

Sadaka, Jennifer -JLT

From: MacDonald,Adrian [CEAA]
Sent: June 6, 2007 12:59 PM
To: Myles,Debra [CEAA]
Subject: RE: Foreign Affairs and International Trade response to Dr. Fournier, Panel Chair, WPQ Project
Categories: CEAA Whites Point Quarry

Hi Debra:

The letter suggests to me that we will be hearing a generic and canned presentation. I am not surprised by what is in their response but I am disappointed in an omission. Bob's letter indicated that the panel has a specific interest in any influence that Chapter 11 may have on the management of the project's environmental effects. I think it is worth reminding the department, either formally or informally, that the panel will be seeking project specific advice on that topic.

Depending on how strongly Bob feels about this issue it may be worthwhile advising DFAIT that CEAA requires that, if the department is in possession of specialist or expert information or knowledge with respect to the **project**, it must make that information or knowledge available to the panel. It is not just project related environmental effects that are relevant.

I accept their point about future sites. I don't believe they can say anything other than re-state what is in the agreement.

Adrian

From: Myles,Debra [CEAA]
Sent: Wednesday, June 06, 2007 11:15 AM
To: MacDonald,Adrian [CEAA]
Subject: FW: Foreign Affairs and International Trade response to Dr. Fournier, Panel Chair, WPQ Project
Importance: High

[Adrian](#)

[I am going to talk to Bob about the possible need for a second letter to DFAIT. Any comments?](#)

[Debra](#)

From: Jennifer.Shames@international.gc.ca [mailto:Jennifer.Shames@international.gc.ca]
Sent: Wednesday, June 06, 2007 9:26 AM
To: Comments@WPQ-JointReview.ca
Cc: Keith.Christie@international.gc.ca; Pamela.Odonnell@international.gc.ca; Gilles.Gauthier@international.gc.ca; Vernon.MacKay@international.gc.ca; Rachel.McCormick@international.gc.ca; Bruce.Mann@international.gc.ca; Myles,Debra [CEAA]; Jennifer.Shames@international.gc.ca
Subject: Foreign Affairs and International Trade response to Dr. Fournier, Panel Chair, WPQ Project

[Ms. Myles,](#)

[Below is DFAIT's response to Dr. Fournier's request to participate in the Whites Point Quarry and Marine Terminal Hearing. A signed version of the letter is available on request.](#)

11/08/2009

June 5, 2007

Dear Dr. Fournier:

Re: Foreign Affairs and International Trade Canada Participation in Whites Point Quarry and Marine and Marine Terminal Project Hearing

Thank-you for your letter of May 11, 2007 requesting that representatives of the Department of Foreign Affairs and International Trade (DFAIT) appear before the Joint Review Panel on June 19, 2007. You indicated that the Joint Panel would like the Department, *"to present its views on environmental effects associated with the project, with specific reference to any influence that Chapter 11 of the North American Free Trade Agreement (NAFTA) may have on the management of the project's potential environmental effects and the siting of future coastal quarry projects."*

DFAIT will be represented at the hearing on June 19th, 2007 by Mr. Gilles Gauthier, Director of the Investment Trade Policy Division. Mr. Gauthier will provide the Joint Panel and hearing participants with an overview of Chapter 11 (Investment) of the NAFTA, including the relevance of these rules for government regulation of projects operating in Canada. DFAIT acknowledges the magnitude of the responsibility of the Panel to make a determination on the significance of adverse environmental effects of the Project and a recommendation as to whether the Project should be approved. However, it is beyond the scope of this Department's participation in the hearing proceedings to take a position on the potential environmental effects associated with the Whites Point Quarry and Marine Terminal Project or the siting of any future coastal quarry projects. We would be pleased to answer any questions about Chapter 11 of NAFTA or anything else within the purview of our office.

If you have any questions or concerns please contact Jennifer Shames, Senior Policy Advisor, Sustainable Development Division at (613) 944-1093.

Yours sincerely,

Original Signed by

Keith Christie

Director General

Environment, Energy and Sustainable Development Bureau, DFAIT

11/08/2009

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