

PUBLIC HEARING

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

V O L U M E 7

HELD BEFORE: Dr. Robert Fournier (Chair)
Dr. Jill Grant (Member)
Dr. Gunter Muecke (Member)

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Saturday, June 23, 2007

PRESENTERS: -Ms. Susan Davis
-Le conseil des Arts de la Baie
Ms. Nora Robichaud
-Dr. Mary McCarthy and Dr. Doreen Evenden
-Ms. June Swift
-Joan Boutilier, Eva Holzawarth, Helen Whidden
-Micheale Kustudic, Pat McLean, Maxine McQuaig
-Green Party of Nova Scotia
Mr. William Lang
-Mr. John Scott and Ms. Mary Scott
-Mr. Calum MacKenzie
-Mr. Chris Callaghan
-Mr. Henry Bradford
-Little River Residents Group
Mr. Tony Kelly and Mr. Kevin Gidney

-Atlantic Canada Chapter, Sierra Club of Cda
Dr. Janet Eaton (postponed)

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Per: H el ene Boudreau-Laforge, CCR

OPENING REMARKS
(Dr. ROBERT FOURNIER)

Digby, Nova Scotia

--- Upon resuming on Saturday, June 23, 2007, at 9:00 a.m.

THE CHAIRPERSON: Okay. Ladies and gentlemen, we would like to commence with this particular session.

For those of you who are new to this process, I will identify the Panel members. On my left is Dr. Jill Grant, who is a Professional Planner. On my right is Dr. Gunter Muecke, who is an Earth Scientist. And my name is Robert Fournier, I am an Oceanographer and the Chairman of the Panel.

A couple of housekeeping items. Some of you may be aware that the process allows French and English presentations, in other words we have simultaneous translation.

People who have been here over the last few days have realized that the acoustics in this room are dreadful. There's a lot of bouncing around.

If you get a set of headphones from back there and just use them to augment the sound, it seems to be quite improved, so that's an option opened to you.

One other thing I think that is important to mention is that these are emotional hearings for many people, and we have discouraged, strongly

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discouraged any emotional outbursts during the process itself such as applause or sounds made or encouragement, that sort of thing.

It really is not appropriate in this particular setting, so please try and refrain from doing that.

During the process, we have incurred information requests which are referred to as undertakings, that is that as the process unfolds, it's clear that we need some additional information and consequently, we ask for an undertaking.

In the seven days that the process... This is the 7th day. In the previous six days... No, this is the 8th day. Is this the 7th? The 7th day.

Dr. JILL GRANT: 7th.

THE CHAIRPERSON: Yeah, it's hard to keep track.

In the period that we have been underway, we have already had 45 undertakings, and yesterday, I'd like to identify the one undertaking. I'm doing this for the record, so it appears on the record.

We had one undertaking that was directed at the Nova Scotia Department of Environment and Labour, and we asked them to advise on the number of projects approved

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through the environmental assessment process, but subsequently refused in a part V authorization.

Which means that there is a subsequent step after the environmental process within the Nova Scotia Department of Environment and Labour, and they will provide us with information.

We have received some of these undertakings, but we're not prepared to comment on those just at the moment.

One additional thing is that when you come forward to speak, please identify yourself. If you have a name that's slightly complicated, spell it out for us because the transcription process would like to get it right.

Identify your name, spell it if necessary, and tell us if there's any affiliation that you have that we should be aware of.

I think that covers off all the housekeeping items.

Now this morning, we will start with a presentation by Susan Davis. Ms. Davis, please come forward.

PRESENTATION BY Ms. SUSAN DAVIS

Ms. SUSAN DAVIS: Ladies and gentlemen, Panel members, my name is Sue Davis, and I'm a resident of Digby.

I struggled with the idea of presenting because I didn't know what I could possibly say that hadn't already been said, but I realized that it is so important to me anyway that this project not be permitted, that I felt I must speak up.

If I don't, I'll wonder if I was part of the problem and not part of the solution.

Besides, what have I got to lose except a few minutes of our time and quite possibly the fragile Peninsula that represents Digby Neck and Islands?

Some of the points I'd like to cover are based on pamphlets that Bilcon sent to me in the mail and a presentation that they invited the public to attend in May, at the high school.

In one of the pamphlets, the Proponents point out that their assessment is based on science, carried out by highly qualified and experienced scientists and engineers, rather than conjecture.

I can't help but ask if this is the same science that gave us DDT, Thalidomide, cyclamate, and Celebrex?

Science isn't always right. It's a valuable tool, but there are many questions that science can't answer.

There is apparently in place a precautionary principle, and if ever there was a time to look at it, I think it should be now.

We simply don't know the effects that a marine terminal and the ships using it could have on the Right Whale. We don't know the effects of blasting on indigenous species, and we don't know what harmful micro-organisms could be introduced in ballast water.

Why not better safe than sorry?

Bilcon goes on to state in the pamphlet that there are no significant environmental effects if the mitigation and compensation measures are followed.

First, I'm not quite sure what makes an environmental effect significant, but I think anything that has an impact is.

I don't believe we have the manpower to enforce any regulations that are in place.

Would the same body that governed the Westray Mine be doing the enforcement?

Bilcon said that it's not a mega-quarry. They plan to blast, crush and ship in the neighbourhood of

40,000 metric tonnes of basalt each week for the next 50 years.

They say that the plan is to invest \$40 to \$50 millions. Those numbers to me are hardly small, but Digby Neck is. I think there comes a time when size really does matter.

Bilcon talks of jobs and I believe it mentioned 40 to 50 jobs to build the quarry and then 34 to keep it going.

It seems to me we lost a couple of hundred jobs when Shaw closed in Cornwallis, and the same when the Irving Sawmill and Weymouth Mill closed.

So are we all that concerned right now about 34 jobs? Of those 34, most of them will require skills that aren't readily available in fishing villages.

If we're so concerned about jobs, why not create some in the regulatory bodies of pits, mines and quarries, and in fisheries and Oceans, before allowing a quarry to even start.

Bilcon assures us the proposed quarry won't even be seen from the 217 Highway, so tourists won't even know it's there.

I feel that you can't always see a cancer either, but it doesn't mean it's not there doing

harm.

And let us not forget NAFTA. Once Bilcon starts extracting Nova Scotia's resources and taking them to New Jersey to build roads, it is not that easy to stop them.

If our Government finds that the blasting or crushing is a detriment to Nova Scotians and tries to stop the quarry, Bilcon can sue our government under Chapter 11 of NAFTA.

Not only do we not get any royalties, but we could lose a lot more, not only the Digby Neck quality of life, but our government's sovereignty at some level.

I can't help thinking of Joni Mitchell's song: "Don't it always seem to go that we don't know what we have got until it's gone."

In this case, I feel that they want to take a bit of paradise to put up a parking lot.

Thank you for this opportunity.

THE CHAIRPERSON: Thank you Ms. Davis. You mentioned science, and your doubts about science, and I think it's a fair comment, but if you are comfortable with the science or if you were assured that the science was good or that the mitigative processes that are involved, which

are science-based...

But if you were comfortable and had reasonable assurances, would you feel less anxious about this or less negative about this?

Is it that or is it a general rejection because of the potential changes it can bring here, or perceived changes that it can bring to a community?

Ms. SUSAN DAVIS: I think science is a valuable tool. I did say that. But in the few... You know, in the 50 odd years that I've been on this planet, I've seen that science has made mistakes, and they've...

In the case of some things like Thalidomide, they believed at the time, when things happened, that this was good science and it was based on good things, but you know, it's not always right, so I think the uncertainty for me is not worth risking Digby Neck, the community, the beauty.

I'm a "come-from-away" person, and I've been whale watching, I drove to Digby Neck just because it's beautiful, and to risk that I just think it's wrong, no matter what your science.

THE CHAIRPERSON: May I ask where you live? You live here on the Neck?

Ms. SUSAN DAVIS: I live in Digby Town,

proper.

THE CHAIRPERSON: Thank you.

Ms. SUSAN DAVIS: You're welcome.

Dr. JILL GRANT: I'd like to ask you about the public information program and the consultations that you mentioned.

Can you characterize the nature of the kind of information that you received about the project and the opportunities to participate in those sessions?

I understand that at one point there were community-based meetings, I think on Digby Neck, and I lived at the time in Weymouth.

For me, financially it wasn't viable to get to some of those meetings.

The high school, I was able to walk there, it's local, and I didn't feel... Because of the way the Proponent presented it, I didn't feel comfortable. At that point, I wouldn't have felt comfortable speaking out against it.

I just wanted some information, and certainly the pamphlets I received in the mail, the glossy pamphlets and the really large EIS document that's at the library, that was rather daunting to read.

Even what I would call the dumb-down

version or the easy to read version, it was really long and again, some of the words used I had to look up. I don't consider myself... I'm an average person, and some of the words were big and hard to understand. I had to bring my dictionary sort of thing.

But I realize they did try to involve the community on some level.

Dr. GUNTER MUECKE: Could you tell me what your vision is of the future of Digby Neck over the next 10, 20, 50 years?

Ms. SUSAN DAVIS: I've certainly seen efforts by local community people to make tourism a focal issue as far as economics co.

I can't project what I see for Digby Neck, but I know the way it is now, it's beautiful and to think of a quarry is not in my vision.

THE CHAIRPERSON: I see a number of new faces in the audience who haven't been to previous sessions, so maybe it would help if I explained how this process works.

A presentation will be made, and the Panel will ask questions. After we have exhausted our questions, we will then go to the Proponent, who will then have the option to ask questions or not.

After the Proponent has decided that either he has completed his questions or doesn't wish to have any questions, we then go to the audience.

So the audience can in fact, and that's you, all of you have the opportunity to ask questions if you like to the presenter. And it's only then, after those questions have been asked, that we move on to the next individual, okay?

So we now move to Mr. Buxton.

Mr. PAUL BUXTON: Thank you Mr. Chair, I have no questions.

THE CHAIRPERSON: Thank you. So are there questions from the audience? From any of you? And if there are, just come to the microphone and all manner of questions are asked, so don't feel inhibited or intimidated in any way. No?

Okay. Thank you very much Ms. Davis. Next we come to Le Conseil des Arts de la Baie. Will this presentation be in French?

Ms. NORA ROBICHAUD: No. THE

CHAIRPERSON: Okay.

PRESENTATION BY LE CONSEIL DES ARTS DE LA BAIE - Ms. NORA ROBICHAUD

Ms. NORA ROBICHAUD: Good morning. My

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name is Nora Robichaud, and I am speaking on behalf of Le Conseil des Arts de la Baie.

I could have done this in French, but I chose to do it in the lingo that the Proponent understand, all right?

I'm an artist, a member of Le Conseil des Arts de la Baie, and the Program Coordinator of this non-profit organization.

Le Conseil des Arts de la Baie has approximately 100 members and is very active in developing and promoting the arts in the Acadian Community of Clare, which borders on St. Mary's Bay.

A portion of our Membership is also composed of artists who live outside of Clare, including some from Digby Neck, as well as seasonal residents from the United States.

All our members share enthusiasm for the unique cultural and ecological gifts that are bound in this area and we all share an investment in promoting the arts as a valuable contribution to our community's economy and quality of life.

The artist's sense of place and space is extremely important to their creative vision.

Those who choose to live here and pursue

their art are inspired and motivated by the natural beauty of their surroundings, the peacefulness and pace of life that encourage reflection and introspection.

The environment that surrounds us is intimately connected to our work, providing subject matter and atmosphere that is conducive to creative expression.

I have provided you each with one of our pamphlets. Look at that. It's called: "Arts de la Baie". It's mostly... There's a lot of blue there, and you sense the peacefulness and the joy in this art.

Although we are experiencing the challenges of a decreasing population base, our community is still a vibrant and interesting place to live.

Why? Because our deep cultural routes have been nourished by the many visual artists, musicians, dancers, writers and artisans who call the community of Clare home.

Their creative efforts are visibly promoted and enjoyed by the public through performance and theatrical productions, workshops and various media, our programs in schools and a mushrooming of small galleries and studios now dotting the landscape.

Our community values art to the point where it wants us, Le Conseil des Arts de la Baie, to be a

partner in the new cultural centre that will be built within the next two years at Université Ste-Anne, our local French language university.

Le Conseil will have an office in the Centre and will be the administrator of the public art gallery that will be housed there.

Why does our community value us? There are many reasons of course, but I would like to highlight one today, we bring in tourists.

Le Conseil des Arts de la Baie was responsible last year for producing and distributing a beautiful brochure featuring several artists and artisans in Clare. Again, it is this pamphlet here.

We know that this brochure brought tourists to our area because we heard comments such as: "We were going to go to Lunenburg, but we picked up this brochure and decided to go to Clare instead."

Positive feedback convinced us of the value of our efforts to invest in this project again this year.

If tourists come here to find and purchase art, other local businesses profit as well, such as restaurants, motels, inns, bed & breakfasts, campgrounds, gas stations, et cetera.

We also have learned that tourists come to our community because of other known attractions in the area.

Whale watching out on Digby Neck is undoubtedly the most popular, even with many local residents.

We not only value our own efforts to attract and build on local economic opportunities, but we depend on other communities in the area to do likewise.

The Provincial Government also supports our efforts by giving us a grant to carry on our activities in the promotion and the development of the arts in our region.

We use that money wisely, by organizing activities such as Paint in the park, at Mavillette Beach, Clare's own scenic wonder situated at the entrance to St. Mary's Bay.

On that day, we invite artists of all disciplines to come and create art in the park. It is one of the events featured in the "Parks are for People" program managed by the Department of Natural Resources.

Will we continue with these events, with this event, and will we be inspired to do a lot more activities that invite everybody in the Province to come and

visit this region if there's a rock quarry blasting out a gaping wound on our neighbouring coastline?

How will that activity impact the waters and activities on our side of the Bay?

St. Mary's Bay, named for the patron Saint of Clare, is sacred to many Acadians. It figures prominently in our history as the site settled by our ancestors after the expulsion of the Acadians in 1755.

The waters of St. Mary's Bay have brought prosperity and abundance to our community from the fishing and related traditional industries such as ship building.

We have access to uncrowded beaches, numerous scenic trails and spectacular sunsets.

The Bay has also contributed a rich source of imagery to our folklore, visual arts and literature.

Our identity as a community is inseparable from the life and rhythms of the Bay, and any threat to the continued enjoyment of those benefits is very distressing.

Permitting a mega-quarry to operate just across the Bay from Clare is totally incompatible to our vision of this area as a major tourist attraction.

It is also incompatible to the way of life that has evolved here over many generations.

We find it irresponsible and even unethical to risk destruction of the existing sources of livelihood and survival of established communities on both sides of the Bay.

Specific to our Membership and goals, we believe that the quality of life for artists and artisans living in the area will be compromised by this development.

And who speaks for all the living creatures, known and unknown, that inhabit the waters surrounding our shores?

They face a fragile future already and blasting the coastline for the next 50 years can't help but impact negatively on their chances for survival.

If this is allowed, the negative media attention will undermine the efforts of our organization and others to build on the reputation of this area as an artist- and tourist-friendly destination, and as a place people will consider relocating to.

People will not be attracted by reports of man-made destruction of the coastal environment or want to live in a place where such things are allowed.

This will not only affect artists economically, but the entire community.

We want our resources to go into building sustainable economic opportunities that respect the values and vision of our community.

If this rock quarry truly represents no significant threat to the environment, then why are companies no longer allowed to blast along the New England coastline, and why should our coastal communities be expected to assume such great risk?

Le Conseil des Arts de la Baie is opposed to permitting a rock quarry to operate at Whites Point.

We believe that the unspoiled beauty of our coast line is one of our greatest and most cherished assets.

This view is shared by Canadians from coast to coasts who voted the Bay of Fundy a finalist in the recent Scenic Wonders of Canada contest.

We call upon our elected officials to stop Bilcon from defacing this beautiful corner of the world.

We appeal to you to do everything in your power to make this rock quarry a no go.

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(QUESTIONS BY THE PANEL)

Thank you for listening to our concerns today.

PRESENTATION BY LE CONSEIL DES ARTS DE LA BAIE - QUESTIONS BY THE PANEL

THE CHAIRPERSON: Ms. Robichaud, one of the cornerstones of the argument being advanced by the Proponent is that this is a community... The argument is that the broader community of the Neck is in decline, and that jobs are disappearing, young people are disappearing, and that what the quarry does is it offers an opportunity to diversify the economy, to bring in additional jobs that wouldn't be here otherwise.

If the quarry is rejected, then what alternatives do you see for this area? How do you see overcoming those...

I mean I don't think anyone disagrees with a lot of what they're saying, but how do you see reconciling that?

Ms. NORA ROBICHAUD: Well, a lot of us artists can't survive by just being an artist, so we take on part-time jobs, we find other ways of existing.

THE CHAIRPERSON: H'm.

Ms. NORA ROBICHAUD: I exist as an artist because I have a part-time job.

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I would rather just be at home and do my art, but I put a lot of hours in for the Arts Council. I found a way of making a living. I'm not rich, in fact I'm probably at the poverty level.

Other people in the Neck have found a way. They have looked around and seen what there was to capitalize without destructing the environment, and that's why you have whale watching.

You know, it's there, they capitalized on it by the fact that the whales are there, but they don't destroy anything.

I know, it's tough questions, and I feel for these people that are looking for work, but you know, in my community, my mother came from a family of seven children, and she's the only one that stayed in Clare. Her brothers and sisters went to the States, to Hamilton, and they did good. Clare survived. We survived. We're going to.

A lot of the young people that are going out West will come back. I have two nephews that are out West right now. They're making money specifically to come back and buy land in Clare.

I think... You know, it's a tough question, but I heard so many other stories about American

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companies coming in and saying: "Oh yeah, give us some money ACOA, we will build this building and we will hire all these people." Yeah, how long does it last? Two years, three years?

There's no guarantee these people are going to give jobs to the people on the Neck.

Dr. JILL GRANT: Ms. Robichaud, can I ask you a question about what proportion would you estimate the income of artists in this region is linked to tourism?

If you're selling your artwork... And I know you're working other jobs as well, but if you're selling art, what's the role of the tourist market in those sales?

Ms. NORA ROBICHAUD: You're asking me a question with figures, and I have no idea. I just know that it has brought in artists... It has brought in people that love art, sorry, last year.

I'm sorry, I can't answer that question.

Dr. JILL GRANT: Thanks. And the other question I have is related to consultation on the Project. Was there consultation in the French communities on this Project from the Proponent?

Ms. NORA ROBICHAUD: Well, I went to the meeting that we had in Meteghan, that was organized by Trudy

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Bengivenni, and after that I started getting...

Because I put my name on the list, I started getting information and I'll admit, I don't always read these thick things that come in the mail, it's just overwhelming, but I'm in contact with some of the people on Digby Neck, so I've gotten a lot of information.

And I have been reading a lot of what Andy Moir has been reading, on the day-to-day updates of the Panel presentations.

Dr. JILL GRANT: My question was related to whether there was any consultation from the Proponent. Were there community meetings held on the Project by the Proponent?

Ms. NORA ROBICHAUD: Pardon me?

Dr. JILL GRANT: By the Proponent.

Ms. NORA ROBICHAUD: Could you start again please? I didn't get that.

Dr. JILL GRANT: Were there any meetings in your communities held by the Proponent about this Project?

Ms. NORA ROBICHAUD: I didn't hear of any.

Dr. JILL GRANT: Okay.

Ms. NORA ROBICHAUD: There might have

been, but I... I might have missed it, yeah.

Dr. GUNTER MUECKE: Ms. Robichaud, I think you specifically mentioned that you saw a threat in terms of the quarry, with respect to St. Mary's Bay, are there specific things that you have in mind or is this just a general perception?

