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## FOR IMMEDIATE RELEASE

### **Good News for Canada's Environmental Assessment Law: No Cash Advance for Bilcon**

*Federal Court of Canada rejects Bilcon's application to stay proceedings, denying the Delaware company an early pay day*

**September 20, 2016 – Digby Neck, NS** – The Sierra Club Canada Foundation and East Coast Environmental Law (ECELAW) and their legal council at EcoJustice are applauding the recent decision to proceed with a federal court process to determine if the decision to reject the Digby Quarry was in line with our obligations under NAFTA.

In 2007, after a detailed Environmental Assessment (EA) was conducted, including an independent Joint Review Panel (JRP), the government denied Bilcon a permit to expand their Whites Point quarry from 3.9 to 120 hectares in Digby Neck, NS. The quarry was to be located 50 metres from the shoreline and would include a marine terminal to facilitate the export of basalt rock across the Bay of Fundy.

“Fisheries and tourism including whale watching are staples of the local economy and as a result there were significant environmental and economic concerns from the community,” says Lisa Mitchell, staff Lawyer with ECELAW, “Community members were very involved in the process and worked hard to understand and participate in the environmental assessment process.”

Bilcon retorted by filing a complaint against the Canadian government and asking for \$101 million USD (approximately \$130 million CAD) as compensation for discrimination through Chapter 11 of the North American Free Trade Agreement (NAFTA). The majority of a three-member NAFTA tribunal ruled in favour of Bilcon in 2015, but has not yet determined how much money they should be paid. Canada challenged the ruling in our Federal Court, arguing that NAFTA did not have jurisdiction to rule on the work of the JRP and that environmental assessment laws were correctly applied. In the interim, Bilcon applied to stay the proceedings and put the case on hold until they are fully compensated.

The good news is that the Federal Court of Canada has denied Bilcon's application. This means that the company will not receive compensation before the Canadian court has had its chance to make their ruling.

“Although this is a step in the right direction, says EcoJustice lawyer Scott McAnsh, “There is still a lot of work left to be done. Now we all must prepare for the full trial, which will likely take place in early spring.”

The Sierra Club Canada Foundation has supported the Digby Neck community in the fight to ‘Stop the Quarry’ since the beginning and intends to follow through.

“Together with ECELAW and the legal team at Ecojustice, we will focus on this until a final decision is made,” according to Gretchen Fitzgerald of Sierra Club Canada Foundation, “We believe in strong and effective environmental law and will work to defend Canada’s laws and the wildlife and habitat it protects, along with the communities whose livelihoods depend upon these local ecosystems.”

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