

Hello,

Thanks for being in touch with Foreign Affairs and International Trade Canada in regards to the White Points Quarry and Marine Terminal Project. You asked us to provide a response with respect to how international agreements such as the NAFTA and Kyoto Protocol could affect the project or its environmental effects.

With regards to the Kyoto Protocol - We note that the Protocol, like other treaties, imposes obligations on States, not individuals. Therefore, the short answer is that there are no implications under the Kyoto Protocol for this project, in the sense that the Protocol has commitments that the project proponents would have to meet.

With respect to the information on climate change and the Protocol provided by the project proponent (Part 6.6.2), this is generally accurate. I would note that the 11th paragraph, third sentence, has a reference to China and India that could be misinterpreted. The sentence states that China and India (not named) have "not signed on" to the Protocol. China and India have ratified the Protocol and so are Parties; they do not have emissions reductions obligations. I would also note that the information may now be dated.

With regards to the North American Free Trade Agreement (NAFTA) - The current text in the EIS is generally fine. We have the following two comments:

1) Page 72, 3rd paragraph: The sentence: "Likewise, it is important to note that the tribunal must be guided by NAFTA as a whole rather than being restricted to only the terms of Chapter 11 or, more restrictively to only Article 1110 itself" is not accurate. Please refer to NAFTA Art. 1112(1).

2) Page 72, last paragraph: Reference to "Article 12" should be changed to Article 1114 (2).

With respect to the International Boundary Waters Treaty Act (IBWTA) - We have been advised that, based on the information contained in the EIS, the IBWTA does not apply to this project.

Thanks again for the opportunity to comment.

Best regards,

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