Ms. NORA ROBICHAUD: Well, St. Mary's Bay is intimately tied to the Bay of Fundy. I mean, it's all part of the same system. It can't help but have an effect on St. Mary's Bay, if it's affecting the Bay of Fundy.

I mean, there are two passages that, you know, and then it can't help but have an effect on where we live. Not maybe as much an effect as if you're on actual Digby Neck.

And you know, it's just a humane thing to do, as well. You don't want your neighbours to suffer, or to be exposed to this kind of blasting and, you know, we're thinking particularly of the sea creatures. I mean, they have no voice in the matter, so we have to give them voices.

It's just... It goes beyond art, of course. It's just artists have a voice and we want to add it to everybody else's voice.

Dr. GUNTER MUECKE: Thank you.

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(QUESTIONS BY THE PROPONENT)

Ms. NORA ROBICHAUD: You're welcome.

THE CHAIRPERSON: Mr. Buxton?

**PRESENTATION BY LE CONSEIL DES ARTS DE LA BAIE - QUESTIONS
BY THE PROPONENT**

Mr. PAUL BUXTON: I don't have any questions, but could I make a short comment? Ten seconds? Thank you.

THE CHAIRPERSON: Certainly.

Mr. PAUL BUXTON: I'm not sure I quite see the incompatibility between industry engineering and the arts.

Ms. NORA ROBICHAUD: Well, we're not going to start that, but anyway.

Mr. PAUL BUXTON: Thank you. My wife is an artist. One of my business associates is a very well-known artist, and very well-bought artist, if you like, in the area. I, myself, was project manager for the Ross Creek Centre for the Arts, and Bilcon is a sponsor of the Ross Creek Centre of the Arts.

I think there can be some interchange between industry engineering and the arts. Many of my friends in this area are crafts people and artists. Thank you, Mr. Chair.

THE CHAIRPERSON: Thank you, Mr. Buxton.

Any questions from anyone else? Yes, please come forward Sir.

PRESENTATION BY LE CONSEIL DES ARTS DE LA BAIE - QUESTIONS FROM THE PUBLIC

Mr. BRIAN DYER: Mr. Chair, Ms. Robichaud, I have a question for...

THE CHAIRPERSON: Could you identify yourself?

Mr. BRIAN DYER: Brian Dyer, no affiliation, other than a citizen of the world, a very concerned citizen when it comes to this Project. And my question is basically to the Chair, Mr., Dr. Fournier.

I believe I heard you correctly in your first question to Ms. Robichaud, and you used the expression, "Bilcon have made the Proposal to bring in jobs". I think you said "bring in jobs", Did you not?

THE CHAIRPERSON: A slip of the tongue. What I meant was bring in salaried positions; not necessarily people, if that's what you're referring to.

Mr. BRIAN DYER: Thank you. That is the gist of my question. They are promising to bring in, and this is a promise, 34 local jobs and it is my suggestion that of these 34 jobs, which cannot be filled, I am predicting, by local labour, skilled or unskilled, there

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might be maybe half a dozen grunt jobs; the rest will need serious qualifications, and they will be more than likely parachuted in from the U.S. of A.

And I am speaking from experience here, because I've been in this wonderful Province (clears throat)... Pardon me. Sorry, I'm getting very emotional on this.

Thirty-five years ago, I was parachuted in from Toronto from an organization that promised the Provincial Government to set up 500 jobs in three years. Three years later, they had squandered \$5-million, and they had employed 20 local people.

But I'm still here because I had the option, and I find it a wonderful place, and I have no hope of seeing Bilcon destroy this wonderful scene, this part of the country. Thank you very much.

THE CHAIRPERSON: Thank you. Additional, please?

Ms. HELEN OPIE: My name is Helen Opie, and I live in Granville Ferry.

THE CHAIRPERSON: Could you spell your last name?

Ms. HELEN OPIE: O-p-i-e.

THE CHAIRPERSON: Thank you.

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(QUESTIONS BY THE PUBLIC)

Ms. HELEN OPIE: It's like Dowie, but with the "D". And my understanding is, yes, 34 jobs may be created, and like the man before me, I'm sceptical that they're going to come from local people. I believe that 200 jobs more than this 34 are going to be lost, because the fishers will not be able to fish because the vibrations of the blasting are not going to keep the fish around.

It's going to send the fish away. That they discovered up in Cape Breton Island that the fish, the detonations underwater affected fish much further away than they expected, and I believe the same thing is going to happen here. There will be no fish.

I don't know about the whales, but I don't think the whales are going to want to come into the Bay of Fundy, and they're already endangered. They're endangered by our pollution, they are endangered by our ships, and now they're going to be endangered further, I believe, by the blasting vibrations.

And all the people who make their living from fishing, from tourism, from the supports of tourism like repairing people's cars, or cleaning the rooms that the bed and breakfast owners don't do themselves, they're going to be out of work, all of 34 jobs that probably are not from local, for local people.

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(QUESTIONS BY THE PUBLIC)

THE CHAIRPERSON: Thank you. Did you have a question ---

Ms. HELEN OPIE: And I just wanted...

THE CHAIRPERSON: --- for Miss...

Ms. HELEN OPIE: And I just wanted to call your attention to this, which says:

"Nova Scotia's environment reflects you."

THE CHAIRPERSON: Thank you. Mr. Morsches?
--- Pause

THE CHAIRPERSON: Mr. Morsches, is this a question for Ms. Robichaud?

Mr. BOB MORSCHES: I guess it is, Doctor.

I moved in Sandy Cove about ten years ago, and after about five years, I noticed there was a lot of artwork going on, and there were a lot of painters that were in on Digby Neck, and then I found out at the Flight of Fancy in Bear River that there was a lot of art over on the French Shore.

I'm a retired person, but I do art myself. Not as good as the artists do, but I did an analysis. In Sandy Cove, we have about ten artists; some were summer, some were permanent. In fact, we have a lady

here that's come to every meeting, and she's an artist.

On Long Island, there's a lady on Long Island that that's the way she makes her living, via art. I might say that the artists that I know on Digby Neck use the scenery on Digby Neck as subjects for their art. I know a little about Denise Comeau, who is on the French Shore, and she uses nature as part of her art.

I went back to my home in Virginia, and I live in a small community, but it's a little bit larger than Sandy Cove. I checked everybody in that area, and there was only one part-time artist, and that was me.

So there is a tremendous amount of art going on and I do believe what you said is very accurate, but you have many more artists over on the French Shore than we do over on Digby Neck. Is that true?

Ms. NORA ROBICHAUD: I don't know how many artists are on the Neck. I know of some, but I don't know all of them.

Mr. BOB MORSCHEs: Well, the only thing I know is there's ten in Sandy Cove. I don't know the rest in the communities, though, down the...

Ms. NORA ROBICHAUD: But, you know, they're spread out all over, I believe, yeah.

Mr. BOB MORSCHEs: Thank you, Doctor.

CONSEIL DES ARTS DE LA BAIE
(QUESTIONS BY THE PUBLIC)

THE CHAIRPERSON: Thank you, Mr. Morsches. Anyone else? Yes, please come forward. Is this a question for Ms. Robichaud?

Ms. LINDA GRAHAM: No.

THE CHAIRPERSON: If it's going to be a general statement, I think what I would prefer to do is to not suppress the comments. We can bring them at the end altogether, but since we have a speaker here, what I would say is anyone who comes to the microphone should be asking a question of the speaker.

When we're done with all the presenters, we will then turn to the audience, and then they can make a general comment, okay? So if you're about... You're about to make a comment or a question?

Ms. LINDA GRAHAM: No, none of that. Just a statement.

THE CHAIRPERSON: None of that?

Ms. LINDA GRAHAM: Just a little statement. You'll see.

THE CHAIRPERSON: And I'd like to hold that back. If you could just wait until the end of the session, we'll allow you all...

Ms. LINDA GRAHAM: I don't know how long I can stay here, so I just want to make a short...

CONSEIL DES ARTS DE LA BAIE
(QUESTIONS BY THE PUBLIC)

THE CHAIRPERSON: Okay. I'll make an exception, but in general, that's the way we would like to run this meeting.

Ms. LINDA GRAHAM: I be so fast. I'm a artist, and not only the landscape I'm interested in. The fishermen's activities, that's I'm capturing, so it's very important to do... Fishing's going on, those things, and then blasting site is not my subject. Thank you.

THE CHAIRPERSON: Thank you. Okay. Can we move on? Thank you, Ms. Robichaud. Thank you very much.

Mr. PAUL BUXTON: Mr. Chairman.

THE CHAIRPERSON: I beg your pardon. Did I...

Mr. PAUL BUXTON: I'm sorry. I wonder if at some point...

THE CHAIRPERSON: I bypassed you. I'm very, very sorry.

Mr. PAUL BUXTON: You did, actually. I had my question, but I just wonder since we've sort of introduced the topic of the local labour force, and I wonder at some...

I'm not sure that I necessarily want to comment on it now, but if you'd allow me to just sort of 30 thirty seconds, that I do have some experience of that in

the local area.

When all the restoration projects were being done in the Town of Annapolis Royal, certainly this was something new to restore, in some cases, 17th-century buildings, to restore a theatre, and create a theatre, to build botanical gardens, all those people were found in this area.

They were trained for the jobs. The people that were engaged during the construction of the botanical gardens, for example, the maintenance staff were taken from the construction crew. That is now, I hate to think of it, but it's 26 years ago, so two of them have died; the others are still there.

There is a very high quality of people in this area at the working level. I would give, perhaps, another example whether or not you like the theme park, or where it is, or what it does, it is a tourist attraction, and there are many complex elements in that theme park; for example a wooden roller coaster.

The people to build that wooden roller coaster were trained in this area, and they built it and created it, and it was only in the last six weeks of the building of that park, and this is 300 people from the local area that were employed on that project. It was only in the

last six weeks that we absolutely ran out of people between Kentville and Yarmouth, and could hire. There was no one else available, and we had to bring a small crew of labourers from Halifax for final site cleanup.

So I do object to the proposition that working people in this area are incapable of being trained for the type of work that we have. They were certainly quite capable of being trained to restore early 17th-century buildings, to create theatres, to create botanical gardens, to create massive rides in the theme park, none of which they had had any experience with at all.

I believe that many of the local people are very talented, and they can be trained to do anything. Thank you, Mr. Chair, for allowing me that.

THE CHAIRPERSON: Thank you, Mr. Buxton.
And once again, my apology for passing you by.

Okay, we will move on to the next presenter, then. Thank you very much, Ms. Robichaud.

Next is actually a duo of Mary McCarthy and Doreen Evenden.

--- Pause

THE CHAIRPERSON: Ladies, before you commence, I would like to re-state something I said at the beginning, but the audience has increased by about half

since we started. There are headphones available in the back that are used for simultaneous translation, but they can also be tuned to English or French, depending on what you want.

If the acoustics in this room are difficult - that is, you're having trouble hearing what we're saying - pick up a pair of headphones, put them on and you'll discover that you can hear far, far better than simply letting the acoustics of the room, or the acoustics bounce around in here.

Okay. Now we turn to our two ladies, and could you identify yourself, please?

PRESENTATION BY Dr. MARY McCARTHY AND DOREEN EVENDEN

Dr. DOREEN EVENDEN: My name is Doreen E-v-e-n-d-e-n, Evenden, and I'm a resident of Digby Town.

I have two brief points that I'd like to address. In the first one, I was speaking with regard to my earlier submission to the Panel Review Board, which can be found at number 1585 in the Public Registry.

It concerns the Report of Elgin Consulting on traditional knowledge, question mark, that was submitted by the Proponent who commented "Noted" as their response to my analysis of this report. What does "Noted" mean? Has the Elgin Report been revised, corrected,

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rejected, replaced?

On Monday, Mr. Buxton referred to the 57 interviews mentioned in the reference documents, thereby conferring or trying to confer some sort of legitimacy on the seriously flawed, inaccurate and misleading information in the Report.

Indeed, a detailed analysis of this Report and the supporting information reveals a complete lack of any basic methodological design or application, and reveals serious problems of selectivity, bias, citation errors, to name but a few of the deficiencies, thereby rendering the Report worthless.

The purported intent of Elgin's Report was:

"To gather information associated with the cultural and past economic uses of White Point property and the surrounding area."

Instead, the interviews became a rather thinly-veiled excuse for the Proponent to promote its own interests. The required and indeed critical component of the EIS, that of traditional knowledge, is therefore missing.

My second point is a comment on one CLC

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Meeting that I attended, although I'm aware of the proceedings at many of the Meetings through the reports of friends and acquaintances.

My personal introduction to the CLC Meetings came on August the 23rd, 2003, when the Proponent featured Dr. Charles Watrall, who was to talk about his archeological findings. His attitude can only be described as arrogant, condescending and, in one instance, insulting.

He dismissed oral history and local knowledge as a source of information about White Cove and its inhabitants. He said he relied instead on empirical evidence. When one of the audience asked for a definition of empirical, he gave his interpretation of what empirical was, and I can only say it was questionable.

I was called racist from remarks that I had not made, and my request for an apology was ignored. Indeed, the comment in question was made by a resident of Little River who was trying to explain why there had been no objection to the recent quarrying of a modest amount of material at Tiverton for local use - I believe it was for a wharf - as opposed to the proposed mega-quarry for the use of an American company. Hardly a racist view by any definition of the word.

Others attending CLC Meetings have

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reported a general attitude of disdainful dismissal of concerns by the Proponent's representatives.

It would seem that an attempt to silence the voice of the people began long before so-called slap=suits were introduced.

I'd like to turn this part of the session now over to my friend, Mary McCarthy.

Dr. MARY McCARTHY: Good morning. I'm Mary McCarthy. I live in Brighton. When I look across St. Mary's Bay from my front lawn, I see Digby Neck from Rossway to Little River. Here I have many, many wonderful friends.

During the past five years, we have spent many, many hours discussing what the outcome would be for the community should this quarry go ahead. I can testify that the questions raised most often were how would a mega-quarry change our lives? Will it destroy and pollute our environment? Will it destroy our traditional way of life, and of making a living, and will it ruin our cultural heritage?

Today, in the short time allotted, I will do a summary review of the historical and archeological studies as given in Bilcon's EIS. These studies, which are flawed in many ways, have caused much heartache to the community.

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I shall go to the history study. In August 2002, local residents discovered that Dr. Barry Moody of Acadia University had prepared, at the request of the Proponent, a historical background study of the White Cove area designated for the quarry.

Area residents familiar with local oral tradition, and whose ancestral roots are in White Cove, were disturbed by the distortion of facts and total disregard of the 19th-century community that lived at the Cove.

Dr. Moody's Report dealt mainly with a Colonel Barton who received the original land grant, but never lived on Digby Neck. The only other person Dr. Moody connected to the property was William Addington who did not live within the boundaries designated for the quarry.

Contrary to Dr. Moody's statement that, and I quote:

"No homes or other substantial buildings had been constructed on the property..."

Community research revealed that the designated 3.9-hectare quarry site covered the central areas of the settlement where at least ten families had their homes in the 19th century.

In May 2003, Dr. Moody provided a supplemental paper to the original history document, in

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which he acknowledged people had homes at the Cove. However, it again was deficient in research. His materials researched were a few extra Deeds, and a letter that I had written to the "Digby Courier", in which he had quotes twice in his paper.

Now community research went much further than this. Our research was done on property deeds, birth and death certificates, census reports, genealogies and local newspapers, all confirming the traditional belief that a vibrant community lived, worked and died at the Cove. Even today, a local resident, who calls White Cove "down home", remembers picking cranberries, and:

"Near the graves of the little children".

A Little River resident, Jim Graham, who is here with us today, right here at the back, lobstered off the rocks of the Cove, and worked at the long-abandoned gravel pit half a century ago. He is proud of his ancestral roots in White Cove, and is the great-grandson of Captain Israel Hersey, who met his Irish-born wife, Mary Margaret Bowes, on one of his frequent schooner voyages around the world.

Their first child, Maizie, was born in 1863, grew up in the original Hersey homestead in White Cove

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which was located close to the point about 50 meters from the highwater mark. I would like to add here that this is not the Hersey house investigated by Dr. Watrall in his archeological study.

Jim's grandmother, Maizie, married Augustin Comeau, but according to the Hersey genealogy, retained her independence. Maizie and Gus went their separate ways to the polls on election day, and Maizie bought her own tea, because she liked it strong, while Gus saved the old tea grounds, and made his own brew. Indeed, the Hersey genealogy is a fascinating record of life at White Cove.

Now to the archeological report by Dr. Charles Watrall.

Activity on the proposed quarry site prompted communication with a Nova Scotia Museum from the community in September 2002. This resulted in a request from the Curator of Special Places to the Nova Scotia Department of Environment and Labour to issue an Order for work stoppage until an archeological impact statement, a report could be done.

Now Mr. Bob Petrie, from the Yarmouth office, phoned me on the 23rd of September 2003, telling me that this Order was coming out from NSDEL.

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Dr. Charles Watrall was engaged by Global Quarries to do this study, for which he received a permit in November 2002. The archeological impact statement was accepted with reservation by the Nova Scotia Museum in May 14th, 2003.

The letter from the Museum stated...
Sorry, the acceptance letter stated:

"Notwithstanding our acceptance of the report, there were shortcomings noted during our review."

Museum personnel then detailed these shortcomings, and made a number of recommendations. Among these recommendations, they noted the limited investigation of house remains described by Mr. Watrall was the Hersey House. According to my personal research, the archeological report failed to locate the remains of other homes known to have existed on the site; specifically, the original Hersey homestead close to White Point.

In fact, as detailed in my submission, 1333 on the Public Registry, the archeological report contains many deficiencies. Dr. Watrall reported at the CLC Meeting just mentioned that it was not easy to walk the ground. Again, he said:

"I covered as much of the property as I

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could get at."

All strange comments to me. In his report, he complained that field of [inaudible] was difficult due to extensive flotsam materials which covered large areas of the beach over four feet high. Photos of the beach taken within the period the study was conducted showed that this is not the case.

In view of the lack of rigor in these reports, I submit that the historical and archeological reports have failed to adequately address the significance of the history, culture, economy and land use of the White Cove proposed quarry site.

Now I have also here, and I will cut it down by more than a quarter, down to a quarter, because two of the family stories have already been submitted. Miss Deborah Hersey asked me to present this to the Panel. Her ancestors are from the Cove, and she is very, very interested in her family roots there.

"June 20th, 2007. My name is Deborah Lee Hersey-Smith, and I would like to submit the following questions in response to 10.3.6 of the document issued surrounding the development of a quarry at White Cove, Digby Neck. I

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presently live in Lunenburg County, but maintain a summer residence and my family home in Mink Cove, Digby Neck.

In the summer of 2001, I took three of my grandchildren on a hike to the Cove.

We walked the land, and I shared with them the cherished memories of my grandfather, and told stories of their heritage. We explored the stone wall and the rock foundations of their ancestors' homes.

In the summer of 2003, I once again visited the cove, only to find that the entire area of the stone wall and the oldest foundation had been turned into hideous holding ponds strewn with plastic and straw. I could not believe that our Governments had allowed this travesty take place.

Points requiring clarification:

I feel violated and infuriated when I read the archaeological impact report of Charles W. Watrall and feel compelled to raise the following questions.

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(1) Mr. Watrall speaks of not finding evidence that a village existed at White Cove and suggests that there may not have been people living there year round. First of all, I find it difficult how physical research of the area could have been done in the middle of winter on the shore of the Bay of Fundy. Secondly, how much of the land has been disturbed prior to his visit? Evidently, something had taken place, since Mr. Watrall did not find the stone wall.

