Stage 1 Preliminary Site Investigation of Richmond Island, by Envirochem Services Inc.
- January 5, 2011, Musqueam Fisheries commission letter in support of proposed Project.

- December 23, 2010, Sturgeon/Salinity Study of Ebourn Slough, ECL Envirowest Consultants.
- November 8, 2010, Proposed Redevelopment of Richmond Island and Richmond Slough, Musqueam Indian Band and Bastion Development Corporation.
- January 2010, Richmond Island Marina and Dry Dock Facility – Environmental Impact Assessment of Ebourn Slough, prepared by Enkon Environmental Ltd.
- 2005 Report by the Fraser Basin Council, identifying the site of the proposed Project as a sustainable economic development opportunity for a small marina and small shipyard.