

From: Myles,Debra [CEAA]
Sent: Wednesday, June 13, 2007 1:15 PM
To: 'Gilbert Winham'
Subject: Whites Point Quarry and Marine Terminal Project

Dr. Winham,

The Joint Review Panel for the Whites Point Quarry and Marine Terminal Project requests that you, as an expert in International Trade Law, a former Member, Ad Hoc Advisory Group of Experts on NAFTA Chapter 11 and Professor Emeritus, Dalhousie University, review the information, below, that has been presented to the Joint Review Panel. The Joint Review Panel requests that you advise it on the application and implications of the *North American Free Trade Agreement* to the proposed Whites Point Quarry and Marine Terminal Project. Please also advise the Panel of the implications the *North American Free Trade Agreement* may have to the management of the Project's environmental effects (i.e. mitigation measures).

TASKS

1. Review all parts of the documents generated by the Joint Review Panel process that are relevant to the issue of international trade (Annex I).
2. Provide a clear and concise report which includes:
 - an overview and analysis of the application and implications of the *North American Free Trade Agreement* to the proposed Whites Point Quarry and Marine Terminal Project including implications on the management of the Project's environmental effects.
 - outstanding questions or issues pertaining to the application and implications of the *North American Free Trade Agreement* to the proposed Whites Point Quarry and Marine Terminal Project
 - requirement(s) or means for addressing any outstanding questions or issues pertaining to the application and implications of the *North American Free Trade Agreement* to the proposed Whites Point Quarry and Marine Terminal Project
3. If requested by the Joint Review Panel, present the final report's findings to the Panel as part of the public hearings that will be held as part of the environmental assessment process. As directed by the Panel Chair, respond to questions from hearing participants on the *North American Free Trade Agreement* and implications for the Project. The public hearing will be held in Digby, Nova Scotia, June 16 – 30, 2007.

DELIVERABLES

1. Report (electronic and hard-copy) to be delivered on or before June 25, 2007.
2. Hearing presentation if required by the Joint Review Panel.

ANNEX I

All of the publicly available information on the Whites Point Quarry and Marine Terminal Joint Review Panel is available on the Panel's Web site at <http://www.wpq-jointreview.ca/> and/or on the Web site of the Canadian Environmental Assessment Agency at http://www.ceaa-acee.gc.ca/010/0001/0001/0023/index_e.htm. Specific information for your review is below:

1. The Environmental Impact Statement Guidelines for the review of the project that were issued to the proponent by the Panel in March 2005: The Joint Review Panel Agreement, which is the terms of reference for the Panel, is included as Appendix 1. The requirement for inclusion of information on the implications of international agreements is in subsection 6.6.



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2. Chapter 6 INTRODUCTION TO THE EIS, that was prepared by the project proponent: Information about the proponent (6.0.1), an overview of the project (6.2) and International Agreements (6.6) are provided from the perspective of the proponent.



6.0 Introduction to the EIS.pd...

3. A letter to the Department of Foreign Affairs and International Trade from the Panel Chair and the response from DFAIT:



WP-1397.pdf (1 MB)



WP-1461.pdf (251 KB)

4. The Proponents response to DFAIT's comments on the EIS (pages 2 - 4).



RESPONSE
JMENT 6.0 INTROD

A contract for the service, as outlined above, will be sent to you under separate cover.

Regards,

Debra Myles

Panel Manager

Whites Point Quarry and Marine Terminal Project Joint Review Panel

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