IN THE MATTER OF AN ARBITRATION UNDER CHAPTER ELEVEN OF THE NORTH AMERICAN FREE TRADE AGREEMENT AND THE UNCITRAL ARBITRATION RULES

BETWEEN:

WILLIAM RALPH CLAYTON, WILLIAM RICHARD CLAYTON, DOUGLAS CLAYTON AND DANIEL CLAYTON AND BILCON OF DELAWARE INC.

AND:

GOVERNMENT OF CANADA

Claimants

Respondent

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<td>July 25, 2002</td>
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<td><em>Whites Point Quarry, Draft Project Description</em></td>
<td>September 30, 2002</td>
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<td>R-130</td>
<td>Email from Reg Sweeney to Jim Ross and Thomas Wheaton</td>
<td>December 4, 2002</td>
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<td>R-131</td>
<td>Letter from Helen MacPhail to Paul Buxton attaching CEAA’s Operational Policy Statement</td>
<td>December 10, 2002</td>
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<td>R-132</td>
<td>Notes of Lorilee Langille of meeting between Paul Buxton and various government departments</td>
<td>January 6, 2003</td>
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<td><em>Navigable Waters Protection Application, Whites Point Quarry Marine Terminal,</em> received by Canadian Coast Guard</td>
<td>December 1, 2002</td>
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<td>Facsimile from Mark Lowe to Jon Prentiss, attaching Navigable Waters Protection Application and related maps and diagrams</td>
<td>February 7, 2002</td>
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<td>Note to file prepared by Oz Smith, Navigable Waters Protection Officer</td>
<td>March 20, 2002</td>
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<td>Memorandum from Melinda Donovan to Paul Boudreau</td>
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<td>Facsimile from Derek McDonald to Jim Ross and other provincial and federal agencies, attaching Draft Project Description for Whites Point Quarry &amp; Marine Terminal</td>
<td>February 5, 2003</td>
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<td>Facsimile from Phil Zamora to Thomas Wheaton, attaching Draft Project Description</td>
<td>February 10, 2003</td>
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<td>Letter from Thomas Wheaton to Derek McDonald, copied to Phil Zamora</td>
<td>February 14, 2003</td>
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<td>Letter from Derek MacDonald to Paul Buxton</td>
<td>February 17, 2003</td>
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<td><em>Project Description Whites Point Quarry &amp; Marine Terminal, Digby County, Nova Scotia</em></td>
<td>March 2003</td>
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<td>Email from Chris Daly to Jim Ross and various other officials</td>
<td>March 20, 2003</td>
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<td><em>Memorandum of Understanding on Environmental Assessment Process for the Deep Panuke Project</em></td>
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<td>Notes of Mark McLean</td>
<td>March 31, 2003</td>
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<td><em>Draft of Highlights and Action Items Whites Point Inter-Agency EA Meeting</em></td>
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<td>Email from Phil Zamora to Charlene Mathieu and Joy</td>
<td>April 3, 2003</td>
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<td>R-147</td>
<td>Letter from Thomas Wheaton to Phil Zamora</td>
<td>April 7, 2003</td>
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<td>R-148</td>
<td>Letter from Paul Buxton to Phil Zamora</td>
<td>May 14, 2003</td>
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<td>R-149</td>
<td>Email from Larry Marshall to Peter Amiro and Rod Bradford</td>
<td>May 23, 2003</td>
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<td>R-150</td>
<td>Email from Peter Amiro to Phil Zamora</td>
<td>May 27, 2003</td>
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<td>Letter from Paul Buxton to Derek McDonald</td>
<td>April 20, 2003</td>
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<td>Email from Phil Zamora to Jim Ross, reporting on meeting with Jerry Conway</td>
<td>April 2, 2003</td>
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<td>Email from Phil Zamora to Mark McLean, attaching the meeting notes of the six</td>
<td>March 9, 2006</td>
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<td>meetings held between Bilcon and DFO</td>
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<td>R-154</td>
<td>Email from Phil Zamora to Paul Buxton</td>
<td>December 10, 2004</td>
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<td>R-155</td>
<td>Letter from Phil Zamora to Paul Buxton</td>
<td>November 24, 2005</td>
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<td>R-156</td>
<td>Letter from Mark McLean to Paul Buxton</td>
<td>February 10, 2006</td>
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<td>R-157</td>
<td>Email from Mark McLean to Paul Buxton</td>
<td>August 29, 2006</td>
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<td>R-158</td>
<td>DFO Science Expert Opinion on Whites Point Quarry &amp; Marine Terminal</td>