When I questioned this point, I was informed that a quarry had been in operation there years ago, and this had disturbed the land. This is truly a mystery, as I definitely walked in 2001.

How do landmarks and walls appear and disappear?

(2) Mr. Watrall reports that no occupation of White Cove can be established following the burning of Israel Hersey's home in 1890. The

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'Digby Courier' reported that my Great Aunt Bessie died there in September 1899. Are we then to believe that she was living there in a fish shack on her own?

(3) The report also states that specific and/or documented information does not exist to support the existence of a village at White Cove. In 1877, the Digby newspaper of the time reported that a total of seven people had died from diphtheria in White Cove."

I'm sorry, I'm supposed to come to it.

I have just one more, one more paragraph.

THE CHAIRPERSON: Continue.

Dr. MARY McCARTHY: Thank you.

"The report indicates that these individuals..."

I'm sorry, maybe I hadn't read that sentence:

"In 1877, the Digby newspaper of the time reported that a total of seven people had died from diphtheria in White Cove. The report indicates that these

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individuals were not all from the same family, and had left behind grieving loved ones. How could this possibly happen if a village did not exist at this location?

Much of my family history is imbedded in the rough, windswept landscape of this place known as White Cove. I feel these events and the people lived at White Cove are significant, regardless of the opinion of Charles W. Watrall.

I urge this committee to carefully review the contents of the above-mentioned report, and preserve the history of my ancestors and the cove." Thank you. That's the conclusion of

Debbie Hersey-Smith.

**PRESENTATION BY Dr. MARY McCARTHY AND Dr. DOREEN EVENDEN -
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THE CHAIRPERSON: Thank you, ladies. I have a question which... Assuming that a village was there, as you suggest, and there were several houses and outbuildings and so forth, and it was a thriving a community at one point, let's say, a hundred years ago.

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What's the implication of that vis a vis any development in that area? Does that mean that because a community was there it should never be used for anything else, or are you suggesting that it should be treated in an intense archaeological way to recover artifacts and the like, and then you move on?

Because when you look at cities around the world, like Rome or Paris or whatever, it's built on layers. 2000 years ago they had a community, and then they built another layer, and so it goes on everywhere.

So I'm trying to understand. I know the history is important and I know the archaeology is important, but I'm wondering about the future uses of it, for example.

Dr. MARY McCARTHY: Mr. Chair, the problems with the history and archaeological reports are the way they were compiled, the lack of information, the total disregard of records that exist, and the lack of input from local people because they were not consulted, they were not approached.

The information I've collected, which I had most of sent to the "Digby Courier", has been given to me by local people.

THE CHAIRPERSON: I'm not trying to

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minimize that.

Dr. MARY McCARTHY: So that is, really, the crux of the matter for us as a community; it is the total disregard. And I think it came out pretty strongly in Ms. Hersey's letter that it's actually the poor studies that were done, lack of detail, many omissions, and...

THE CHAIRPERSON: So from your standpoint, the important issue would be the, clarifying the history of the area, developing a collection of artifacts, I mean, because of its community relevance, and you feel that that hasn't been done, and if a quarry was there, that it would all be lost. Is that what you're saying?

Dr. MARY McCARTHY: There is also a belief that those who have relatives there, it came across in Ms. Hersey's paper, that there were burials there. People buried there. And the landscape has been changed, as she says, since 2001. Before the archaeological study was done.

In fact, there was work, and there was an issue of the "Digby Courier" which shows the machinery down there when the report was made to the... Well, how shall I say. I mean, it was when work was going on there that the Nova Scotia museum was informed, and the Department of... The Curator of Special Places decided that it was

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necessary to have an archaeological... There was enough evidence there to have an archaeological study done.

But it's the rigour with which the study was done that is troubling.

THE CHAIRPERSON: Thank you. I understand now. Thank you very much. Jill?

Dr. JILL GRANT: A couple of questions, first for Dr. Doreen Evenden.

Can you give us a couple of specific examples of your concerns from the community consultation reports, of examples where you see problems with the approach that the consultant used to the study?

Dr. DOREEN EVENDEN: I did have the complete critique that I sent. As far as the methodology goes, there is really no methodology, and one of the troubling things, and this came up earlier, I believe, in your current hearings, there were 57 interviews conducted. Only 20 of them actually came from the area, what you would call the Neck.

Brier Island, for example, was completely excluded. There were no interviews from people on Brier Island. And I think half a dozen from Long Island.

So that over 50 percent of the interviews were conducted with people who were not what we

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consider directly affected by the quarry, and who would have the most intimate knowledge of the past history of that area, which was supposed to be the focus of this whole interview process, the cultural and socio-economic history of the area. So that's one example.

We're told in some cases where the interviews were carried. Sometimes it was by phone call. We don't know how many phone calls, sometimes there were a number of phone calls, but we're never told how many per person.

Many of the interviews were conducted at the Bilcon office, which I would consider a very intimidating atmosphere for anyone going in there. This is the Proponent's space. How can you conduct sort of impartial interview when you're on their turf?

I mean, there just so much that is wrong.

And then, when they went to... There was a section that was supposed to have the citations and the reference, and when you checked the information with the interviews, so-called, that were in the body or the information in the body of the report, they didn't coincide.

There were just absolutely mistakes. It was just a jumble. A real mess.

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And then, as I mentioned, the purpose of these interviews was stated specifically as to collect the culture and socio-economic history of the area, and at one point it even said in the late 19th and 20th centuries. But most of the interviews ended up saying how the person felt about the quarry, did they have any suggestions about the quarry.

So it was anything but conducted on the basis of what its original intent was. And I do know a little bit about analyzing methodology. I mean, that's part of my training.

Dr. JILL GRANT: Thank you. I wonder, I guess this question is directed to both of you. Can you characterize the response of the Proponents and their consultants when you brought this information forward to try to get it into the process?

Dr. MARY McCARTHY: Yes. At the CLC meeting, where the archaeological report was discussed, we brought up a number of things, of our problems, to Dr. Charles Watrall. It's recorded in the Minutes of the CLC meeting word for word.

And Dr. Evenden's training is in history, social history, and while I have done an historical Ph.D. thesis, but it was geared towards curriculum

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development and education, but it was still a research thesis. And my first degree is a science degree, but we didn't flaunt these information to Dr. Watrall. And he just simply told the two of us that we weren't scientists; he was.

So that is pretty intimidating, and not a very conducive atmosphere for us to bring forward what we knew about the area.

Dr. JILL GRANT: I understand there was some response when concerns were brought forward about the possibility of burials in this area.

How have those concerns been addressed?

Dr. MARY McCARTHY: As far as I know... Oh yes, Dr. Watrall did say that he couldn't, he didn't find any, and that he couldn't unless somebody showed him where they were, or showed him where they would be within, say, five acres or one acre. Now, that is incomprehensible to me, from an archaeologist.

Dr. GUNTER MUECKE: My question actually goes to Mr. Buxton.

During the remainder of these hearings, will either Mr. Moody or Dr. Watrall be present to answer some of these questions that have been raised about the historical and archaeological reports that were submitted?

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Mr. PAUL BUXTON: We had not anticipated having them here, and I think perhaps the main reason for that, from the perspective of the archaeological report, is that we have very little to do with the archaeological report. We're required to produce one. And the archaeologist has then to work with Nova Scotia Museums to determine a satisfactory protocol, and when that has been determined by Nova Scotia Museums, the permit is issued for the archaeological study.

The archaeologist reports to Nova Scotia Museums, receives their critique, if it is seen to be deficient, then he has to correct it to the satisfaction of Nova Scotia museum.

That process was followed, and at the end of the day Nova Scotia Museum said that that archaeological report was acceptable to Nova Scotia Museum.

So we really have very little to sort of... We can't interfere with that process. We don't hire the archaeologist and ask him to carry out an archaeological report.

Part of the problem, it's not a problem, but part of the issue is that we are not allowed to conduct archaeological studies on the site. No one is. No archaeological work can be carried out without a permit, and

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that permit gets issued by Nova Scotia Museums.

So whatever work we perhaps wanted to do, thought we ought to do, we simply cannot do. The work program is set out very clearly by our archaeologist by Nova Scotia museums, and is agreed to before it starts. And at the end of the day Nova Scotia Museum basically said the archaeological report was acceptable.

They did make a couple of recommendations, and those are in the EIS, one of them concerning marine artifacts, another one concerning special care to be taken within 250 metres of the foundation of the Hersey house, and it's very difficult for us to do anything else. We are not allowed to conduct archaeological work on the site. It is not permitted, under the law.

Dr. GUNTER MUECKE: That brings me back to the historical study that was done under contract to you by Dr. Moody. Is that right?

Mr. PAUL BUXTON: Yes, it was.

Dr. GUNTER MUECKE: So could we expect Dr. Moody to answer some of these questions that have been raised?

Mr. PAUL BUXTON: I've made no contact with him. I can make contact and see if he can make himself available. Again, I think... I questioned Dr. Moody when

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we received comments from Mrs. McCarthy three, four years back, and said, you know, "Are we sure of our Deed search? You know, can we put this forward as a credible document?"

I have no experience or qualifications in these matters. Dr. Moody certainly has, is seen to be an expert in these matters, and is, I think I said, is Chair of the History Department at Acadia University, is well known for these sorts of studies, and we felt assured that the quality of the work that had been produced was of a high standard.

Certainly the Deeds are there for everybody to see. If it's a registered Deed, anybody can go to the Registry Deed and simply go through them. It's not a question of, you know, them not being there or being there.

They're there for everybody to examine, in the Registry office. And I think we're fairly confident that the quality of the work was good.

And I don't think, as has been alluded to, that we have ever said that there weren't buildings on the site. You know, Dr. Moody found references to farms on the site, to buildings on the site, but certainly there are few traces of them now.

And I would say, and we talked about this yesterday when the photographs from Mrs. Klein came up,

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that that entire area, and again, we got this from traditional knowledge, that that was a major pit, and certainly the evidence is there that it was a pit. The walls of the pit are there; that that was excavated in the late '40s and early '50's. And I've been told that on many occasions.

So I'm not sure... If there were buildings in that area, then their foundations would certainly have been taken out in the late '40s, early '50s.

Thank you.

THE CHAIRPERSON: I think that's the end of the Panel's questions. Yes? Could this be brief, please, because we're falling behind schedule now.

Dr. DOREEN EVENDEN: Because I asked a rhetorical question at the beginning of my presentation about the Elgin Consulting Report; whether it had been revised, corrected, removed, re-done, or whatever.

May I ask him directly what happened to it?

THE CHAIRPERSON: You can ask me.

Dr. DOREEN EVENDEN: All right.

THE CHAIRPERSON: And I can refer it to Mr. Buxton.

Dr. DOREEN EVENDEN: All right. Could I

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ask?

THE CHAIRPERSON: Ask your question,
please.

Dr. DOREEN EVENDEN: I'd like to know
what the status of that report is currently. Is it part of
the EIS or has it been fundamentally changed or replaced or
whatever?

THE CHAIRPERSON: Thank you. Mr. Buxton?
**PRESENTATION BY Dr. MARY McCARTHY AND Dr. DOREEN EVENDEN -
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Mr. PAUL BUXTON: Thank you. And I would
point out that this topic is scheduled for Monday, and Elgin
Consulting is scheduled to be here. So I can make some
comments.

First of all, I could be wrong, ask the
question on Monday, but I don't believe any of the
traditional knowledge interviews took place in Bilcon's
office. That is possible. I'm not in the office a hundred
percent of the time.

As I understand it, the interviews were
done by various methods, and again, you must ask these
questions. I think some of them were tape recorded, I think
some of them were handwritten. I believe that there was an
understanding on many of them that verbatim reports were not

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to be given, and that names were not to be attached to individual reports.

I think there has been, obviously, some distress in the community, some proposing the project, some opposing the project, and some people did not want to be identified as, in fact, giving interviews with our consultant.

And again, please ask these questions to the appropriate person, but there was a comment that very few people from Digby Neck were interviewed. Some certainly were, but I think there was an attempt to get traditional knowledge from people who used to live on the Neck and who are now resident in senior citizen's homes in Digby. There aren't any senior citizen's homes on Digby Neck, so that when people reach that age of maturity, they have to come in to Digby.

So if you like, they were Digby Neck people, but are now resident in Digby.

I just have one other, if I might at this time, the allusion perhaps continuously that the CLC meetings are Bilcon meetings, they're not Bilcon meetings. Bilcon has the responsibility to set up the CLC, and to provide support, support staff, provide a room, and to respond to the Chair if she requires services like copying.

Dr. MARY McCARTHY AND Dr. DOREEN EVENDEN
(QUESTIONS BY THE PROPONENT)

We do not run those meetings, and never did run the CLC meetings, and that is not the intention. The Chair of the CLC runs the meetings. And I think that's an important point to understand; that they're not conducted by Bilcon.

With respect to the specific meeting in question, I was at that meeting. We hire scientists and technologists and engineers who have the qualifications to do the job that we require them to do. Some of those people perhaps don't take public presentation courses and can be quite arrogant in public. I think the exchanges perhaps were somewhat unfortunate.

But let me start by saying that the archaeologist was invited to the meeting by the Chair of the CLC, at a previous meeting, and we made the archaeologist, and of course we have to pay the archaeologist, and I think that some of the comments were inappropriate.

But again, it's difficult for me to, as long as the man's science is good and he has satisfied the required requirements of Nova Scotia Museums, his perhaps lack of good public presentation, it's difficult for me to comment on except that it was unfortunate. I can't say any more than that.

I think that's all I have for comments.

Dr. MARY McCARTHY AND Dr. DOREEN EVENDEN
(QUESTIONS BY THE PROPONENT)

Thank you, Mr. Chair.

THE CHAIRPERSON: Thank you. Dr. Evenden, as you heard Mr. Buxton say, there is a theme meeting, a theme session on Monday dealing with socio-economics, and Elgin will be there, and I suggest you participate in that.

The second thing is, is that the document you've been reading from, did you give that to the secretary? Do we have a copy of that?

Dr. DOREEN EVENDEN: Yes.

THE CHAIRPERSON: I know we have a copy of Dr. McCarthy's, but we have a copy of yours, as well?

Dr. DOREEN EVENDEN: Yes, I think.

THE CHAIRPERSON: Okay, good. I think are a couple of other questions that are coming.

Dr. GUNTER MUECKE: Mine is directed at Mr. Buxton.

With respect to historical studies, and in the absence of Dr. Moody to provide answers to that, what is Bilcon's attitude or status, understanding, of oral history versus recorded history?

Mr. PAUL BUXTON: I think we take oral history seriously. My understanding of the science of archaeology and the science of history certainly deals with

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oral history in an important manner.

I think it is recognized that local people have significant knowledge to bring to bear. Our archaeologist presumably would've been required by Nova Scotia Museum to go through a particular protocol with respect to that, and it would've been taken into account.

We certainly found the Deeds, the early Deeds interesting, the transfers to Joseph Barton. Joseph Barton, curiously, was from New Jersey, who had the first land grant on the property, and he was required, or I think it was actually the Deed, the subsequent Deed to his sons, they were required to put the land into agriculture. And if the land were not suitable for agriculture, they were required to open a quarry.

So there were some interesting little tidbits in the written history, as well as the oral history.

We were certainly never disinterested in Mrs. McCarthy's research. We ensured that it got to Dr. Moody. He did review his report, and added comments to it.

So this is not my field of endeavour, but my understanding is that it is important, and I believe that we gave it importance.

Dr. JILL GRANT: Mr. Buxton, perhaps you could clarify for us. In some of the documents received

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there is, especially in the public Registry documents, there's concern about a lawsuit that was filed over discussions about the burials. Can you tell us what the status of that lawsuit is?

Mr. PAUL BUXTON: The lawsuit is no longer in existence or before the Courts.

I think this is perhaps a good time to raise this issue, since the Panel raised it. There has been statements about slap-suits, et cetera, et cetera.

I think Bilcon made its position fairly clear in a letter to the newspaper, which I don't have to hand, but it was essentially that we're very fortunate to live in a free country where people can express their views on any topic that they like.

It's certainly fair game, and part of the process, for people to make statements such as: "Bilcon will destroy the fishery. Bilcon will destroy tourism. Bilcon will kill whales."

All those sorts of things are all part of the give and take of this process.

Where we indicated that we would draw the line was at if Bilcon were accused of a criminal act, and I think we spelled this out in the newspaper and as you know, there are **Cementers Protection Act**, there are certain

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actions to be taken when graves are uncovered, and the specific comment that was made in public and in the newspaper, and again outside the legislative building, and again then in the Daily Newspaper, the Chronicleled Harold, was that Bilcon had desegrated graves.

This is a serious allegation. It's an allegation of an offence, of a statute, and there are consequences for example for desecrating a grave.

We did try to resolve this issue amicably. We suggested that perhaps the statement be revised to say that there was a possibility that Bilcon could desecrate graves. Because that is a perfectly acceptable statement, but not that we had carried out a criminal act.

That offer was refused, both by the newspaper and by the person that made the statement, and we made our displeasure known by filing suit for slanderous and then subsequently a libellous statements.

I may say that we had no real intention of pursuing that, but we did want to draw the line that one could express opinions on a very large number of subjects, that Bilcon would do this or do that or do the other, but we would not tolerate being accused of having committed a criminal offence.

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We dropped the action quite some time ago, and had no real intention of pursuing it, and certainly not to the extent that we were looking for financial damages or punitive damages.

Does that answer your question Dr. Grant?

Dr. JILL GRANT: Yes.

Mr. PAUL BUXTON: Thank you.

THE CHAIRPERSON: Mr. Buxton, I think the Panel has finished with its questions, so do you have any questions for the presenters?

Mr. PAUL BUXTON: No, I don't, thank you Mr. Chairman.

THE CHAIRPERSON: Are there questions arising from... Yes. Mr. Morsches and Ms. Peach. And anyone else?

PRESENTATION BY Dr. McCARTHY - QUESTIONS BY THE PUBLIC

Mr. BOB MORSCHEs: Doctor, my question is to...

THE CHAIRPERSON: Identify yourself please.

Mr. BOB MORSCHEs: I...

THE CHAIRPERSON: But the transcriber needs to know.

Dr. MARY McCARTHY
(QUESTIONS BY THE PUBLIC)

Mr. BOB MORSCHEs: My name is Bob Morsches, I live in Sandy Cove, and I would like to direct my question to Dr. McCarthy.

In the spring of 1997, I used to walk down Whale Cove (sic) area, down the 422 or whatever you call that road, Whites Cove Road.

When I was walking around, I noticed that there was a stone corner, and looking at the stones and knowing the stones that are made for my house, which was built in 1841, it looked to me like a residence, and I didn't think much more of it.

And also while I was there, I noted some poles. And they weren't big enough to lift fish or things like that which fishermen do, and I just assumed, and I really don't know today, that these were old tent structures from the Mi'Kmaq that were there.

After the quarry planning was announced and I got a little bit more interested in this, I went back to take pictures.

On the 15th of August in 2003, the rocks were gone. They had been removed completely, and the poles were gone.

Those rocks were 62 feet, approximately 19 metres from Surveyor Hall's marker, and I believe it's

152. I have a picture of that, but I didn't bring it with me Doctor.

I had a handheld compass and from the marker to the old stone area, it was 327 degrees northwest of the marker.

The question is do you have any data about some of the stone structures or corners of homes or barns, et cetera, in any of your research?

Dr. MARY McCARTHY: I had...

THE CHAIRPERSON: Please turn on your microphone.

Dr. MARY McCARTHY: I had... Mr. Morsches said Whale Cove, you mean Whites Cove?

Mr. BOB MORSCHEs: I'm sorry?

