

Sadaka, Jennifer -JLT

From: Young, Bruce [CEAA]
Sent: October 24, 2007 10:40 AM
To: Sylvester, Peter [CEAA]
Cc: Leboeuf, Yves [CEAA]; Paul, Tammy [CEAA]; Coulter, Bill [CEAA]; Chapman, Steve [CEAA]; Myles, Debra [CEAA]; Jamault, Lucille [CEAA]; Gaudet, Charlene [CEAA]; Gendron, Irene [CEAA]; Chevrier, Andree [CEAA]; Skillen-Haynes, Tamara [CEAA]
Subject: Whites Point Quarry - Next Steps

Peter, an update on next steps for the Whites Point Quarry process. I chaired a teleconference with the RAs (DFO and TC) and FAs (DFAIT, HC and EC) and clearly DFO has received a message from their Ministers Office to move quickly on this and link our decision making process with the province. Ginny commented on how this file had similar pressure to the Eastmain process where we had the MC and approvals in place 2 weeks after the delivery of the report. This is consistent with the reaction that I received during my briefing with John Morris at our MO where ministerial staff from DFO and the PMO attended. DFO is now motivated to move quickly, and will take the lead on next steps including the MC, and I have agreed to assist where ever possible. I will be chairing a meeting tomorrow with representatives from NS (Lorrie Roberts in person, Peter Geddes on the phone) and the RAs (Ginny Flood from DFO and Margie Whyte, TC from Moncton by phone) to confirm provincial timing for their decision on the project (Lorrie Roberts indicated to me by phone that with the provincial legislature returning November 22nd, Minister Parent had directed staff at NSDEL to have the decision ready in advance) and how we can link federal decision making (MC and Cabinet approval of the Government Response) to a provincial decision which is expected no later than mid-November.

As noted below, in addition to the key recommendation and conclusion that the project not proceed, there were 2 other recommendations to the federal government, one directed at the Agency. DFO is anxious to receive text from us (and from TC on the recommendation directed to them). I have asked Steve Chapman to take a first crack at our response to this recommendation and we will coordinate with Andrée Chevrier given that the responsibility will fall on here. I will keep you up to date on developments, it appears that things will move quickly.

Bruce.

PANEL'S KEY RECOMMENDATIONS AND CONCLUSIONS:

- The Panel recommends that the Minister of Environment and Labour (Nova Scotia) reject the proposal made by Bilcon of Nova Scotia to create the Whites Point Quarry and Marine Terminal and recommends to the Government of Canada that the Project is likely to cause significant adverse environmental effects that, in the opinion of the Panel, cannot be justified in the circumstances.
- The Panel found that the Project would have a significant adverse effect on a Valued Environmental Component represented by the "core values" of the affected communities.

PANEL'S RECOMMENDATIONS TO THE GOVERNMENT OF CANADA:

- **the Canadian Environmental Assessment Agency develop a guidance document on the application of adaptive management in environmental assessments and in environmental management following approvals**
- Transport Canada revise its ballast water regulations to ensure that ships transporting goods from waters with known risks take appropriate measures to significantly reduce the risk of transmission of unwanted species

PANEL'S RECOMMENDATIONS TO THE PROVINCE OF NOVA SCOTIA:

- develop and implement a comprehensive coastal zone management policy or plan for the Province
- implement a moratorium on new approvals for development in the proposed Project area until the coastal zone management initiative is complete and appropriate guidelines to facilitate decision-making are in place
- develop and implement more effective mechanisms than those currently in place for consultation with local governments, communities and proponents in considering applications for quarry developments

- modify its regulations to require an environmental assessment of quarry projects of any size