

From: Nancy Vanstone
To: Roberts, Lorrie A
CC: MacNeil, Kim; Parent, Hon. Mark A
Date: 2007-11-20 1:09 PM
Subject: Bilcon Debrief

Lorrie, I spoke with Paul Buxton. He would like to have a debrief from EA staff on the Panel report and process, and I advised him that you would contact him on Friday when you are back in the office. (245-2567)

He is obviously disappointed with the decision, but appreciated the Minister's personal call, and my follow up call. FYI, here are some of the points he raised

- he didn't feel that his letter was considered before the Minister's decision was made (I indicated that we did review all his letters, including the one received last Friday)
- he felt that the Panel report is only one document among many reports in a lengthy process and that the Minister's decision should not have relied so heavily on this report (I noted that the purpose of the Ministers establishing the Panel is to review and consult on all info and provide their advice to the Minister and that it is appropriate for the Mins to decide based on the recommendations made to them by the Panel)
- he feels that the standards are not clear so industry does not know what is expected of them -- he pointed to the focus of the panel on "core values" which is not clearly defined (I replied that, although he was not happy of this particular decision, that I believed that a look at our EA process in general, and our decision record did demonstrate a fair, defined process . . . we agreed to disagree)
- he expressed concern that regulatory staff in various depts, including our own, were satisfied with Bilcon's env report and the company's proposals to mitigate risk, so why would the Panel not accept it if the dept said it was ok (I indicated that I was not familiar with the details on this, but that the Panel is looking at the overall impact across many factors and regulatory programs)
- he raised the qualifications of the panel
- he spoke to the panel's reliance on "core values" again as the only significant adverse effect they identified, and that the Panel didn't discuss the likelihood of adverse effect on "core values".

I reiterated that the Minister's decision has been taken, based on the Panel's recommendation and the department's confirmation that the risks outweighed the benefits in this situation and with this information.

He was comfortable with a call on Friday to set something up with staff at his convenience, probably next week. Please let me and the Minister know when the meeting is scheduled and provide a summary of the discussion. As discussed earlier, we should also provide a written response to Mr. Buxton's letter, ensuring that where there is information in his letter which is clearly wrong, we should correct the record.

Thanks Lorrie for the great work that you and Helen have put into this file,
nancy