Dr. MARY McCARTHY: It's Whites Cove we're talking about, right? We are speaking about Whites Cove, not Whale Cove?

Mr. BOB MORSCHEs: No, I'm talking about Whites Cove.

Dr. MARY McCARTHY: Right.

Mr. BOB MORSCHEs: Yeah.

Dr. MARY McCARTHY: Okay.

Mr. BOB MORSCHEs: The road that goes down there, and then you can walk around.

Dr. MARY McCARTHY
(QUESTIONS BY THE PUBLIC)

Dr. MARY McCARTHY: Right.

Mr. BOB MORSCHEs: That's before there was fencing that Bilcon put up.

Dr. MARY McCARTHY: The best information I have from olden times is a photograph taken in the early 1950s where there's a very good overall view of fish shacks at the cove, and the boat haul-up, the crib-work is intact in this photograph. It's still there today, and I don't know if these are the poles you're referring to but...

And strangely, Dr. Watrall, from what I recall referred to this particular structure as a trench, which blew my mind really.

Mr. BOB MORSCHEs: Thank you Doctor. Dr. Fournier, I would just like to make a quick note that this is not an accusation that Bilcon removed the rocks. Anybody could have done it because they were small.

Thank you.

THE CHAIRPERSON: Thank you. Ms. Judith Peach?

Ms. JUDITH PEACH: Now, I have a question for each of the presenters. Is that possible, or am I limited to one question?

THE CHAIRPERSON: We're running out of time, so if you think we can move it along, that would be

fine.

Ms. JUDITH PEACH: Okay. A quick question to Dr. Evenden. She sounds like somebody that has possibly done comparable sort of research in doing interviews and such, but I don't really know her background so...

If you were doing interviews with the community, what effect would that lawsuit have on the willingness of people to speak about the history?

Dr. DOREEN EVENDEN: I think it would have a tremendous effect, and that's the real gist of these so called flap suits. I mean, that's the real intent of them.

It's not to go ahead and pursue and actually get money, it's to intimidate the community and frightened them from speaking their voice.

They don't know what the paradigms are, they don't know what they can say and what they can't say. It's been explained to us this morning, but the average person doesn't know this and so they stop speaking.

Ms. JUDITH PEACH: And for Dr. McCarthy, it sounded like you had conducted some interviews with Mr. Jim Graham, who worked at the quarry in the 40s or 50s or something?

Dr. MARY McCARTHY
(QUESTIONS BY THE PUBLIC)

Dr. MARY McCARTHY: Yes, I have spoken a lot, and Mr. Graham I think is still here and he did work at the quarry. It was really a gravel pit, and he has no memory of blasting ever having occurred there.

Does it answer?

Ms. JUDITH PEACH: Well I just... The Proponent just recently called it a major quarry, I just wondered how accurately that was reflected in the interviews you had with Mr. Graham.

Dr. MARY McCARTHY: It was definitely a gravel pit according to Mr. Graham, what would be described as a pit, not a quarry. There was no blasting, therefore I understand that would be defining a pit.

THE CHAIRPERSON: If no further questions, then we will break for 15 minutes and then resume thereafter.

Thank you Dr. Evenden and Dr. McCarthy, thank you very much.

--- Recess at 10:40 a.m.

--- Upon resuming at 10:58 a.m.

THE CHAIRPERSON: The next presenter will be June Swift.

Pull the microphone six to eight inches.
Identify yourself.

PRESENTATION BY Ms. JUNE SWIFT

Ms. JUNE SWIFT: My name is June Swift, and I live in Brier Island.

THE CHAIRPERSON: Thank you.

Ms. JUNE SWIFT: I would like to take this opportunity to introduce myself and give you some concerns that I have with the proposed quarry site and some environmental problems that may arise if this quarry is granted a license to mine and build a marine terminal in this area.

I have lived on the Islands most of my life, and my family is originally from Digby Neck and the Islands.

I have written a book called "Brier Islands Wildflower Field Guide" as an educational tool for people to find and help identify common flowers.

I monitor an endangered plant on Brier Island called Eastern Mountain avens. This was also found by a good friend of mine in a site along Digby Neck.

There are only two countries in the world this plant is found, and that's in the United States, in New Hampshire, in the White Mountains, and Canada.

There is six sites in Canada, five on Brier Island and one along Digby Neck.

For my commitment to community education on fragile coastal habitats, I have received the Nova Scotia Bay of Fundy Environmental Education and Awareness Award.

I would like to point out some of the concerns that I have with the proposal by Bilcon to build a quarry in our community.

As a resident of the surrounding area, one of the concerns that I have is the dust and noise created by this quarry and the problems this will have on the marine environment, silt runoff, which can pollute the water table, noise from shipping and blasting, and the negative effects it will have on our marine environment.

Vibrations from blasting are known problems, and can become detrimental to marine mammals' orientation, and many beach themselves.

Mass strandings of marine mammals have been reported in other areas where blasting has taken place and large vibrations in the water create a huge risk to these animals.

Every year, whales come to this area to feed. This is their summer feeding grounds, and the only way they can survive the winter grounds is to eat as much as they can while they are here because they must live on their fat reserves to sustain them through the wintering months

when there is no food.

The endangered North Atlantic right whale also travel into these areas later in the year. They move over to this area looking for copepods, and they can be found just about anywhere.

Right whales are oblivious to ships. Increased traffic in this area is problematic because these whales are slow and are prone to ship strikes.

With an already shrinking population, these whales need our protection. Already the shipping lanes have been moved, which is great for the whales because this was a known nursery area for the right whales.

But in doing so, it has also moved shipping traffic over closer to our area where the lobster fishermen fish in late winter.

Lobster fishermen from our area fish in offshore waters along Digby neck in the winter time. Increased traffic due to the compliance of the shipping lanes has already caused a great amount of anxiety about fishing gear being destroyed.

Bad weather conditions also pose a threat to fishermen with potential ship collisions.

Another problem I see with shipping is a potential for dangerous invasive species to establish in our

area.

Invasive species such as pathogens thought to be responsible for lobster disease in New Jersey and for mass lobster mortalities transferred via ballast water off the hulls of ships would devastate our economy and the marine environment.

My husband is a lobster fisherman. This is how we have always made a living.

If something happens to this fishery...
Excuse me. (Crying)

THE CHAIRPERSON: Take your time.

Ms. JUNE SWIFT: Many people from our area would be devastated. Along with many other businesses, people depend on this fishery.

Many seabirds also come to our area each year to feed on zoo plankton in our marine-enriched waters. Fuel spills from ships would devastate their populations.

A detailed monitoring plan should be in place to make sure the cleanup is fast and contained to a small area.

People need to be trained in proper procedures for shoreline clean-up. Is there a specific group to handle this?

Our area has slowly built a reputation

Ms. JUDY SWIFT
(QUESTIONS BY THE PANEL)

as an eco-tourism destination, with world-class whale watching and number one birding site in Nova Scotia. We have built our reputation as a quiet, serene place to come and enjoy one of the Bay of Fundy's natural jewels.

A quarry would ruin our reputation and our peaceful way of life.

I know there is a decline in jobs and that the quarry's promising jobs to local residents for this area, but are we willing to compromise our way of life for jobs that produce little in return?

Hopefully, we can find a better way to entice business to our area that keeps our way of life and the environment in mind. I am very worried about a potential owner from another country and, under the NAFTA agreement, getting rights to have unlimited access to the basalt rock in Nova Scotia.

If they proceed, Bilcon or some other company will have enough basalt to allow production to proceed forever, and that would be a big mistake.

Thank you for your time.

PRESENTATION BY Ms. JUNE SWIFT - QUESTIONS BY THE PANEL

THE CHAIRPERSON: Thank you, Ms. Swift.

Ms. Swift, I heard everything you said, but there was a quarry at one point in Tiverton, was there

not? Did you react to that quarry the same way?

Ms. JUNE SWIFT: I didn't like the idea of that quarry being there also. The thing I don't like about this one is another country coming in, for one thing, and will it continue. Where will it stop?

THE CHAIRPERSON: You mean the present quarry morphing into another quarry or a larger quarry and so forth?

Ms. JUNE SWIFT: Yes, that's what I mean.

THE CHAIRPERSON: So you didn't have any of those fears with the Tiverton quarry.

Ms. JUNE SWIFT: No.

THE CHAIRPERSON: Was there any community reaction to the Tiverton quarry?

Ms. JUNE SWIFT: Yes, there was, and it was in "Passages", our local newspaper. But we knew what it was for, and it was local.

THE CHAIRPERSON: You knew that it was finite in the sense that once this breakwater or whatever it was that they were creating was finished the quarry would not be used any more. Is that...

Ms. JUNE SWIFT: Yes.

THE CHAIRPERSON: So in this particular instance, the quarry's longevity, its 50-year lifetime, that

sort of thing is an issue of some importance, as well?

Ms. JUNE SWIFT: Yes. Yes.

THE CHAIRPERSON: It's here to stay, in other words.

Ms. JUNE SWIFT: Yeah.

THE CHAIRPERSON: Yeah. Okay. Thank you.

Dr. JILL GRANT: Are you trained as a botanist? Is that your experience, or are you just an avid wildflower enthusiast?

Ms. JUNE SWIFT: I'm a naturalist, actually. I like it all. I'm connected to everything.

I used to be a whale watch naturalist guide on board of whale-watching boats also, and I worked for Nature Conservancy of Canada, and I'm taking kids to the University of New Hampshire in July on the Gulf of Maine Summit.

Dr. JILL GRANT: Thank you.

You mentioned that you're tracking a particular wildflower species that's rare. What was it again?

Ms. JUNE SWIFT: It's called the Eastern Mountain avens. It's called *geum pequie*. That's the scientific name.

Ms. JUDY SWIFT
(QUESTIONS BY THE PANEL)

Dr. JILL GRANT: Is it likely to occur in this kind of site that we're looking at, or is it in a different kind of environment?

Ms. JUNE SWIFT: Well, we haven't found in that area, but it's close to that area. It's down in East Ferry.

Dr. JILL GRANT: And I wonder if you would comment on your perception of the ecological significance of the rare plants that have been identified on the Whites Cove site.

Can you comment on the ecological significance of the species, the rare species, that have been found on the Whites Cove site?

Ms. JUNE SWIFT: I haven't got all the list of them yet. Do you have the list?

Dr. JILL GRANT: Well, there's a Glaucous Rattlesnake Root and Mountain Sandwort, and one other species whose name I've forgotten.

Ms. JUNE SWIFT: Yes. There's also other different plants probably in that area, too. I mean, if you really looked and you got, you know, more than just one person looking, too.

Like I was saying, I'm worried about it spreading, and where's it going to spread to and is there

Ms. JUDY SWIFT
(QUESTIONS BY THE PANEL)

going to be environmental reviews done. If it does, you know, that could wipe out so many rare plants.

There's one in Sandy Cove, too, selaginella repustris. It's rare in New Brunswick. It's rare here. They didn't even think it was still here, and we found it.

So, I mean, if you really combed, you could probably find a lot of rare plants in this area.

Dr. GUNTER MUECKE: Ms. Swift, you made reference, if I understood you right, to mass beachings due to blasting.

Now, the Panel is interested in any sort of literature or references to the effects of blasting on mammals. Would you be able to provide specific references to that?

Ms. JUNE SWIFT: I will look into that and provide the Panel a reference at a later date.

Dr. GUNTER MUECKE: We usually call these things undertakings now, so do I have an undertaking from you that you will provide that information to the Panel?

Ms. JUNE SWIFT: Yes, I will provide that information.

THE CHAIRPERSON: Will that be possible before the Panel terminates, which would be a week from

today? Can you do that?

Ms. JUNE SWIFT: I will try, yes.

THE CHAIRPERSON: Okay. I have one other question for you. And on the surface, this might embarrass you a little bit, but it's something of some interest to us.

And that is that many people who have come to speak have become very emotional, as you just did. And what's the basis for that emotion?

Ms. JUNE SWIFT: I hate to see a traditional way of life ruined for... It's a hard thing to explain.

It's so emotional when you see people pitted against each other in a community over something like this when it shouldn't have to be. And it worries me for my children's future.

THE CHAIRPERSON: Is the way of life on Brier Island similar to what it is here on the Neck?

Ms. JUNE SWIFT: Yes. Yeah.

THE CHAIRPERSON: How would you characterize it?

Ms. JUNE SWIFT: Everybody knows everybody, basically. And it's a close-knit community, and that's why it's so hard to... When you have an opinion, it's hard to speak up.

THE CHAIRPERSON: What role does the environment play?

Ms. JUNE SWIFT: Well, the environment plays a big role with me, anyway. I can't speak for everybody, but for me, it's basically... You know, it's where I come from. Basically it's all around us.

We make our living from the environment.

THE CHAIRPERSON: Your husband's a lobster fisherman?

Ms. JUNE SWIFT: Yes, he is. Yeah.

THE CHAIRPERSON: Thank you. Mr. Buxton?

PRESENTATION BY Ms. JUNE SWIFT - QUESTIONS BY THE PROPONENT

Mr. PAUL BUXTON: I have a couple of comments or questions, if you don't mind, Mr. Chair.

Ms. Swift, the Chair raised the question or asked you about the Tiverton quarry.

And is it your understanding that the quarry was permitted just to provide rock for the breakwater or is, in fact, there an extensive permit on the quarry?

Ms. JUNE SWIFT: Excuse me. Can you say the last part? I didn't hear you.

Mr. PAUL BUXTON: Yes. I'm wondering if you're of the opinion that the quarry was simply permitted to provide rock for the breakwater or whether the permit is

still in place and could be used for the next 13 years.

Ms. JUNE SWIFT: My understanding it was just to do the breakwater, and that was it. That was the reason why it was there in the first place.

Mr. PAUL BUXTON: You might be interested into checking out that permit.

Could you tell me whether there was any blasting in the water inside the breakwater to create water depth?

Ms. JUNE SWIFT: Yeah, there was. Yeah.

Mr. PAUL BUXTON: And... Ms. JUNE SWIFT: To dredge it out where the fishing boats were.

Mr. PAUL BUXTON: Yes. And I'm wondering what concerns you had about blasting in the water for marine life and bird species, et cetera, in the area.

Ms. JUNE SWIFT: I had concerns, too, yes.

Mr. PAUL BUXTON: Were those general concerns in the community?

I understand that it was done, in fact, probably outside of the period when the whales are in the area, but that would have been in a period where, for example, when the Harlequin duck are right in that immediate area.

Did the community express concerns, for example, about the Harlequin duck in the area?

Ms. JUNE SWIFT: I can't speak for the community. You'll have to ask the community that.

Mr. PAUL BUXTON: I'm sorry. Were you concerned about the Harlequin duck?

Ms. JUNE SWIFT: The Harlequin duck usually is around in February, and it's usually down further. Well, where I've seen it is in Freeport Cove and along in Westport. That's where I usually see the Harlequin duck.

But I haven't seen any up in around there, but they could be there, yes.

Mr. PAUL BUXTON: Have you seen the Environmental Assessment document for the Tiverton quarry?

Ms. JUNE SWIFT: No, I haven't.

Mr. PAUL BUXTON: It is available, and it was a screened project, which meant that it was done basically in-house by Government agencies. And it was basically screened through with a determination that there would be no effects.

And there is a section in that screening document under "Public Consultation", and since you haven't read the document, I can tell you that the public

consultation element for the Tiverton quarry and the breakwater is two lines.

And the public consultation is that the Minister of Fisheries and Oceans on such-and-such a date announced that this project would go ahead.

Obviously you're not aware of that because you haven't read the document, but given the fact that the breakwater, in fact, destroys three acres, at least, of bottom, and that there was a quarry permitted to blast in the village very close to the water and that there was blasting in the water, would you not think it strange that perhaps the community were not more consulted or that studies were not done on Harlequin duck, et cetera, et cetera?

Ms. JUNE SWIFT: They should have been done, yes, and why weren't they? I don't know.

Mr. PAUL BUXTON: I can't answer that question.

Let's perhaps go back to... And I realize that you haven't been here for the last week, but the terminal that Bilcon is proposing is a terminal which is to be built on pipe piles for the express purpose of causing minimal damage to the habitat of the bottom in the area.

And there is a section of the **Fisheries**

Act which prevents people from harming fish habitat and, in fact, if they do, with permission, then they have to provide compensation.

Given that there were well over three acres of habitat destroyed in Petit Passage, are you aware of the compensation that was provided to fishermen in the area for the destruction of that habitat?

Ms. JUNE SWIFT: If I haven't read the document, then why would I know that? So I've got to read the document first so that I can find out.

Mr. PAUL BUXTON: Well, I'm just curious as to why nobody bothered to find out. I would have thought it would have been of interest to fishermen in the area where such a significant amount of habitat were destroyed that nobody seemed to know what the compensation plan was.

And it is, again, a matter of the public record that there was no habitat compensation carried out in the area at all, that, in fact, the habitat compensation took place way up the valley and consisted of the construction of a culvert underneath a road, which probably had some very good value in introducing water into marshland, as I understand, that had been blocked off.

But there was no compensation offered in the local area, and I find it odd that so much concern is

expressed at the destruction of .06 acres of habitat at Whites Cove but nobody raised the issue of the destruction of three acres at Tiverton.

I find that puzzling.

Ms. JUNE SWIFT: This was basically used for the fishermen so they were involved in the process, right, so they would know all this information in the first place.

And why are we talking about that quarry? Well, it's not even a quarry, really.

THE CHAIRPERSON: I...

Ms. JUNE SWIFT: When we're discussing White quarry.

THE CHAIRPERSON: I think we're getting off the subject here, and...

Ms. JUNE SWIFT: Yeah, that's off the subject. It's nothing to do...

THE CHAIRPERSON: It's true I introduced the subject of Tiverton, but only in a very general way.

I think some of the things you're asking, Mr. Buxton, are outside her expertise.

Mr. PAUL BUXTON: I understand that, Mr. Chair. I have no more questions. Thank you.

THE CHAIRPERSON: Thank you. Any

questions from the audience? Two there, yes. Ms. Peach.

PRESENTATION BY Ms. JUNE SWIFT - QUESTIONS FROM THE PUBLIC

Could you line up behind the microphone so that we can see what we have?

Ms. JUDY PEACH: I'd like to ask Ms. Swift why the fishermen of the area, Neck and Islands, haven't been involved in this Panel Review process as much as you would expect considering the possible effects to their way of life?

There have been many, many volumes of books produced. There's a web site with, I think, over 1,800 documents on it. There's two weeks of hearings now in June, which I guess is outside of the lobstering time.

Why haven't they spoken out either in support or against, or at least been a bit more involved in the process?

Ms. JUNE SWIFT: It comes back to what I was saying. When you live in a small community, if your neighbour's against and one's for, it's really hard to speak out because you're ostracized, so that's what happens a lot. And they don't want to get involved because of that, basically, I think.

But then, I'm not a fisherman, either, so, I mean, just...

Ms. JUNE SWIFT
(QUESTIONS FROM THE PUBLIC)

THE CHAIRPERSON: Ms. Littleton, is it?

Ms. MARY LITTLETON: Yes.

THE CHAIRPERSON: Yes.

Ms. MARY LITTLETON: Ms. Swift, I heard you mention some research about the stranding of whales related to blasting, and I wondered if perhaps you got that information from the same source as I did.

I get a web site called the Environmental Network, and for a while there was a great deal of information a few years back citing some studies.

The United States Navy had a very large sonar program which has since been cancelled, and I believe one of the reasons it was cancelled was on the precautionary principle of being concerned about the effect on whales.

And what I remember from that is that whale communication, the essential kind of communication between the whales of a pod travelling, was interfered with by the noise. They couldn't communicate with each other.

Is that helpful?

