

Joe Acorn

From: Joe Acorn
Sent: Wednesday, October 23, 2002 2:55 PM
To: 'Marty Swagar'
Subject: Number of Copies and Confidentiality

Hi Marty,

This is being sent to follow up on our phone call today.

Number of Copies

I know Alan had sent you an e-mail saying send 40 but I had another look at our fax distribution list and I think you should up that to 50. I need to make sure that when you submit I have enough copies to give to everyone. I think 50 is still on the low side as some will probably ask for additional copies. For example, the government departments sometimes ask for as many as 6. It changes with every EA depending on how many people they get involved so we never know how many we will need until everyone sends in the Identification of EA Roles form to us.

However, as I said on the phone, if you go through our fax distribution list and see that you have already provided copies of the EIA and the NEB IR responses to some of them then you can reduce the number of copies you give me. When you submit though, you will have to give me a list of who has already received them directly from you.

Confidentiality of the Test Program Report

You indicated that you will be submitting one copy of the report to us with a cover letter that asks the Review Board to keep the document confidential. This cover letter will need to explain why you want that. The confidentiality request will be considered. We have not had to deal with this before so our procedures are not firm. It is something we will be sorting out in the next little while but the major point is that if the Review Board does not agree that the report needs to be kept confidential, then it will not be released. The Review Board may try to develop options to see what might be acceptable to you as a compromise between just the Review Board having it and everyone having it. If you don't accept any of them, then the report would be returned to you and the EA would proceed without that information.

When you submit the report to us, please include two copies, not one. I was wondering who else you anticipate submitting the test program report to? Are you planning on providing copies to the NEB, DFO and the GNWT with confidentiality requests as well? Have they already agreed to confidentiality?

Just based on my own view, I do think that this confidentiality issue might become a problem. The fact that this test program was done to determine what the impacts might be is rather widely known. Impacts on aquatic wildlife and fish are the central issue in this EA. Trying to get people to do this EA without the test program results being available to them could create some problems.

If the Review Board were to turn down your request for confidentiality and the EA were to proceed without that report being placed on the Public Registry, then we are right back where we were last summer before the test program was done.

Thanks for the update,

Joe Acorn
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