<td>July 5, 2006</td>
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<td>Environmental Impact Statement</td>
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<td>Email from Mark McLean to Debra Myles</td>
<td>August 3, 2006</td>
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<td>Email from Mark McLean to Debra Myles</td>
<td>June 11, 2007</td>
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<td><em>Panel Conclusion for the Whites Point Quarry and Marine Terminal</em></td>
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<td><em>Curriculum Vitae</em> of Christopher Daly</td>
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<td>Letter from W.A. Coulter to Minister of Environment</td>
<td>January 14, 1992</td>
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<td>Report and Recommendations on the Blue Mountain Resources Limited Rock</td>
<td>January 14, 1992</td>
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<td>Extraction and Processing Development, Kearney Lake Road, Halifax County</td>
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<td><em>Nova Scotia Department of Environment, Report and Recommendations on the</em></td>
<td>October 14, 1995</td>
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<td>Stellarton Pit Mine, Pioneer Coal Limited submitted to the Minister of the</td>
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<td><em>Nova Scotia Department of Environment, Stellarton Pit Mine Project, Conditions</em></td>
<td>November 1, 1995</td>
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<td>Minister of Environment’s Referral to Environmental Assessment Board</td>
<td>May 9, 1995</td>
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<td>R-170</td>
<td>Letters of Public Concern</td>
<td>April 2002 to August 2003</td>
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<td>R-171</td>
<td>Notes of Helen MacPhail</td>
<td>June 14, 2002</td>
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<td>Email from Helen MacPhail to Bill Coulter</td>
<td>October 1, 2002</td>
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<td>Memorandum from Bill Coulter to various federal departments and attached distribution list</td>
<td>November 25, 2002</td>
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<td>R-175</td>
<td>Report of meeting by Reg Sweeney</td>
<td>December 4, 2002</td>
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<td>Report of meeting by Barry Jeffrey</td>
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<td>Notice of Meeting and Agenda, Nova Stone’s White Point Quarry, Digby Neck</td>
<td>January 6, 2003</td>
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<td>Notes of Chris Daly</td>
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<td>Letter from Paul Buxton to Derek MacDonald, copied to Chris Daly</td>
<td>January 28, 2003</td>
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<td>Letter from Paul Buxton to Derek MacDonald copied to Chris Daly</td>
<td>March 10, 2003</td>
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<td>Letter from Derek McDonald to Joy Dubé</td>
<td>March 20, 2003</td>
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<td>Email from Derek MacDonald to Steve Chapman attaching email chain containing message from Chris Daly to Jim Ross et al. (March 20, 2003) and email from Derek MacDonald to Jim Ross (March 19, 2003)</td>
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<td>Email from Derek MacDonald to federal and provincial agencies</td>
<td>March 26, 2003</td>
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<td>R-185</td>
<td>Notes of Chris Daly</td>
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<td>Notes of Cheryl Benjamin</td>
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<td>Facsimile from Phil Zamora to Chris Daly, attaching letter from Phil Zamora to Paul Buxton</td>
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<td>Email from Cheryl Benjamin to CEAA and DFO</td>
<td>April 23, 2003</td>
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<td>Email from Ronald L’Esperance to Bob Langdon</td>
<td>May 28, 2003</td>
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<td>R-190</td>
<td>Email from Chris Daly to Bob Langdon</td>
<td>June 2, 2003</td>
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<td>Letter from Paul Boudreau to Chris Daly</td>
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<td>Email from Chris Daly to Ronald L’Esperance</td>
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<td>Email from Chris Daly to Bruce Hood</td>
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<td>Procedures for Public Hearings, Whites Point Quarry and Marine Terminal Project Joint Review Panel</td>
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<td>Letter from Honourable David Anderson to Honourable Robert Thibault</td>
<td>August 7, 2003</td>
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<td>Email from Bruce Young to Chris Daly</td>
<td>(July 18, 2003)</td>
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<td>R-197</td>