Ms. JUNE SWIFT: Yes, that's exactly right. I knew I got it from the Navy, but I just wasn't sure where, so that'd be great. Thanks.

THE CHAIRPERSON: Please identify yourself.

Ms. HELEN OPIE: I'm Helen Opie, and I think this question is for Mr. Buxton.

What I'd like is to have a comparison of the frequency and the duration of the blasting in Tiverton as compared to the frequency and duration of blasting that is intended to be done at Whites Cove because my understanding is that in Tiverton it was presumably a less frequent occurrence over a shorter time than the round-the-clock 50 years proposal that I have heard for Bilcon.

THE CHAIRPERSON: Mr. Buxton, is this within your expertise, or do you want to comment?

Mr. PAUL BUXTON: I just simply don't know that information. I'm not sure that it's available.

I'm just making the point that the permit still is in place and there was certainly no restriction on further blasting, and I'm just not sure whether people understood that.

I don't really think that I'm suggesting there's a comparison between the two.

THE CHAIRPERSON: I think you took us there, to some extent, and I think that's what happened. Whether we want to pursue that or not, I don't know.

Let me consult with my colleagues for a minute.

--- Pause

THE CHAIRPERSON: Okay. I think consensus is that it's outside of your area of expertise and we'll just leave that.

I'm not trying to reduce the importance of the question. It's just I don't think it's relevant to this point.

Next question, please.

Ms. JANIS ALBRIGHT: Good morning. My name is Janis Albright.

My relatives are Trasks, Dentons and Morehouses and Herseys. I have a question.

My question would be the Tiverton quarry was brought up. As a person who lives in this area, I don't necessarily consider that a quarry. I consider it a gravel pit.

The second question is, are we comparing a very small quarry location to what I deem as a huge development over a long-term period that they're talking about?

It's my understanding that there was rock that went into the wharf, which was an existing wharf.

It was not a new project. It was already there, and they were strengthening it and up-building it.

I don't quite get the connection between the two 'cause I consider one really small and one really big.

The other lady brought up the fact that the blasting for the quarry in Tiverton would have been only for a short period of time.

Now, I do understand that it is obvious that there is a permit that is available that they can blast at another time. I would need to see those documents and read them and familiarize myself, and I have not done that.

The second thing that I bring up, I want to know... I have lived on the ocean all my life. My husband and I have travelled around the world and lived on a large ship. We spent our winters on our own sailboat.

THE CHAIRPERSON: Is this going to a question to Ms. Swift?

Ms. JANIS ALBRIGHT: The question being the effect of the whales, the sonar.

I know that sonar is very important. Blasting will make a noise underground that will vibrate for miles.

THE CHAIRPERSON: This is...

Ms. JANIS ALBRIGHT: There must... Can somebody find statistics on this?

THE CHAIRPERSON: I don't think that's a question for her. It's outside of her expertise.

But the subject of blasting relative to marine mammals has been discussed extensively in the EIS, and we've discussed it here in these meetings as well.

So it's not under the table. It's very much on the table, and it's being considered.

Ms. JANIS ALBRIGHT: I only found out about this last-minute because I've been away, so I've not been informed. Thank you.

THE CHAIRPERSON: You're welcome.

Mr. DON MULLIN: Yes. Don Mullin. And I had a question.

It was my understanding, but I'm not bedded and wedded historically in this community, but it was my understanding that the owner of the property for which a permit was granted to quarry in Tiverton granted that permission with the proviso that it only be quarried for that explicit purpose and no further quarrying would occur.

Is that your understanding, Ms. Swift?

Ms. JUNE SWIFT: That was my understanding, yes.

Mr. DON MULLIN: And a follow-up.

Were my calculations that the Tiverton

quarry yielded roughly 1/700th the supply that would be provided by the Whites Point quarry, was that completely off line, I wonder, Mr. Buxton?

Mr. PAUL BUXTON: I have no idea, but it's certainly a very small amount compared with what is contemplated at Whites Point.

Mr. DON MULLIN: Thank you.

Mr. BRUNO MARCOCCHIO: I'm Bruno Marcocchio with the Sierra Club. I have a question through the Chair to Ms. Swift.

I was confused by the line of questioning to you, and I thought I might ask if you thought that the concerns of the fishermen are narrowly about the footprint of habitat destruction in the water from the wharfing facilities, or are they more general concerns about the impact of the project on blasting, on eggs and larva, siltation, the disruption of the water table by removing the mountain and the cumulative effects and the changes on the way of life.

Do you think their concerns are specific about the habitat, or are they larger?

Ms. JUNE SWIFT: They're larger, yes.

Mr. BRUNO MARCOCCHIO: Thank you.

THE CHAIRPERSON: Thank you, Mr.

Marcocchio. Okay. One last question, and I think we're going to have to move on. We are trailing badly behind in our schedule.

Mr. KEMP STANTON: It might not be classed as a question, but since I...

THE CHAIRPERSON: Mr. Stanton, speak out your name for the transcriber.

Mr. KEMP STANTON: Kemp Stanton for the Society, I guess.

The Society was consulted about the quarry at Tiverton. The people that consulted us from the community absolutely guaranteed us there would be absolutely no blasting in the water at the time, is one of the reasons why we didn't object.

And it was assured to us that the person that had provided the rock had said that there would be absolutely no other use made of the rock at the time, so that is one of the reasons why the fishermen in the community did not object.

THE CHAIRPERSON: Thank you, Mr. Stanton.

Now we're going to move on to the next presenter, which is actually a group of three individuals, Joan Boutilier, Eva Holzwarth and Helen Whidden.

--- Pause

THE CHAIRPERSON: If you're going to speak in sequence, then as you begin to speak identify yourself and spell out your name if it's the least bit unusual.

In other words, Smith doesn't have to spell it out.

PRESENTATION BY Ms. JOAN BOUTILIER, Ms. EVA HOLZWARTH, Ms. HELEN WHIDDEN

Ms. JOAN BOUTILIER: Thank you. My name is Joan Boutilier. I'm a concerned citizen from Wolfville. My last name is spelled B-o-u-t-i-l-i-e-r.

They paved paradise to put up a parking lot, and I wondered when I was planning this presentation how many other people might have used the same analogy, and I wondered whether it might become boring by repetition.

But then it occurred to me that perhaps the repetition would serve to underscore the point of the aptness of the analogy or the comparison because, although the Proponent of this quarry is not planning to actually pave the North Mountain, they are, in fact, planning to blast it into small pieces, ship it down to the United States, pave over it, and turn it into a highway.

And I think the shoes fits, and that's why I'm concerned.

In one sense, though, it's not the best analogy for this particular song because the song goes on to say, "Don't it always seem to show that you don't know what you've got 'til it's gone?"

And happily, in this process, I think a lot of people do know or have some idea of the value of what we have now. and why so many presentations are coming forward is because we want to preserve what we have now and not to realize later on that we should have done something.

Certainly that's why I'm here.

And while the people of Digby Neck and the Islands certainly have the most immediate concerns about the decision that will eventually be made by this Panel and absolutely should be allowed to speak and make their concerns known, they have done a fantastic job of raising public awareness in this area about the concerns.

The point was made a few minutes ago what happens if this quarry morphs into another quarry and morphs into another quarry.

And if the basalt is so valuable, one would have every reason to expect that this may be only the first of many proposals, and that the decision the Panel makes here may be an important precedent which will have a huge impact on our lives down the road.

Now, there's about 100,000 people in the Annapolis Valley and along the French Shore, and for us, the North Mountain actually frames our horizon.

I live in Wolfville. We are graced by Cape Blomidon on our horizon. My favourite place to go hiking is Cape Split.

I'm absolutely horrified by the prospect that some time down the road there may be a quarry in one of those places. I mean, I was horrified a couple of years ago when there was clear-cutting on Cape Split.

We're ruining our gorgeous environment, and I hate to think of the day when Cape Blomidon, as a result of a poor decision, may eventually look like Aulds Cove.

Every time I go across the Canso Causeway, I'm deeply distressed by the travesty and the tragedy of what's happened to that beautiful landscape, and I don't want it to happen in my community or anywhere in the Annapolis Valley or along the French Shore, and that's why I'm here today.

Now, I am a scientist by profession, but I'm not a scientist in this area and I speak only as a concerned citizen in this particular area.

But friends of mine who are geologists

have told me that the North Mountain was formed about 200 million years ago.

You would know this better than I, but I understand that the continents of North America and Africa collided at an earlier era and, as they were splitting apart, lava from under the ocean floor bubbled up and formed the North Mountain over a period of about a million years.

And it's occurred to me that it took a million years to build the North Mountain, but I wonder, using modern technology with corporations with big ideas, how long it would take to destroy the North Mountain.

And it occurs to me that if, you know, technology advances as quickly as it has been, maybe 200 years, maybe 300 years.

If we look at what's happened in the last 50 years on our plant and we see the impact of unplanned and poorly planned industrialization, we see horrible, irrevocable environmental damage such as the Yarrow Sea, such as Lake Ti in China, such as the polar ice caps. And those are things that we may not be able to take back.

We have to really take a hard look at what we're doing and make sure that we're not doing things that are going to cause permanent destruction.

I mean, if it took a million years to build the North Mountain and only 200 years to destroy it, how can you remediate or mitigate that? I don't think Africa is coming back this way any time soon.

In any event, it's rather poignant, too, isn't it, that the North Mountain, the African connection to the North Mountain.

My house is built on land which at some point in the distant past might have actually been in Africa, and I think that's a very precious heritage.

But when I think about the history of Caucasians in general and my English ancestors in particular, we have an ignoble history of ravaging and raping the resources of the dark continent, both the animal, the vegetable and the mineral, without thought, without providing any kind of compensation to the continent itself.

I think about that and I'm saddened by it.

The year 2007 marks the 200th anniversary of an Act of the British Parliament to abolish the slave trade, and you might say that's off topic, but I don't think it is because when I watched the movie "Amazing Grace", I was absolutely horrified by the arguments that were put forward by those who wanted to continue that

heinous example of exploitation.

The reason that the slave trade should continue, they told William Wilberforce, was because it was good for the economy, because it created jobs, because the cotton industry would collapse if we didn't be so progressive as to go to Africa, capture the slaves, ship them across the Atlantic and put them to work in the cotton fields.

In the end, and after 10 years of very, very hard work, the British Parliament abolished the slave trade in 1807. And why did they do that?

Not because it was the economic thing to do, but because it was the right thing to do.

And as I look 200 years down the road to the future, to my descendants, they're going to look back on the decision that this Panel makes, and I wonder whether, 200 years from now in the year 2207, I wonder whether my descendants will look at this decision and say, "They didn't stop the quarry because it was economical to do so. They didn't stop the quarry because they were worried about jobs. They stopped the quarry because it was the right thing to do."

Or will my descendants look north to a pile of rubble and will they say, "Don't it always seem to

show that you don't know what you've got till it's gone"?

Thank you.

THE CHAIRPERSON: Thank you, Ms. Boutilier. Next, please. No clapping, please.

Ms. EVA HOLZWARTH: My name is Eva Holzwarth, and I'm from Parker's Cove on the Bay of Fundy.

And as I sit, this was last night, finishing my presentation to the Panel and my thoughts about the proposed quarry on Digby Neck, I'm looking at the sunset over the Bay of Fundy and wondering to myself how it could be possible that anyone would need to speak to the subject of raping our beautiful land.

Through the media, we disseminate information about our concern for the environment and endangered and not yet designated as such species, and yet we are here to seriously discuss the implementation of a plan that surely will permanently affect our precious spot on the planet.

Al Gore, in his DVD, "An Inconvenient Truth", has clearly shown us not only what will be the effect of continued growth of industrialization and capital greed on our planet, but also how quickly this will happen.

In the 21st century, NIMBY no longer can mean just next door because we are all connected and have

influences on each other. Now our back yard is everywhere.

On Parker Mountain, it is only too clear how short a time we have to get real about our commitment to our planet, children, grandchildren and their children.

More than 20 years ago, only a tiny patch of brown, the beginnings of a quarry, was visible from the road. Now the scene is dominated by a huge wound or gash on the side of the mountain.

It doesn't take a genius to see what another 20 years would bring.

I see the proposed quarry on Digby Neck to constitute a threat at three levels. The persons most obviously affected are the brave people of Digby Neck, it seems a minority of whom welcome the quarry as a potential employer of their children.

I think it needs to be emphasized that very few jobs will be forthcoming from the project, so these empty hopes can be put to rest, I hope.

On the other side of the coin, how many of us know the joy with which our sons and daughters who went away return every year to our beautiful province? I don't think they would or could come home to witness devastation in their homeland.

Secondly, at a Provincial level, a great

deal of time, money and advertising is devoted to the tourist industry. It is inconceivable that tourists would love to come to Digby Neck to view the activities of the quarry or take a whale boat out to sea to witness the lack of whales.

Thirdly, on a national level, we were so proud of Lunenburg having been designated a UNESCO World Heritage Site. Would we be proud to be known internationally as a country that loves to dishonour and decimate one of our national treasures? I think not.

Lastly, I can see no other path for Digby Neck and the other glorious gifts of nature than to be governmentally protected as national treasures, not to be exploited by entrepreneurs of any nationality.

I'm hoping that the media rhetoric about our commitment to and pride in our beautiful province is not just empty words.

Lastly, I want to follow up on a question posed yesterday by Tina Little of Victoria Beach, who wondered what might be the psychological effect of these troubles.

People who have lost control of their lives and futures become depressed, anxious, fear the future, have trouble seeing their lives as having value, and

I could go on and on.

As a psychologist, I see this effect in my patients and strive to help them in many ways.

We can't allow this to happen in front of our very eyes.

Thank you.

THE CHAIRPERSON: Thank you very much, Ms. Holzwarth. Next.

Ms. HELEN WHIDDEN: My name is Helen Whidden, that's W-h-i-d-d-e-n, and I'm also a resident of Wolfville.

I want to begin by thanking the Panel for taking the time to listen to another ordinary Nova Scotian who speaks, not as an expert, but certainly from the heart and with the hope for a better tomorrow.

Although I'm not a native of this province, my husband's family has roots in Nova Scotia and the Valley going back to the 18th century.

We'd always hoped to return to this unique and magically beautiful place where he grew up, and we were finally able to do so when we retired a few years ago.

The year after we returned, our family hosted a family reunion, with relatives coming from across

Canada, the US and the UK. Some were first-time visitors to Nova Scotia.

All were enhanced with the natural beauty, the history, the people and the spectacular coastline and tides of the Bay of Fundy and the Minas Basin.

The things our English cousins wanted to see most were whales, lobster boats and seabirds, and their trip to Digby Neck and the Islands did not disappointed them. In fact, they found it the absolute highlight of their visit.

Today, however, I must confess that year by year since our return, we have a growing sense of unease.

We have often been alarmed, even outraged, at how often our natural and cultural heritage is crassly just put up for sale, with no thought for what will be lost now and for future generations.

I'm here today to say simply how distressed and bewildered I am that the Province would ever approve a coastline quarry like the one proposed for Digby Neck which could have such a devastating impact on the fishery, the fragile ecosystem of the Neck and the Bay of Fundy and the area's cultural heritage and sustainable way of life.

Many experts have given detailed

evidence about the environmental hazards implicit in the Proponent's plans.

Despite Bilcon's attempts to answer these concerns, prospects for environmental disaster clearly remain.

Even if it cannot be proved with certainty that the environmental dangers cited will inevitably come to pass, given what is at stake, I believe that common sense must insist that the precautionary principle prevail.

Consider, for example, the danger posed by invasive species. Ballast water for the 700-foot ship transporting the aggregate will be drawn from much warmer waters off the Eastern Seaboard, and some of this water containing organisms foreign to the colder waters of our coast, will end up in the Bay of Fundy when adverse weather and currents make it necessary to dump ballast close to the shore.

Invasive species, as is well known, could wreak havoc with the Bay's ecosystem and sound the death knell for the lobster and fishing industries. Can we risk that?

Then there's the dreadful danger of an oil spill. Over the life of the project, the transporting

of two million tonnes of aggregate annually for 50 years, the day will surely come when a huge carrier runs aground or breaks apart.

Imagine a sudden, ferocious storm, not unheard of in these parts, and a major oil spill in the Bay of Fundy with the mighty tides quickly spreading the devastation for miles and bringing death to untold numbers of sea mammals, birds, fish and certainly to the fishery and tourist industries.

Many other dangers cannot be clearly eliminated. What impact will the quarry have on the aquifer and Digby Neck's water supply?

What about possible runoff from the sediment ponds during major storms? Again, the precautionary principle must rule.

Of one thing we can be certain. Once the magnificent ecosystem of the Bay of Fundy and Digby Neck and the unique and sustainable way of life that has evolved around it over the centuries are destroyed, they are gone.

Equally alarming, I do not believe that Bilcon intends to limit its operations to one quarry on Digby Neck. Why would the Proponent fight so hard for five years to build just one quarry and a marine terminal for just one quarry?

We have very high quality basalt along this part of the Fundy coast, and the price is right.

Like many others in the Valley, I fear that if this project is approved, it will open the way for other basalt quarries on Digby Neck and all along the North Mountain.

And speaking personally, I cannot imagine that my husband and I would have retired here had the mountain been pitted with vast holes and in the process of being hauled off in tankers to pave the roads and parking lots of a foreign country.

In the end, I am simply puzzled. Why would Nova Scotia allow such an environmentally and socially destructive project which brings so little economic benefit?

It is true that the quarry would bring a few jobs to the area, and we do need jobs. But these jobs are not particularly good jobs, nor long-term ones. And the better-paying jobs require skills that the local people may not have.

As many jobs could be destroyed in the fishery and tourism industries as are created.

It is true that there would be some municipal property tax income, but if we calculate the real cost of cleaning up the greenhouse gases produced by the

project, estimated it over 80,000 tonnes a year with a cleanup cost of \$30 to \$50 a tonne, the actual economic gain for the district is likely very low.

What about tax benefits for the Province? Nova Scotia will not benefit from royalties payable on basalt because there aren't any.

Income tax payable is likely to be far less than Bilcon's potential profits would suggest. Simply stated, we know Canada has a history of allowing foreign corporations to export our raw resources so that the resource, the profits, the value added and most of the taxes benefit the importing country far more than the producing country.

I do understand that Nova Scotia does not want to appear an economic backwater that is closed to investment. I would suggest to our elected representatives, however, that to approve the Digby Neck quarry is nothing more than a desperate grasping at straws.

It's time to move decisively beyond the 19th century hewers of wood mentality. How can we hope to prosper by digging up our province, our very heritage, and shipping it off to pave more roads in the US?

We gain very few dollars. We cannot grow more basalt.

Let us say good-bye to that. Let us stop the desperate strip-mining of our natural and cultural heritage, and let us instead wholeheartedly embrace a new vision for Nova Scotia based on green, sustainable industries, renewable energy, high-tech enterprises.

Some of those who support the quarry have labelled the stop the quarry folks as bananas, whose world view is naive and simplistic, build absolutely nothing anywhere near anything.

Well, that's good for a laugh, but it's not at all what we're about. I'd rather think of us as apples, and I challenge our elected leaders to be apples.

Apply the precautionary principle, lead the economy, lead Nova Scotia into a green, sustainable, prosperous 21st century. This is the future I firmly believe Nova Scotians want and are waiting to invest in.

Thank you.

THE CHAIRPERSON: Thank you, Ms. Whidden.

Mr. Buxton, do you have any questions?

Mr. PAUL BUXTON: No, thank you, Mr.

Chair.

THE CHAIRPERSON: Are there questions from the audience? Yes, Ms. Peach.

PRESENTATION BY Ms. JOAN BOUTILIER, Ms. EVA HOLZWARTH, Ms.

