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2.0 THE REVIEW PROCESS

2.1 Scope of the Assessment

The factors that define the scope of the environmental impact assessment review are described in general terms in Part III of the Panel's Terms of Reference (TOR)-(See Appendix 24).

2.2 Environmental Impact Statement (EIS)

Environmental impact assessment is a planning tool intended to identify and mitigate significant adverse environmental effects induced by projects.

The definition of environmental effect forms the basis for the assessment and includes consideration of the physical, biological and human elements and the interactions between them. In understanding impacts, the Panel is guided by federal and provincial legislation and definitions of environmental effects and adverse effects; in the case of different standards in the legislation, the higher standard will prevail.

The *Canadian Environmental Assessment Act* (1992) defines "environmental effect" to mean: any change that the Project may cause in the environment, including any change it may cause to a listed wildlife species, its critical habitat or the residence of individuals of that species, as those terms are defined in subsection 2(1) of the *Species at Risk Act*, any effect of any change referred to in paragraph (a) on health and socio-economic conditions, physical and cultural heritage, the current use of lands and resources for traditional purposes by Aboriginal persons, any structure, site or thing that is of historical, archaeological, paleontological or architectural significance, or any change to the Project that may be caused by the environment, whether any such change or effect occurs within or outside Canada.

In addition, the Panel is mandated to consider the direct socio-economic effects of the Project. The *Nova Scotia Environment Act* defines "adverse effect" to mean "an effect that impairs or damages the environment, including an adverse effect respecting the health of humans or the reasonable enjoyment of life or property".

The EIS document produced by the Proponent identifies the effects (both beneficial and adverse) of the Project on the environment. The EIS will serve as the cornerstone of the Panel's review and evaluation of the potential impacts of the Project.

The public (including Aboriginal peoples), interested parties and government representatives will be invited to comment on the completeness and accuracy of the EIS, and to submit materials for the Panel to consider. Should the Panel deem further information necessary, it may arrange for additional studies which it will include in the Public Registry. The Panel will consider all materials included in the Registry in evaluating the Project. The EIS will help regulators and members of the public to understand the Project, the existing environment, and the potential adverse or beneficial effects of the Project - (See Reference 37 - EIS Guidelines, Chapter 2, Environmental Impact Statement).

2.3 Purpose of the Guidelines

The document entitled “Environmental Impact Statement Guidelines for the Review of the Whites Point Quarry and Marine Terminal Project” dated March 2005 provides specific direction to the Proponent regarding the preparation and structure of the EIS. The EIS Guidelines define the issues that the Proponent must address. It is the responsibility of the Proponent to provide sufficient data and analysis on any potential adverse environmental effects to permit proper evaluation by the Panel, the public, and technical and regulatory agencies. The Guidelines outline the minimum information required by the Panel while leaving the Proponent some latitude in selecting methods to compile the EIS - (See Reference 37 - EIS Guidelines, Chapter 2, Purpose of the Guidelines).

2.4 Timing

Following submission of the EIS to the Panel, the Panel will make the EIS available to the public and other stakeholders for examination and comments regarding the document’s completeness, accuracy, and compliance with the guidelines. The Panel will receive written comments during a review period of not less than 90 days. Comments submitted in writing to the Panel will immediately be provided to the Proponent and added to the Registry. Following the examination period, the Panel may determine that deficiencies identified during the review of the submitted EIS require additional information from the Proponent. The Panel will issue requests for additional information within fifteen (15) days of either the expiration of the public examination period or receipt of the Proponents response to the public’s written comments, whichever occurs later.

As appropriate, not later than fifteen (15) days after the completion of the public examination period, the Proponent shall provide to the Panel a response to written comments provided by the public and other stakeholders.

Following the Proponent’s response, should the Panel believe that deficiencies remain in the EIS, or that the Panel requires additional information for a proper evaluation of evidence, the Panel has the authority to commission expert studies. Any such studies will be provided to the Proponent and added to the Registry.

Once the Panel is satisfied that sufficient information has been provided it will hold public hearings. The Panel will set hearing dates after considering the volume of material accumulated for public review and the right of the Proponent to a timely hearing. In any event, the Panel will give not less than thirty (30) days notice of the hearings.

Within ninety (90) days, of completion of public hearings, the Panel will prepare and submit its report to the provincial Minister of Environment and Labour and the federal Minister of the Environment. The report will include recommendations on all factors set out in section 16 of the *Canadian Environmental Assessment Act* and pursuant to Part IV of the Nova Scotia *Environment Act*. At that time, the Panel will recommend either approval (including mitigation measures) or rejection of the Project- (See Reference 37 - EIS Guidelines, Chapter 2, Timing).