

# Bilcon of Nova Scotia

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January 16, 2005

Mr. Steve Chapman, Panel Manager  
Whites Point Quarry and Marine Terminal Project – Joint Review Panel  
PO Box 486 C.R.O.  
Halifax, NS  
B3J 2R7

Dear Mr. Chapman:

Re: Draft Guidelines for the Preparation of the Environmental Impact Statement for the Proposed Whites Point Quarry and Marine Terminal Project

We have reviewed the Draft Guidelines of the EIS dated November 2004 and offer the following comments:

## Section 1.1 Preparation and Review of the EIS

### Paragraph 1

This paragraph implies that the EIS is to allow evaluation of the potential adverse environmental effects of the Project by the public.

As noted in the subsequent paragraph, the public and stakeholders are invited to comment on the content of the EIS during the designated review period. We are not sure that the intent of the Canadian Environmental Protection Act or the Nova Scotia Environment Act is for the public to *evaluate* the potential adverse environmental effects of the Project. The *evaluation* should rest solely with the Panel and technical and regulatory agencies.

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## Paragraph 2

There are several references to "days" and days should be specified as either calendar days or working days.

"Written comments received pursuant to the Public Review shall be immediately provided to the Proponent by the Panel. The Proponent shall, as appropriate, provide to the Panel its response to the written comments not later than fifteen days following completion of the period for public examination and comment."

Given the short period for the Proponent to provide to the Panel its response to the written comments, we would request that written comments received pursuant to the Public Review be provided to the Proponent as received rather than at the end of the period for public examination and comment.

## Section 4.4 Presentation of the EIS

"For clarity and ease of reference, it is suggested that the EIS be presented in the same order as the EIS Guidelines."

While we are aware that these are Draft Guidelines which have been prepared for discussion purposes, it would appear that there is considerable overlap and repetition.

We would respectfully request that the Final Guidelines be concise and precise and that overlap and repetition be eliminated where possible. This will help to cut down an excess of cross-referencing and will make the EIS easier to follow.

## Section 8.0 Existing Environment

### Paragraph 5

"The Proponent is not required to generate new stock assessments for species other than fish in affected aquatic environments, but it must include all available historical data on population stocks and status."

This requires clarification. We have requested clarification from the DFO and Mr. Zamora has indicated that he will provide clarification.

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## Section 8.2.7 Existing Environment

In 8.2.7 and 9.2.7, a more precise definition of the issues surrounding human health, mental health and cultural health and definitions of acceptable criteria for assessing effects on these elements would be helpful.

### General

The Proponent would like the Guidelines expanded to include the concept of "adaptive management".

Adaptive management is an accepted tool for environmental management in the face of uncertainty. In instances where an impact is not likely to result in a harmful alteration, disruption or disruption of habitat, but there is uncertainty as to the effectiveness of mitigation measures to prevent the alteration or disruption, the option of adaptive management could address such a situation. As the scientific knowledge base evolves and is refined over the life of the Project, adaptive management could play an important role in environmental protection as inevitable changes take place.

Respectfully submitted,

P. Buxton, P. Eng.  
Project Manager  
Bilcon of Nova Scotia Incorporated

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