HELEN WHIDDEN - QUESTIONS FROM THE PUBLIC

Ms. JUDY PEACH: Just a very quick question 'cause I'm confused now about the precautionary principle.

Throughout these hearings, we've heard the Proponent use the term, and it seems like it means that you take precautions. So if you're undertaking something, you try not to harm it or something like that.

I wondered if any of you can define the term because you were using it quite a bit in your presentation.

THE CHAIRPERSON: That sounds like you, Ms. Whidden.

Ms. HELEN WHIDDEN: Yes. Thank you, Ms. Peach.

I'm not a scientist, so I may be off base here, but my understanding is that, and it depends, presumably, on how high the stakes are, but that if you cannot be certain of what the impact will be, you err on the side of precaution.

That is undoubtedly simplistic, and it must depend, I'm sure, on the circumstances. But given what is at stake here, and I believe the stakes are extremely high for the environment and for the community, erring on

the side of caution is extremely important.

THE CHAIRPERSON: Anyone else? Any other questions? It would appear not.

Thank you, ladies.

We have another presentation with three individuals which, judging by experience, would probably take us at least a half an hour, so what I suggest is we break now for lunch and come back at 1:00. Okay?

See you all then.

--- Recess at 11:55 a.m.

--- Upon resuming at 1:01 p.m.

THE CHAIRPERSON: Ladies, maybe we'll get started and she can just pick up when she... Oh, she has arrived.

--- Pause

THE CHAIRPERSON: Ladies and gentlemen, we are about to begin and we're picking up from this morning, and we have three presenters. I can't pronounce your name.

PRESENTATION BY THE STEERING COMMITTEE ON THE ANNAPOLIS VALLEY, CHAPTER OF THE COUNCIL OF CANADIANS - Ms. MICHEALE KUSTUDIC

Ms. MICHEALE KUSTUDIC: I should say it for you, Micheale Kustudic.

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THE CHAIRPERSON: Okay. Micheale Kustudic, Maxine McQuaig and Patricia MacLean. So ladies, would you introduce yourselves one by one as you speak, and particularly you Ms. Kustudic, you'll want to make sure you spell your name for the transcriber.

Ms. MICHAELE KUSTUDIC: I will. Well, my name is Michaele Kustudic, and it's M-i-c-h-a-e-l-e, and Kustudic; K-u-s-t-u-d-i-c. And I live in Wolfville, Nova Scotia.

I'm a member of the Steering Committee of the Annapolis Valley, Chapter of the Council of Canadians, and I have a piece to read to you which comes from Maude Barlow, who is the National Chairperson of the Council of Canadians.

She's sorry not to be able to be here herself, but she has sent this for me to read, and then I have a few comments of my own to make at the end of this.

So this is from Maude Barlow, and she says:

"Good morning..."

But of course, it's actually afternoon now. And she says:

"I'd like to thank the Panel for allowing me, with Michaele's help, to

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make this presentation. I would have very much liked to appear personally, but other commitments, including a book deadline, made this impossible.

I have a deep attachment to this area. My father was the first Social Work Director for Digby County, and I spent the first seven years of my life in this wonderful place.

My visits here since then have only served to deepen my attachment. I believe allowing the Digby Neck Quarry to proceed would be a grave mistake. It is impossible to believe that a project of this kind and of this size would not have a major negative impact on the area.

Proponents of the project emphasize its economic benefits through investment and job creation, but the potential for negative economic impacts are greater still.

On environmental grounds alone, there are reasons for serious concern. The

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Project presents a danger to fish and lobster stalks. This would be a devastating blow to the economic base of the community, which was here long before the quarry was thought of, and which with care should continue long after it is finished.

The likely impacts on the watertable and groundwater would be even more serious in that they would be long term, if not irreversible, and could threaten the viability of nearby communities.

Tourists come to this area for the tranquillity and beauty of its landscape, to enjoy the birds and the marine life.

The activity of a mega-quarry, including the noise of large machinery and blasting, the dust, the traffic and the movement of large ships all stand in opposition to these natural wonders.

The loss of tourist dollars would be a serious blow to the area.

Because the quarry will be owned and

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operated by an American company, NAFTA (which is as you know the North American Free Trade Agreement) investment rules become a factor.

These trade rules impose serious constraints on the capacity of governments to regulate activities at the site, including those that may harm the environment, deplete local groundwater and diminish the quality of life for people in the community.

For example, under NAFTA, it is possible for the company to claim damages if government, including local government, takes steps to protect the environment, including local groundwater, particularly where the effect is to limit the company's activities at the site.

Remarkably, while conservation is an exception to most trade rules, it is not an excuse for interfering with investor rights under NAFTA.

It is important also to stress that

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under NAFTA, foreign companies can target government actions that are entirely lawful and proper under Canadian law.

I would like to end by urging the Panel to support the people of Digby Neck and to reject this proposal.

Thank you for your time and consideration."

And these are my own remarks now.

Although I grew up in the Annapolis Valley and spent every summer of my adult life there before finally moving back permanently, I was only peripherally aware of Digby Neck and the Islands.

I thought of it as just a narrow tail of land that was reminiscent of the handle of a pot or a frying pan.

In 1991, a teacher friend of mine, this friend right here, asked me to accompany her and her grade five students on an excursion to Brier Islands to watch whales as they had just completed a unit about whales in their studies.

Brier Island I learned was accessible only after quite a long drive down narrow thinly populated

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Digby Neck, punctuated by rides on two ferries.

My first encounter with that part of the world had a profound effect on me. It was amazing and thrilling to be out on a refurbished fishing boat, seeing those enormous majestic slow moving and yet graceful creatures rising up over the water with steam spouting from their blowholes, like old fishing engines.

We saw dolphins, or are they porpoises, that day too, as well as many, many seabirds.

The village of Westport, from which several whale-watching boats come and go, has its own charms.

It is a real fishing community still actively fishing for lobster and I suppose other species as well.

Westport is an eco-tourists dream destination. It is neat and attractive with pleasant accommodations, and not one single commercial logo or fast-food joint in site, not even a Tim Horton's.

There's just lots and lots of wild flowers, birds, boats, trails to walk, beaches to comb and the nicest people you could ever hope to meet.

I knew I would be going there again, and a few months later I did. I was in need of some solitary

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down time, and what better place to have it.

I stayed in a little inn, a family's home really. I was made to feel welcome, but not impinged upon, so I spent several delightful days walking and driving around the Island, getting the lay of the land and seeing the sites, nature trails, a very old cemetery, a totally deserted beach.

By the time I left to re-enter the real world, I felt refreshed and renewed, and I knew I had to take my friends there so that they too could enjoy that magical place.

Over the next several years, I brought lots of my friends to Brier Islands. Often, we went six or eight together, staying in the comfortable hostels there, sleeping four to a room for two or three nights, like kids, and having a great time.

Then, there was the drive home, the craggy forest of Long Island and Digby Neck providing the time psychologically to shift gears from the marine magic of Brier Island back to the go-go-go of ordinary life.

Since I first heard about the prospect of a big American corporation being allowed to excavate road paving blocks on a swath of the Neck, I haven't been able to bring myself to go back to Brier Island.

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STEERING COMMITTEE ON THE ANNAPOLIS VALLEY
(Ms. MICHEALE KUSTUDIC)

Even the thought of that pristine beauty being ravaged for a commercial enterprise is so dismaying, it has somehow prevented me from wanting to go there.

None of my friends has suggested an excursion to the Island either.

So when they talk about the deleterious effects a quarry could have on tourism, which is one of the two economic mainstays of the area, they are right and I am a perfect example.

No one will want to drive past the noise and dust and destruction on the narrow spit of land on their way to finding a haven of tranquillity and communion with nature, even if it is curtained with a row of trees.

The quarry would be easily visible to tourists arriving in Digby by water and would not be any enticement for them to come and see Brier Island.

Besides which, even if the loud blasting at regular intervals does not actually kill the whales and other sea mammals, I'm sure it won't make them very happy.

Being good swimmers, I should think they'll find themselves another less noisy place for their socializing and courtship, and that really would mean the end of the tourist industry for the area.

You have heard by now I am sure countless environmental and economic and scientific reasons why this Project should not be given the green light.

To my way of thinking, the most compelling reason to turn Bilcon down is that the vast majority of the residents of the area don't want it.

For foreign business interests and far away governments to force such an industry upon a population against their will has the air-about-it of rule by a self-interested oligarchy.

I thought Canada was supposed to be a democracy where the will of the people rules.

Thank you.

THE CHAIRPERSON: Thank you.

PRESENTATION BY Ms. PAT MacLEAN Ms. PATRICIA MacLEAN:
Good afternoon everyone. My name is Pat MacLean. I am a Nova Scotian. I have lived here for over 54 years, and I love this province.

I especially treasure memories I have of the many visits I've made to the area around Digby Neck.

For much of my life, I taught school, and most of that time was spent working with 10, 11 and 12-year-old kids.

Every year in September, I would take my

students, approximately 30 children, along with a number of parents, to Brier Islands to spend the day whale watching on the Bay of Fundy.

This trip would be the highlight of the months long unit of study, which focussed on sea mammals, with a special emphasis on whales, such as the Humpback, not on the brink of becoming an endangered specie.

In the winter, the Humpbacks give birth to their young in the warm waters of the Carribbean, and then they head for the Bay of Fundy, where they feed for the entire summer.

The cool waters of the Bay are particularly rich in nutrients, and there's an abundance of the food they love most, tiny shrimp-like animals called crill.

Without exception, the parents and the children who came to Brier Island with me were profoundly affected by seeing these giant friendly humpbacks come up to the boat, sometimes with a calf, sometimes accompanied by dolphins or porpoises, sometimes poking their bodies above the surface and sometimes leaping entirely out of the water.

The show was always spectacular, and the experience forever a powerful and positive memory.

Although in teaching you never really know what influence you have on the later life of a child, I do happen to know that several of the students I have taught have graduated in marine biology, and they have told me that their class trip to Brier Island in elementary school was the experience that influenced their choice of career.

To chance destroying the peaceful environment and the ecology of this part of our province by allowing Bilcon to establish its quarry here defies logic. It defies common sense.

The risks are huge. How can we allow potential disasters to occur in this part of Nova Scotia? How can we allow rape of the land, pollution of the air, pollution of the water, destruction of the fisheries, the destruction of the tourist industry? Because for one thing the whales will have gone from the Bay.

To live in the racket, to live in the noise, explosions day after day, month after month, for 50 years. 50 years. That's not progress, it's regression of the worse sort.

For the sake of a few jobs, how can we allow our province to be gutted and carried away?

I have seen this written, and I think it says it all very succinctly:

"Why would we blow up this beautiful part of Nova Scotia to pave highways in New Jersey?"

Thank you for the opportunity to speak
Mr. Chair.

THE CHAIRPERSON: Thank you Ms. MacLean.

Ms. McQuaig?

PRESENTATION BY Ms. MAXINE McQUAIG

Ms. MAXINE McQuaig: My name is Maxine McQuaig, and I live in Wolfville, New Brunswick, from where we daily view the North Mountain, and especially the end of that mountain, Cape Blomidon.

When I first heard of what has been proposed for the peaceful land of Digby Neck, I tried to imagine what would happen if this American company had arrived in the area and started buying up various parcels of land so they could destroy the vegetation and start a huge quarry to remove 2 million tonnes of the rock formation starting at the end of Blomidon.

That isn't just 2 million tonnes, it is 2 million tonnes per year for at least 50 years. Blomidon would disappear very quickly.

If this happened in our area, I believe the Mi'kmaq would rise up against the destruction of the

home of their ancient God Glooscap and the large population of the Valley would fight tooth and nail against the devastation of one of the main attractions to our residents, as well as to our tourists.

I wonder if Bilcon focussed on the Digby Neck because there was a very small population living who, they might have believed, could not get organized to fight them.

If they thought that, how wrong they were. Congratulations to the people of Digby Neck and their neighbours for the way they have researched and fought against the planned devastation of their lifestyle, the destruction of approximately half of this area and the impact of all this on the future of this beautiful peaceful pristine land and the ocean surrounding it.

I don't understand how this whole affair has gotten to this point. I understand that approximately less than one quarter of the people from this area are for this Project. That must mean that approximately more than three quarters of the people are against it.

I thought that in a democracy, the wishes of the majority ruled?

Also, for a foreign company to enter this magnificent area, this province, this country to

freely, and I mean freely, rape it and remove the very material of which it is made and give nothing in return but a few paltry low-paying jobs is an abomination.

Thank you.

THE CHAIRPERSON: Please refrain from clapping. Please. It is not appropriate.

Mr. Buxton?

PRESENTATION BY Ms. MAXINE McQUAID, Ms. PATRICIA MacLEAN AND Ms. MICHEALE KUSTUDIC - QUESTIONS BY THE PROPONENT

Mr. PAUL BUXTON: Just one very quick question of Ms. Kustudic. She referred to tourists arriving by boat, and I wonder if she could be a little more explanatory on that, that they would be able to see the quarry by boat coming in.

Ms. MICHAELE KUSTUDIC: Well, I was thinking of the ferry that comes from Saint John to Digby and up the Digby gut I believe it's called, to Digby, and I'm sure that if there was a big quarry on that piece of land that sticks out into the Bay of Fundy, which is Digby Neck, that it would be visible from people on that boat.

Mr. PAUL BUXTON: I think Ms. Kustudic if you could perhaps take a look at a map and the distance from the ferry route to the terminal, to the proposed terminal and quarry, I think you will find that it's down over the

horizon. Thank you Mr. Chair.

THE CHAIRPERSON: Thank you Mr. Buxton. Are there any questions from the audience? Anyone? If not, thank you ladies. Okay. Mr. Lang now? Okay.

PRESENTATION BY THE GREEN PARTY OF NOVA SCOTIA - Mr. WILLIAM LANG

THE CHAIRPERSON: Make sure you identify yourself please.

Mr. WILLIAM LANG: My name is William Lang, and that's L-a-n-g, Nova Scotia Green Party.

I'd like to thank the Chair and members of the Panel for allowing me this opportunity to speak this morning, or this afternoon, pardon me.

Good morning ladies and gentlemen, as you heard my name is William Lang, deputy leader of the Green Party of Nova Scotia.

I would like to begin my presentation this morning by listing for you the seven principles on which the Provincial Government's **Environmental Goals and Sustainable Prosperity Act** are founded.

First, the health of the economy, the health of the environment and the health of the people of the Province are interconnected.

Second, environmentally sustainable

economic development that recognizes the economic value of the Province's environmental assets is essential to the long-term prosperity of the Province.

Third, the environment and the economy of the Province are a shared responsibility of all levels of government, the private sector and the people of the Province.

Fourth, the environment and economy must be managed for the benefit of present and future generations.

Fifth, innovative solutions are necessary to mutually reinforce the environment and the economy.

Sixth, a long-term approach to planning and decision-making is necessary to harmonize the Province's goals of economic prosperity and environmental sustainability.

And finally, the management of goals for sustainable prosperity such as emission reduction and increasing the amount of legally protected land will preserve and improve the Province's environment and economy for future generations.

I would now like to highlight these principles in the context of the short and long-term effects

of the proposed mega-quarry on the Digby Neck.

The first principle; the health of the economy, the health of the environment and the health of the people of the Province are interconnected.

These are the three pillars of our society. This first principle could not have greater relevance than to the area that will be directly affected by the proposed quarry.

The health of the economy of the Digby Neck is based largely on two sectors: first, are the world-renowned lobster, scallop and inshore fisheries.

Just last week, I read an article in the United Kingdom's Independent that described in great detail the area of Digby and the Digby Neck, praising the lobster and the scallops as the best in the world, and the natural beauty as an unspoiled paradise, which leads me into the second mainstay of the local economy, the strong and growing sector of eco-tourism on Digby Neck, which includes whale watching, kayaking, canoeing, camping, sightseeing and a host of accommodations and local businesses in the area that depend on this tourism as well.

It is critical to note that the health of this sustainable economy is dependant upon the health of the unique environment of the Digby Neck area and the

surrounding Bay of Fundy.

The health of the people in turn is dependant on both this economy and the environment, thus completing the triangle of life in this case.

Threaten one of these pillars, and the other two are going to collapse.

The Green Party of Nova Scotia holds that the proposed Quarry therefore threatened the health of all three of these interconnected pillars of society.

The second principle: environmentally sustainable economic development that recognizes the economic value of the Province's environmental assets is essential to the long-term prosperity of the Province.

Is blasting 45,000 metric tonnes of non-renewable resource from the side of Whites Cove every week for the next 50 years, using such questionable and potentially disastrous methods, environmentally sustainable economic development?

While the Proponent has paid liped service to the idea that they recognize the economic value of the environmental assets of the area, their lack of scientific assessment methods in reaching their conclusions reveals no real commitment to take the value of these assets into account.

Specifically, the Proponent's brevity and general approach to important and sensitive issues, their lack of proper information and misinterpretation of the guidelines in their original Environmental Impact Statement and their failure to respond to substantive information requests raised by the Review Panel again suggests the Proponent does not place a high priority on the valuable economic assets of Digby Neck and the Bay of Fundy, and cannot be expected to recognize or respect these valuable assets in the future.

In terms of long-term economic prosperity, it is the Proponent and not the people of Digby Neck who will benefit from this quarry.

The Project description states, and I quote:

"The fundamental rationale for development of this quarry is to supply a stable "fixed market" for a raw material necessary for their manufacturing purposes."

Should not the fundamental rationale for any development in the Digby Neck area and Province, one would think, take the interests, health and futures of the people into account?

For these reasons, I would assert that the proposed quarry for Digby Neck fails to meet the criteria for sustainable economic development.

Moreover, it does not recognize the value of the environmental assets of this ecologically rich area and would be in fact detrimental to the long-term prosperity of Digby Neck and the Province.

Third; the environment and the economy of the Province are a shared responsibility of all levels of government, the private sector and all the people of the Province.

In this context, I would like to share with you a list of organizations, individuals, businesses, as well as local, provincial and federal politicians who have expressed their opposition to the proposed quarry.

What they all share in common is a shared interest and responsibility in preventing this quarry from proceeding.

Fourth; the environment and economy must be managed for the benefit of present and future generations.

What benefits, if any, does the proposed quarry have for the present and future generations of Nova Scotians?

The provincial Government will receive no royalties from the Project. The future of the jobs threatened in the inshore fisheries, tourism and local businesses by the proposed Project certainly outweigh the 34 jobs which the Proponent has claimed it will create.

When the project terminates 50 years from now, not only will those 34 jobs be gone, but also potentially ending the over 100 year history of inshore fisheries on the Digby Neck.

100 million tonnes of our homeland will have been exported and made into New Jersey Highways, and our virgin coastline will be a thing of the past.

The mention of future generations of Nova Scotians brings me to my next point.

It is our children's futures and their children's futures that we must take into account.

It is their livelihoods that our goals and principles for long-term prosperity are referring to.

If one of the principles of the Province's **Environmental Goals and Sustainable Prosperity Act** is to manage the environment and economy for future generations, what right do we have to place at risk the long-term future of the inshore and tourism sectors, to the degree that they may not have the same opportunities that we

are blessed with today?

Do we not have an obligation to ensure that future generations of Nova Scotians inherit the same untouched coastline that we inherited from generations before us?

Do we not have an obligation, make that a duty, to protect the invaluable wildlife and ecosystem of the Bay of Fundy for these future generations?

And the final analysis, the decision as to whether or not the Proponent receives the required permit will lie in the hands of the politicians, but this is not a political issue.

If this proposed Project goes ahead, the result will be deeply unethical.

Fifth; innovative solutions are necessary to mutually reinforce the environment and the economy.

