

Advice to Minister

Advice to Deputy

Environment and Labour **Briefing Note**

Joint Review Panel Members Whites Point Quarry Project Environmental Assessment

Issue:

- NSEL and the Canadian Environmental Assessment Agency (CEAA) must each nominate three people to sit as panel members for a joint panel review of the Whites Point Quarry. One member will also be chosen as chairperson.

Key Message:

- The joint review panel members will be unbiased and free from any conflict of interest related to the project.
- Panel members will be chosen based on their knowledge and experience relevant to the anticipated environmental effects of the project.

Background:

- Both a provincial and federal EA are required for the proposed quarry expansion and marine terminal construction at the Whites Point Quarry on Digby Neck. We have been working since late 2002 with the federal agencies to coordinate a joint EA review process.
- A provincial Class I EA is required because the quarry is in excess of 4 ha in area, and a federal EA is required by Fisheries and Oceans Canada (DFO) due to impacts on fish habitat and navigable waterways from the proposed marine terminal.
- Under the *Environment Act*, when an undertaking is also subject to another jurisdiction's EA review, the Minister may enter into an agreement with the other Government agency to conduct a joint review and to adopt for the purposes of the review all or part of their procedures for EA.
- The federal government has designated this project for a "panel review" environmental assessment. This level of assessment includes the formation of a review panel to hold hearings and provide a report with recommendations.
- An agreement on the joint panel review process is still being finalized. The agreement will include a process for establishing the three member panel.
- Both the CEAA and NSEL must provide a list of three nominees for appointment to the panel. At least one nominee from each agency will be appointed to the panel.
- While the agreement has not been finalized, we are able to proceed with nominations for panel members.

Page 1 of 2

- After nomination, candidates will be required to go through an interview process. NSEL and CEAA will agree on the nomination of one of the three final nominees to be chairperson. The federal Minister of Environment will make the final appointments.

Recommendation / Current Position:

- We are recommending the Minister provide approval for the following individuals to be contacted regarding nomination as possible joint panel members: Anne Fouillard, Robert Fournier, Jill Grant, Lesley Griffiths and Gunter Muecke.
- CVs for NSEL's nominees are attached for your review.
- We will forward only the names of those who agree to be nominated to CEAA.

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