<td>Email from Bruce Young to Nathalie Bastien and Steve Chapman</td>
<td>August 8, 2003</td>
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<td>R-198</td>
<td>Email from Bruce Young to Steve Chapman</td>
<td>August 8, 2003</td>
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<td>Letter from Ronald L’Esperance to Gordon Gillis</td>
<td>July 10, 2003</td>
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<td>Email from Jean Crépault to Chris Daly and C. Benjamin</td>
<td>October 31, 2003</td>
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<td>R-202</td>
<td>Email from Jean Crépault to Derek MacDonald</td>
<td>February 11, 2004</td>
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<td>R-203</td>
<td>Email from Boris de Jonge to Jean Crépault</td>
<td>March 1, 2004</td>
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<td>Email from Jean Crépault to Brian Torrie</td>
<td>March 3, 2004</td>
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<td>Email of Francine Richard to Chris Daly</td>
<td>March 10, 2004</td>
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<td>Questions for Interviewing Review Panel Candidates</td>
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<td>Notes of Helen MacPhail</td>
<td>October 26, 2004</td>
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<td>Letters from Stéphane Dion to the Joint Panel Review Members</td>
<td>November 3, 2004</td>
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<td>Draft Guidelines for the Preparation of the Environmental Impact Statement for the Whites Point Quarry and Marine Terminal Project</td>
<td>November 2004</td>
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<td>Nova Scotia Department of Environment and Labour, Briefing Note, Whites Point Quarry and Marine Terminal, Digby County</td>
<td>July 27, 2006</td>
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<td>R-213</td>
<td>Letter from Phil Zamora to John Janes</td>
<td>March 26, 2003</td>
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<td>Memorandum, Federal Coordination Request-Whites Point Quarry and Marine Terminal</td>
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<td>Email from Derek McDonald to Mark McLean</td>
<td>April 3, 2003</td>
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<td>Email from Derek McDonald to Phil Zamora</td>
<td>April 3, 2003</td>
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<td>R-217</td>
<td>Meeting notes of Derek McDonald</td>
<td>January 6, 2003</td>
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<td><em>Prairie Acid Rain Coalition v. Canada (Minister of Fisheries and Oceans), [2004] F.C</em></td>
<td>September 16, 2004</td>
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<td>Letter from Robert Fournier to Paul Buxton</td>
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<td>Email from Derek McDonald to P. Zamora et al.</td>
<td>April 30, 2003</td>
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<td><em>Early Warning System Memorandum, Whites Point Quarry</em></td>
<td>January 21, 2003</td>
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<td>Email from Bill Coulter to Bruce Young</td>
<td>February 17, 2003</td>
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<td>Email from Bruce Hood to Bruce Young</td>
<td>June 3, 2003</td>
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<td>Email from Cheryl Benjamin to Bruce Young</td>
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<td>Email from Gordon Harris to John Perkins</td>
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<td><em>Public Notice, Whites Point Quarry and Marine Terminal Proposal: Comment Period on Draft Agreement Extended, October 22, 2003</em></td>
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<td>Letter from Paul Buxton to Robert Fournier</td>
<td>April 24, 2005</td>
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<td>Letter from Paul Buxton to Robert Fournier</td>
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<td>Letter from Paul Buxton to Steven Chapman</td>
<td>December 8, 2005</td>
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<td>Letter from Paul Buxton to Derek McDonald</td>
<td>July 27, 2005</td>
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<td>Letter from Derek McDonald to Phil Zamora et al.</td>
<td>August 4, 2005</td>
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<td>Letter from Robert Fournier to Paul Buxton</td>
<td>June 28, 2006</td>
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<td>Small Craft Harbours Branch Maritimes Region, Environmental Screening for Wharf Repairs at Tiverton, Digby County, Nova Scotia</td>
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<td>Email from Robert Balcom to Bob Petrie</td>
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<td>Letter from Donald Maynard to Gary Hubbard</td>
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<td>Email from Jerome MacGillvray to Benson Milner and Claude Burry</td>
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<td>Letter from Micheal Lowe to Bob Petrie</td>
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