As far as innovative solutions go, using ammonium nitrate fuel to blow out 100 million tonnes of a non-renewable resource from the side of Whites Cove is hardly what I would term innovative.

The Proponents map 4F gives a nice little picture of what this blasting will result in, but I actually had planned to have a short video to actually show

some blast clips, but we had a little problem with the computers, and I won't be able to show this today.

Sixth, a long-term approach to planning and decision-making is necessary to harmonize the Province's goals of economic prosperity and environmental sustainability.

There is that phrase again ladies and gentlemen, long-term. What are the long-term effects of this proposed quarry? There are six I see.

1- 50 years of high-explosive blasting with the effect of obliterating the tranquillity and peace of the local area and the Bay of Fundy.

2- 50 years that the local community and visitors will not be able to enjoy or even consider using, let alone moving to the area near Whites Cove.

3- 50 years and 100 million metric tonnes of one of the most pristine parts of our Province exported to build highways in New Jersey.

4- Potentially destroying the valuable sustainable economy of the inshore fisheries and eco-tourism.

5- A dangerous, legal precedent setting case under NAFTA for other multinational corporations to set up similar quarries on the North Mountain coastline with the

effect of reeking further destruction on the precious environment, coastal communities, and in some cases endangered wildlife of the area.

6- Finally, what I would consider the totally unacceptable white elephant of this entire proposed operation, which brings me to the seventh and last principle of the Province's **Environmental Goals and Sustainable Prosperity Act**.

The management of goals for sustainable prosperity, such as emission reduction and increasing the amount of legally protected land will preserve and improve the Province's environment and economy for future generations.

If the Province's **Environmental Goals and Sustainable Prosperity Act** calls for emission reductions and increasing the amounts of legally protected land, as a means of preserving the environment and improving the sustainable economy of Nova Scotia for future generations, how can we permit a project, that by Bilcon's own admission, will produce 81,766 metric tonnes of greenhouse gas emissions every year for the next 50 years?

The Proponent has made the claim that these emissions are relatively low as compared to other sources.

Tragically, in Nova Scotia, we are compelled by circumstance to rely on the burning of imported fossil fuels to supply over 90 percent of our energy needs.

As a consequence, not only do we have some of the most polluting electrical generating plants in the country (4 out of the top 10), that this also has the effect of driving our greenhouse gas emissions higher in every other sector of the Province.

Having noted that the Proponent failed to include GHG emissions from the transportation of the aggregate in their Environmental Impact Statement and their failure to supply this data in response to the information requests of the Panel, I took the liberty of examining this information myself.

According to the International Maritime Organization 2005 interim guidelines for voluntary ship CO₂ emission indexing, bulk carriers emit 3 tonnes of CO₂ per tonne of fuel used.

When the Proponent eventually gives the Panel that information on these emissions, I'm confident that adding these with the quarry emissions, the total will rise dramatically.

Even without these transportation emissions, I'm drawn to ask the question. What do 81,756

tonnes of GHG mean to the residents of Digby Neck?

According to Environment Canada, a vehicle produces twice its weight in GHG every year and drives on average 16,000 kilometres.

This would mean the proposed Project is in fact the carbon equivalent of dropping 40,000 new one ton trucks onto the roads of Digby Neck and having each one drive 16,000 kilometres around the Neck every year for the next 50 years.

What do 81,766 tonnes of GHG mean to the Province of Nova Scotia?

In 2001, the Province entered into an agreement entitled: "A Climate Change Action Plan between the New England Governors and Eastern Canadian Premiers." I would like to address two topics from that agreement specifically.

The first is that of a commitment of a province to reduce GHG emissions by 10 percent below 1990 levels by the year 2020.

I would also like to stress here that this commitment was made into law under the Province's **Environmental Goals and Sustainable Prosperity Act**.

According to Canada's GHG inventory, this commitment will require a reduction of 5.5 million

tonnes of GHG emissions by the Province by 2020.

If the Province is to meet this now legally binding commitment by the predetermined year, a yearly GHG reduction of around 340,000 tonnes must be achieved consecutively every year until 2020.

In light of this information, the GHG emissions from the quarry alone, and not including the emissions that will result in the transportation of the aggregate, will add an addition 23 percent to the Province's emission-reduction targets every year until 2020.

This 23 percent increase to our yearly reduction targets will continue to grow throughout the 50-year length of this proposed Project.

The Green party of Nova Scotia would like to strongly disagree with the Proponent and state that 81,766 metric tonnes of GHG emissions will have a significant negative effect on not only the people of the Digby Neck, but every citizen of this Province who will have to make up that 23 percent every year.

This leads me to the section second point from the Climate Change Action Plan.

Remember that this 23 percent increase is to reduce our emissions by about 30 percent from today's totals.

A statement in the Climate Change Action Plan states that:

"Over the long term, GHG emissions must be reduced to levels that no longer pose a dangerous threat to the climate. The best science available at present indicates that attaining this goal will require reductions in GHG emissions of approximately 75 to 85 percent."

Mr. Chair, members of the Panel, ladies and gentlemen, I speak to you today not just on behalf of the Provincial Green Party, which is fundamentally against this Project, but also as a citizen of this Province, this country and this planet.

When I first began to learn about the proposed Project and I read the documents involved, I could not believe the lack of serious consideration for the social and physical health and economic well-being of the area's residents and the environment that they depend on.

There they are again, our environment, our economy and our health, the three pillars of our society.

How long as a society are we going to keep our heads in the sand and allow the wilful destruction

of our environment to rage on?

How long as a society are we going to put foreign corporate profits ahead of the human, economic and environmental health of our own citizens?

How long as a society are we going to wilfully disregard the well-being of our children and future generations by proceeding down the road of such unsustainable development?

It will be decisions such as these that will come to define us as a Province and of people.

The late John Sawhill, former president of the Nature Conservancy, put it best:

"A society is defined not only by what it creates, but by what it refuses to destroy."

Let this be a defining moment in the history of Nova Scotia and let us say no to the destruction of Digby Neck, let us say no to the destruction of our rural coastal communities along the Bay of Fundy and let us say no to destroying the opportunity for future generations to enjoy the unique and valuable environmental assets that the Digby Neck and Bay of Fundy have to offer.

Thank you very much.

THE CHAIRPERSON: Thank you Mr. Lang.

**PRESENTATION BY THE GREEN PARTY OF NOVA SCOTIA - QUESTIONS
BY THE PANEL**

THE CHAIRPERSON: I have a couple of questions, and a mild correction I think, although I think the correction is probably better suited for Mr. Buxton, but I don't think Clayton, the Clayton company in New Jersey, builds highways.

It's in the concrete sand and block business, which is the construction business, but I don't think it's a highway-building business.

You used the word "highway construction" several times, and I don't think that it's appropriately correct.

The second thing I wanted... Well, the first question I want to ask you is you come out firmly against the Project, and that's what I would call a binary choice.

A binary choice is "yes or no", or "on or off", that sort of thing.

There is no middle ground in the Green Party? Is it possible to have a project go forward which has mitigating circumstances, that is in which the problems of the Project can be mitigated, adjusted, corrected, modified, reduced and so forth?

GREEN PARTY OF NOVA SCOTIA
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Is there no middle ground, or is just a binary choice?

Mr. WILLIAM LANG: Well the Green Party of Nova Scotia isn't against economic development, but I think that... With the mitigation, I think that... At least what I've been taking away from this hearing process or the information involved in the Project, it's that there's too many questions involved in the mitigation, and there is too much unknown.

You know, it's nice to say that we could mitigate the problem, but you know, what if you can't? What if it's not done properly? What if the size is flawed? What if the tests are flawed? What if the research is flawed?

So I'm not sure... It's not a binary choice, but I think that... I don't think that the Proponent has made a strong enough argument.

THE CHAIRPERSON: So would it be fair to say that you're not against mitigation, you're just against the proposed mitigation which has been under scrutiny here then?

Mr. WILLIAM LANG: That's correct.

THE CHAIRPERSON: Okay. The second question I have for you is that you used the word or the

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(QUESTIONS BY THE PANEL)

phrase: "To go ahead with this Project is unethical."

Mr. WILLIAM LANG: Yes.

THE CHAIRPERSON: Do you want to explain that to me, why it's unethical to do this?

Mr. WILLIAM LANG: Well, I think that... When I say unethical, I'm talking of future generations of citizens in this Province.

I think the GHG emissions alone make this Project unethical for future generations who will have to absorb that increase to our yearly reduction targets, and to place that burden on future citizens, unborn citizens of this Province, I think is unethical.

THE CHAIRPERSON: You're saying that the carbon reduction is the ethos of Nova Scotia, that we are in a society which values and holds that as an important...

See, we're in a transition process right now, are we not? I'm just... All I'm doing is... I'm sorry, but I'm an academic and academics worry about words, and words can be very important.

In this particular case, I would ask you perhaps when you leave here to think about whether the word you want to use is ethical or not.

I'm not so sure it is, but it may very well be. But I think it deserves some scrutiny. Jill?

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GREEN PARTY OF NOVA SCOTIA
(QUESTIONS BY THE PANEL)

Dr. JILL GRANT: I just wanted to follow up on the Green Party's position about sustainable development, and especially to hear your thoughts about how aggregate production fits within a sustainable development approach.

I mean, obviously we need aggregate materials if we're going to build homes for people, so people can live healthy lives, so what's the position about how aggregate production fits in that?

Mr. WILLIAM LANG: While I do agree with you that we need to build homes, you know, I'm not going to comment in the materials involved in building those homes, but...

As far as what the Green Party's stance is on aggregate materials, I can surely find out. I don't think I could give you that answer today, but certainly Monday morning I could supply you that answer if you would like.

Dr. GUNTER MUECKE: This is just for a point of information for myself. You drew out the principles of the **Sustainable Prosperity Act**.

Mr. WILLIAM LANG: Yes.

Dr. GUNTER MUECKE: How long has that Act been enforced?

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(QUESTIONS BY THE PUBLIC)

Mr. WILLIAM LANG: I think it was passed into law just before they broke, so maybe two months.

Dr. GUNTER MUECKE: Okay. So it is in force at this stage?

Mr. WILLIAM LANG: Yes, it is.

Dr. GUNTER MUECKE: Not just proposed.

Mr. WILLIAM LANG: No, it's passed.

Dr. GUNTER MUECKE: Okay.

Mr. WILLIAM LANG: It's a passed Bill.

THE CHAIRPERSON: Mr. Buxton?

Mr. PAUL BUXTON: Thank you Mr. Chair, I have no questions. Thank you.

THE CHAIRPERSON: Do we have questions from the audience? Mr. Morsches. You would have disappointed me Mr. Morsches if you didn't come to the microphone.

GREEN PARTY OF NOVA SCOTIA - QUESTIONS BY THE PUBLIC

Mr. BOB MORSCHEs: Doctor, I think this is not a question for the presenter, but an answer to your question.

I visited Clayton. I live not too far from there, and I went over and asked one of the operators in the office about what they do with the cement that they make.

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I was told that 75 percent of the cement goes for highway construction.

THE CHAIRPERSON: Oh.

Mr. BOB MORSCHEs: And a good 20 percent of that, which would put it up to 95 percent, goes for parking lots and raised parking garages, the kind that are triple-tiered.

The reason that they have it for highways is that the New York State has a specific specification for the kind of cement that they use, and basalt is a perfect type of what that is, and this basalt especially because the basalt has elasticity in it, even though the cement is dried up and everything. But it does have a little cushioning effect.

I said: "I don't believe that." But he insisted that that was right.

THE CHAIRPERSON: Thank you Mr. Morsches, that's a very interesting fact, and I stand corrected and I apologize Mr. Lang. Apparently they are in the highway-building business.

Mr. PAUL BUXTON: Can I just make a comment on that Mr. Chair?

THE CHAIRPERSON: Yes, of course.

Mr. PAUL BUXTON: The Claytons do not

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(QUESTIONS BY THE PUBLIC)

have a paving, road-paving operation, period. They do not pave roads.

THE CHAIRPERSON: No, but they supply the concrete then.

Mr. PAUL BUXTON: It's a different product Mr. Chair. One paves roads with asphalt, which uses rock, but they don't do that. That is not their business, they don't pave roads.

Now there may be a bridge which requires concrete, and they may or may not be successful in winning a contract to build a bridge, but they do not pave highways though.

Dr. GUNTER MUECKE: I come to this meeting on highway 101, and there is a patch of concrete seven kilometres I believe along that highway for experimental purposes, so I guess my question then is the concrete products that are produced by Clayton, do they lend themselves to highway construction or are you telling us that the material is not suitable for highway construction Sir?

Mr. PAUL BUXTON: It's perfectly suitable, and as you mentioned, a test section has been done. In fact, there was an earlier test section of that, which is just here in Bridgetown, produced by Rice Concrete

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(QUESTIONS BY THE PUBLIC)

just off the 101, and it was produced quite some years ago to look at how concrete road construction stands up in the province of Nova Scotia.

This rock would be perfectly suitable for the concrete that goes into road construction, but paving generally speaking, as a term in the trade, refers to asphalt paving of roads, and they do not have an asphalt plant for paving.

THE CHAIRPERSON: Thank you for that Mr. Buxton.

Do you have a question for Mr. Lang?

Mr. JOHN DICKENSON: Yes. My name is John Dickenson, I'm a retired clergyman and I would like to speak to the question of ethics.

THE CHAIRPERSON: Okay.

Mr. JOHN DICKENSON: The Colberg theory of ethics suggests that the bottom level of an ethical understanding of life is from fear.

If you do something out of fear, it hasn't a very high ethical standard.

The second level becomes a level of rewards. If you do something for reward, that too has an ethical level that might be a little above fear, but not too far.

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(QUESTIONS BY THE PUBLIC)

The third level of ethics in the Colberg understanding is that: "Well, everybody is doing it, therefore why can't we do it?"

The fourth level of ethics says: "Well, it's the rules, and we live by the rules. We are obeying rules."

The fifth level of ethics under the Colberg theory says: "This is the right thing to do."

So I wonder if any of those categories fit into your category of what is ethical, and I realize on this problem, there are some people who are involved in this because they are afraid, and there's fear on both sides of the issues, I have no doubt about that.

Some people are afraid that they have no livelihood in the future, some people are afraid of losing their livelihood, so this question of course is a broader question than just the one issue.

But as far as the ethics are concerned, I wonder if that definition defines any of what you are saying?

Mr. WILLIAM LANG: Well, I would think that the fifth level that you described referring to the right thing to do would be my ethical involvement.

THE CHAIRPERSON: I think we will steer

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away from the ethical question right now. I have a feeling we could be here for several hours on this.

Mr. Moir?

Mr. ANDY MOIR: Andy Moir, and it's more just for the record, to point out that this whole issue of whether the product that is created by Clayton Concrete actually ends up in some sort of road, whether it's paving or not, I think it would be best answered by the people who own Clayton Concrete, and unfortunately we won't be seeing them here.

THE CHAIRPERSON: Thank you Mr. Moir, any other questions? Please.

Ms. SUSAN DAVIS: My name is Susan Davis, and...

THE CHAIRPERSON: Ms. Davis, you can unscrew that and drop it down a bit if you would like. There you go.

Ms. SUSAN DAVIS: Thank you. My name is Susan Davis and my question I guess is to either Mr. Lang or to the people with Bilcon would be you've mentioned 81,766 tonnes of GHG that will be produced, but no mention of how much total air pollution will be created.

There are other things that go into air pollution, like particulates and soot. Has that even been

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addressed? That would be my question.

THE CHAIRPERSON: A number of environmental issues are... So the question is directed to me or to Mr. Lang?

Ms. SUSAN DAVIS: Well, anyone that can answer that.

THE CHAIRPERSON: Well, Mr. Lang is up there. Perhaps you could...

Mr. WILLIAM LANG: Well as far as for the Project, I would imagine that the Chair would probably have the best answer to that, seeing that they have been here and seen all the evidence and heard all the testimony?

THE CHAIRPERSON: Many aspects of this Project are being considered, sediment in the water, noise pollution, light pollution, a whole host of things, and I think it's a pretty full plate of possible impacting issues on the community and on the environment.

Does that... I mean we're not going to go into detail with that. The information is available on the record. If you wanted more information, you can get a project description, or you can look at some of the other information which is available either on the Web, or is available in physical form at the Isaiah Wilson Library, here in Digby. Okay? Thank you. Anyone else? Okay.

Thank you Mr. Lang, we will now move on.

So the next speaker will be Mary and John Scott. Are Mary and John Scott here? Yes.

PRESENTATION BY Ms. MARY SCOTT AND Mr. JOHN SCOTT

Mr. JOHN SCOTT: Good afternoon Mr. Chairman, thank you for the opportunity to make some comments about this Project.

Like most Nova Scotians, I'm going to talk about the weather. We always seem to be doing that.

In particular, I would like to talk about the winds that occur at Whites Point.

I first state that I believe that Digby Neck is a microclimate, that is that it is different, its climate is different from any other nearby part of Nova Scotia.

By definition, the Islands are surrounded by the sea. Digby Neck is nearly soaked. On the one hand, that moderates temperatures on Digby Neck. We don't get very much hot weather in the summer, we get fog instead. We don't get a lot of really cold weather in the winter.

However, storms and winds are not moderated by the microclimate and by the water. I believe that the existence of a microclimate on Digby Neck makes the

use of weather observations from outside the area quite questionable.

Bilcon states in the latest EIS that they have used weather information from Prim Point, near Digby, 40 kilometres away, and Meteghan River, 30 kilometres away, and from Weymouth, 17 kilometres away, both on the eastern shore of St. Mary's Bay.

None of these stations is presently in operation as far as I can determine. It appears that they were closed a number of years ago when Environment Canada closed a great number of weather stations.

Although conditions in Prim Point are similar, because it's on the same side of the Bay of Fundy, I think the other two simply do not apply.

I also note that weather observations at the coastguard station on Brier Island started many years ago, not in 2005 as stated in the EIS.

Brier Island would have been a much better place for comparison at 25 kilometres from Whites Cove.

Since none of the tables in the document listed include anything about the winds, given the importance of the winds to shipping in the Bay of Fundy, why did Bilcon not spend the few hundred dollars it would have

cost to install weather monitoring equipment right at the site?

This would have given pertinent weather data and a real picture of what a ship's captain would be up against getting in and out of an exposed location like Whites Cove. I figure this ought to have been done years ago.

I started making weather observations in 1999, as part of my activities as an amateur radio operation, and I report daily to the Maritime Weather Net, and I mention this in document 1463 in the public registry at the moment.

My observations show that the wind would be a big problem for ships coming and going into Whites Cove, particularly from April to October, although this is not necessarily confined to those months.

Any wind from west around to the northeast in a clockwise direction will blow onshore at the site.

They can be often very strong, up to the order of 100 kilometres an hour. This happens any time of year, not just the winter months.

Reference has already been made in these hearings to the Groundhog Day storm of February, 1976, which

caused much damage to the area.

The Neck was fortunate to escape most of the worst effects of Hurricane Juan in 2003, but the area is still a possible target for hurricanes every year.

Local storms can occur at any time without warning. I note yesterday, although there was no effect on Digby Neck, there were several large violent unpredicted storms in Central Nova Scotia.

It's a perfect example. The only mention of that in Environment Canada's morning forecast was the possibility of thundershowers.

The building of a marine terminal on the coast of the Bay of Fundy completely exposed to the weather and the opening stance of the Bay seems foolhardy to me.

No matter how well engineered it may be, the preliminary sketches of the proposed loading facility shows a structure that does not appear to be strong.

I fail to see how such a structure can withstand the gargantuan forces that will be generated by wind, waves and tides on a large bulk carrier.

It does not take much imagination to envisage a situation, perhaps a worst case scenario, where a ship could be trapped at the wharf with no way to get out come the relative safety of the deeper waters of the Bay of

Fundy.

A large ship dumped on the shore is the last thing we want or need. The large tides from the Bay of Fundy will carry pollutants many miles up and down the Bay, making such an event an environmental disaster of astounding magnitude.

To complicate the matter further, there is the question of global warming and climate change. The present consensus amongst scientists seems to be that the weather will become less predictable, storms stronger and wilder because of this change.

I therefore urge the Panel to err on the side of extreme caution and to recommend against the approval of this Project.

Thank you.

THE CHAIRPERSON: Thank you Mr. Scott.

Ms. Scott, you have a presentation?

Ms. MARY SCOTT: A very short one.

THE CHAIRPERSON: Thank you.

Ms. MARY SCOTT: I'd like to thank the Panel...

THE CHAIRPERSON: Would you identify yourself please?

Ms. MARY SCOTT: Mary Scott. I'd like to

thank the Panel for allowing us to come and speak, and greetings to all in the room.

John and I first came to this part of the world from Ontario, in the early 1970s. We came here for many reasons, but most of which were the people and the general life of the community within this area.

We found the quality of life much more to our liking, it was much better to bring our children here in the summers when we were on holidays.

We lived in downtown Toronto, in the middle of all the smog and the heat, and it just seemed to make so much more sense to allow the children the freedom that they had in this part of the world.

I have spent my entire life living with asthma, and in a downtown area and in the Golden Horseshoe where I grew up, pollution was always a huge problem.

We moved here after we retired nine years ago to escape all of that pollution, the smog, the heat and the humidity, and the crowds of people. There's nothing I enjoy more than the peace, tranquillity and solitude of this part of the country.

I understand that yesterday, when Rob Buckland gave his report, that there was great eloquence, and I have been thinking about the quality of life that we

have as he described it. I don't need to repeat anything that he had to say.

I'm greatly concerned about the dust and other pollution that make breathing difficult for me. We live downwind from the quarry with the prevailing winds in our direction.

I think I'd like to end by saying a step forward for me would be to maintain and improve the air quality for all of us and that a project such as this will only create much more difficult for me and our families.

THE CHAIRPERSON: Thank you, Mrs. Scott.
PRESENTATION BY Ms. MARY AND Mr. JOHN SCOTT - QUESTIONS BY THE PANEL

Dr. JILL GRANT: I have a couple of questions for you, Mr. Scott.

Can you tell us where your observation point is? Where's your weather station?

Mr. JOHN SCOTT: It's in Sandy Cove, about slightly over five kilometres as the seagull flies from the quarry site.

Dr. JILL GRANT: Thank you. And you said you'd been observing since 1999, I think.

Mr. JOHN SCOTT: Yes, that's correct.

Dr. JILL GRANT: Can you give us an idea

of what the extreme wind conditions are that you've seen in the time that you've been observing?

Mr. JOHN SCOTT: In the time that I've actually had an anemometer, the highest wind that I've seen is 101 km/hour. That was in February 2007.

Dr. JILL GRANT: And how quickly does the wind velocity change? I mean, do you see periods where there's major differences during the course of a day?

Mr. JOHN SCOTT: Yes. It can change very rapidly. Within minutes you can be from a dead calm to 30 or 40 kilometres an hour, and then on up from there.

Dr. GUNTER MUECKE: Since you're close to your weather station, do you have ideas about gusting because if you're talking about a ship docking, obviously gusting may have an influence.

How gusty can things get in terms of intensity and frequency?

Mr. JOHN SCOTT: Well, as I say, winds can change very rapidly. You might have a base wind of 50 or 60 km/hour with gusts every few minutes, I'm not going to define "few", up to 80, 90, even 100 km/hour at times.

Yes, the winds are gusty. No question about it.

THE CHAIRPERSON: Mr. Buxton?

Mr. PAUL BUXTON: I have no questions.

Thank you, Mr. Chair.

THE CHAIRPERSON: Additional questions from the audience? Yes, Ms. Peach.

**PRESENTATION BY Ms. MARY SCOTT AND Mr. JOHN SCOTT -
QUESTIONS FROM THE PUBLIC**

Ms. JUDY PEACH: Another question concerning weather conditions.

I know I've been out on the Fundy side in winter, and you get over there and you can't stand up, but that is in February or January, and the Proponent has suggested they would be shutting down for the eight weeks in the winter, I guess.

I think it's eight consecutive weeks, not just here and there. And I'm just wondering how predictable would be an eight-week period?

Does it always come at the same time of year or would there maybe be two weeks fairly calm and then two weeks really windy, you know, or is there generally a steady eight weeks of bad weather in the winter?

Mr. JOHN SCOTT: That's a tough question.

The winds that I referred to that I've recorded over time occur from mid to late October through to the end of April, sometimes into early May. I think it'd be

difficult to pick out eight weeks of bad weather.

It's pretty well spread out over that time.

THE CHAIRPERSON: Any other questions?

Mr. Morsches.

Mr. BOB MORSCHEs: I know exactly where you live. He's right in back of me, but he's on a very high hill.

THE CHAIRPERSON: Is a question coming?

Mr. BOB MORSCHEs: Yes, there's a question.

On times when you're observing weather some day, let's say in the morning, I will go down and look at my area, which is right next to St. Mary's Bay and is very flat, and I won't be able to see the road because it's so foggy.

Two days ago, on Wednesday, no, Thursday, it was, there was intense fog down in my area. What was it up there on the hill?

Mr. JOHN SCOTT: I'll just have to look for it. I'll tell you what it was Wednesday morning.

Mr. BOB MORSCHEs: The reason I ask this, Doctor, is because we have... I don't know if you've ever been down 217, but it's very turning and it's very deep,

deep, deep depressions at the Bay, and that's the reason I ask it.

Mr. JOHN SCOTT: I look at my notes for Wednesday morning, and my notes says "Sky obscured by fog", which means that it was foggy. I couldn't see anything.

Mr. BOB MORSCHEs: Okay. So he got the same thing.

THE CHAIRPERSON: The point of this question was to show differences over short distances? Is that what you're trying to show?

Mr. BOB MORSCHEs: Yes, because I don't know what the altitude of your home is, but it would probably be a little bit lower than the high mountain area where Whales Cove is located. It's probably lower than that.

But it does get very intense around low level part of the road as well as the coastline.

THE CHAIRPERSON: Okay. Thank you very much.

Mr. JOHN SCOTT: Just to add to that and answer Bob's question, we're about 100 feet above sea level.

THE CHAIRPERSON: I see.

Mr. JOHN SCOTT: Thursday into Friday, I understand there were very heavy rains in Digby. Almost

nothing down Digby Neck. Maybe a drop or two, but nothing at all. Lots here, though.

THE CHAIRPERSON: The point being is that there are micro-climates and ---

Mr. JOHN SCOTT: Yes.

THE CHAIRPERSON: --- rapid changes over short distances.

Mr. JOHN SCOTT: Yes, sir.

THE CHAIRPERSON: All right.

Mr. JOHN SCOTT: Very much so.

THE CHAIRPERSON: Okay. If there are no further questions, then, we'll thank you both.

And the next presentation is Rebecca Lore. Is Rebecca Lore here? It would appear not. Once, twice. Rebecca Lore.

If not, then we will move on to Calum MacKenzie, please.

--- Pause

THE CHAIRPERSON: Please identify yourself.

PRESENTATION BY Mr. CALUM MACKENZIE

Mr. CALUM MACKENZIE: I am Calum MacKenzie from Middleton, Nova Scotia.

Good afternoon, Mr. Chair, Panel

members, ladies and gentlemen. May I thank you all for what you do and for this opportunity to appear before you. I will never envy your task.

I come as a private citizen who has lived near Annapolis Valley for almost 40 years. I am actively involved with three environmental groups, one whose focus is local, one whose focus is at the provincial level, and the other at the national level.

The local group is called SAVAM, and that acronym stands for Sustainable Annapolis Valley and Mountains, a theme which I hope to develop shortly.

I decided to settle here with my family for the health-promoting properties of the environment, for the slow pace of living, but mainly for the positive way in which my neighbours took the sustainable stewardship of their life activities to heart.

The good folk of Digby Neck hold similar values paramount, and they settled in this area for its peaceful serenity as well as its safety and security.

Their activities in tourism, the fishery and business are also sustainable as they exist at present, but the ongoing sustainability of those traditional activities and values is under threat from the Proponent's plans.

Where else can you hear a hummingbird in flight before it climbs over the hill to appear at your feeder? Where else can you see goldfinches in full golden colour in March?

Where else can you hear the delightful and haunting call of the loon echoing from the cliffs and rocks as they do at Whites Point?

Sustainability is so important to our future existence and the health of the entire biosphere that it's worth taking a moment to review its 10 principles and how they apply to the proposal before us.

The first principle is democracy, and that means a bottom up process rather than the top down edicts we all now suffer under.

The second principle is subsidiarity, which calls for decision-making at the lowest level of competent authority, and in this case that would be the local level.

The third principle is ecological wellness, which benefits all and takes in aspects of air, soil, water, health.

And the fourth is common heritage of all living things where plants, animals and their habitat are inter-related with our own.

Biodiversity of species in the air, soil and at sea is the next principle, followed by human rights, which some are now extending to all species.

Jobs come next, allied with food security. The importance of protecting what we have is paramount.

The ninth principle is equity, in which local needs are given proper weight and, finally, we consider the precautionary principle, in which the Proponent must offer indisputable proof that none of the principles of sustainability are jeopardized.

In my opinion, this project abides by none of those principles. I will return to those issues later.

Given the global trading morass that our politicians have signed on to, all of those local sustainable activities are vulnerable to senseless economics based on a culture of greed and unregulated, out of control financial growth.

Bigger is not better, and small really is beautiful. Rather than rush to accept the lowest standards, we should be looking for a best in class way of enhancing what we have.

That is sustainable development, meeting

our own needs while ensuring that the needs of future generations are also met.

Growth for growth's sake as an economic principle is contra-indicated in our modern age of energy shortages and escalating use of fossil fuels. Such out of control growth in no way improves the essential protection of the biosphere.

The Proponent's plans would add to global concerns that our present course is not only untenable, but in the short, medium and long term is just plain wrong and unsustainable.

Given those elements, I cannot bring myself to see any upside to the Proponent's plans. Even the handful of jobs which may arise have a serious downside.

If we ask the question, what's the point of having a booming economy if we kill off the plant as a result, we force ourselves to think outside the economist box and seek methods of making our lifestyles sustainable.

That means maintaining and developing the status quo if that has proven sustainability.

The tourism operators have sustainable operations which are under threat from the Proponent's plans. The whale watch operators have sustainable operations which, again, are under threat from the

Proponent's plans.

Some whale species are already endangered and take an annual toll from shipping. The sustainability of the lobster fishery is currently vulnerable, but now under threat from the Proponent's plans.

The sustainability of the scallop fishery is equally vulnerable to the activities of the Proponent's plans.

For the Proponent to label the quarry's effects on those partially sustainable industries as insignificant is a callous disregard for common sense.

The vulnerabilities to which those sustainable industries are prone due to the Proponent's plans mushroom exponentially when ancillary and supportive, secondary and tertiary industries and suppliers are reckoned into the mix.

The next question that arises begs to ask why the Proponent's plans, which are not sustainable, can spoil the quality of life on the Neck, should receive positive consideration over those livelihoods that are already established. To me, this is a no-brainer.

Why destroy what we know is good to replace it with something on which the jury, at best, is out?

In its submissions, the Proponent has labelled those local activities as insignificant and the effects of their proposed plans as insignificant.

Sustainable traditional industry about to be usurped would seem to be beyond the ken and outside of the experience of quarrymen. They are hardly qualified to pronounce on what is significant or not.

If I may now turn to what the Proponent proposes.

Two million tonnes of basalt rock, reportedly, will be removed from Digby Neck annually over 50 years, perhaps longer, and shipped to the US, which already has its own basalt deposits. So what's the attraction for Nova Scotian basalt?

Could it be that the price is right with minimum royalties, under-funded monitoring and complicit Governments in Ottawa and Halifax? Restrictions are also minimal.

This is what we see at Boularderie Island in Cape Breton, the tire-burning site at Brookfield, the gypsum mining on the Avon Peninsula. Scant regard is paid to the environmental impact.

Could it be that NAFTA and the WTO Trade Agreements, along with our complicit Governments in Ottawa

and Halifax allow for coastal and rural communities to be decimated in the name of so-called free trade?

To the undying shame of the decision makers, that is absolutely a horrific trend that people have been forced to live by.

The Tilma (ph) and SPP initiatives can only exacerbate the horrors.

Could it be that US state regulations for environmental protection are so onerous and demanding that the Proponent cannot meet them, so Nova Scotia becomes their chopped liver?

Could it be that costs involved in labour, transportation and extraction are made so attractive by our Governments as to be a magnet for extraction mining?

No matter what the motivation is to visit on our charming and beautiful area, the noise, dust, toxic runoff, heavy road traffic, invasive species, increased marine traffic, increased use of fossil fuels and the resultant pollution of air, water and soil, the assault on our sensibilities will be horrific.

People choose to live here to get away from that rat race, and its concomitant health-related problems.

In addition, the wildlife, plants and

micro-organisms on land and sea will be affected. To what effect, we don't fully know.

Some are endangered species and worthy of our continuous monitoring and protection. Their currently sustainable balance of existence will undergo survival challenges from which they may not safely recover.

When a sustainable area is disturbed, it becomes prone to invasive species coming in, settling and taking hold. Invasive species usually have a negative effect, and often take over by crowding out local species.

Local plants, micro-organisms and wildlife habitat on land and sea will see the effect of invasive species.

As basalt rock is laid bare, it will show as a very dark area to the sun. The resulting albedo effect will replicate the darkening polar seas, absorb more heat from the sun and increase global heating.

As the processed basalt makes its way into dark-coloured paving or concrete, a much larger area of heat absorption will be laid down, further increasing global heating.

Rather than helping this process along, we should be taking steps to curtail or even reverse the process. As thinking beings, this is our duty.

Further, mining will alter the water table by lowering it and changing the underground water courses. The final result of this operation and its effect on the water table and domestic supplies is, at best, a guess.

As in all facets of this proposal, it should be the responsibility of the Proponent to abide by the precautionary principle and prove beyond doubt that its operations will be benign in all effects. In my opinion, that has not been done.

A greater fear than just one quarry and its expansion to 120 hectares or more owned by the Proponent promotes the notion of why stop at that.

Let's have open season on all basalt deposits from Brier Island to Kings North, allowing a global slew of international miners to repeat what we are now engaged in.

With minimal zoning and a lax environmental protection regime, the possibility is entirely conceivable.

Should this quarry operation go ahead, the door will be opened, and unless NAFTA is abrogated, the door cannot be closed, so mining of uranium and zeolite and basalt, to mention but two other North Mountain mineral

deposits, will also be open for business.

The Nova Scotia landscape is scarred with hundreds of quarrying and mining sites that have not been reconstituted as green space when the operation is over. Reconstitution hasn't even been attempted.

Wetland reconstruction, for example, can never re-create its original value. It's a sad commentary that quarrymen and miners in Nova Scotia know that they are not adequately monitored and are not kept on a short leash to conform to the conditions of the license or local wishes.

Even if a conditional license was to be granted, we know from experience that funding to enforce the conditions will not be forthcoming.

The final decision in this matter lies with a Minister, Provincial or Federal, or a Governor-in-Council, a Cabinet in either Ottawa or Halifax, neither of which organizations, institutions can I trust to do the right thing.

At both Federal and Provincial levels, they are marinated in the notion that a good economy means growth and completely miss the point that our global footprint is already over size.

This quarry proposal will not decrease our global footprint and can only add to it.

My plea, ladies and gentlemen of the Panel, is to make the case for extreme caution in your deliberations so that local sustainable activities and local residents' peace of mind are given the weight they so richly deserve in bringing this Environmental Impact Assessment to a good conclusion.

My dream is to reverse the top down system of governments we suffer under and replace it with a bottom up, grassroots movement in which decisions have to pass the filters of local and community governments before they are passed up the hierarchy.

Under such a system, this Proponent's plans would be a non-starter.

I am Calum MacKenzie, and I wish to thank you all for hearing me out. Good day.

THE CHAIRPERSON: Thank you, Mr. MacKenzie.

PRESENTATION BY Mr. CALUM MACKENZIE - QUESTIONS BY THE PANEL

Dr. JILL GRANT: I have a couple of questions, Mr. MacKenzie.

You mentioned 10 principles of sustainable development. I wasn't clear. Are those principles determined by your organization, or are they from some other source?

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Mr. CALUM MACKENZIE: They're well known in the literature. I'm thinking in particular of Paul Hawkins, Lovens and Lovens (ph).

Dr. JILL GRANT: Thank you.

And the other question is about you made some comment about concerns that the quarry might expand beyond the bounds of what is being applied for here. Can you elaborate on those concerns?

Mr. CALUM MACKENZIE: When we talked earlier about ethical concerns, this is the fear factor.

There is prospecting going on all along North Mountain. They say it's for uranium and zeolite, but the same quality basalt deposits that are found here in Digby Neck are also found all the way up from here more than 50 miles all the way up to Middleton and then all the way from there to Blomiden and North Kings.

So under NAFTA, if we open the door for one, we open the door for all, and we're assuming, hopefully wrongfully, we're assuming that mining could pop up everywhere along North Mountain.

THE CHAIRPERSON: Mr. Buxton?

PRESENTATION BY Mr. CALUM MACKENZIE - QUESTIONS BY THE PROPONENT

Mr. PAUL BUXTON: I just wonder whether

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(QUESTIONS BY THE PROPONENT)

you could elaborate a little bit on the prospecting that's going on for uranium on the North Mountain.

Mr. CALUM MACKENZIE: In 1995, uranium prospecting was under moratorium. Since then, the moratorium has lapsed and, although I don't have personal evidence, I'm told that uranium prospecting is back on track.

Mr. PAUL BUXTON: Thank you, Mr. Chair.

THE CHAIRPERSON: Any questions of Mr. MacKenzie? No?

Thank you, Mr. MacKenzie.

The next individual would be Chris Callaghan. Is Chris Callaghan here?

--- Pause

THE CHAIRPERSON: Identify yourself for the transcription.

PRESENTATION BY Ms. CHRISTINE CALLAGHAN

Ms. CHRISTINE CALLAGHAN: My name is Christine Callaghan. I'm a resident of the area, and these are my personal thoughts on tourism, whales, the impact this project has had and will have on our community, and some comments about quality of life.

I think it pretty much will take up my allotted 15 minutes, and I can't tell you how happy I will

be when my 15 minutes of fame is behind me.

I'm going to begin my presentation with a short quote from a poem by a Cape Breton poet named Joyce Rankin in her book, "At My Mother's Door".

"In the hayfields that slope to the ocean, trimmed by the dark green and burning pink of wild rosebushes and ponds where cattails grew and wild ducks rested, you almost expected to find a flattened swath where God himself had lain his shoulders, looked at the sky and slept content."

When I first read that passage, I felt that surely the writer had been to my back yard.

I live in Freeport, and most days I feel like I live in heaven.

When controversial issues like the quarry are being discussed, acronyms fly fast and furious, usually with disparaging intent. You hear a lot about CFAs, which everyone knows means Come From Aways, and NIMBY, Not In My Back Yard.

Mr. Buxton even introduced us to a new one. A year or so ago in a Chronicle-Herald interview, he called those of us who opposed the quarry a "bunch of

bananas".

And I didn't clip the article, but I believe it means Build Absolutely Nothing Any Time Near Anything.

I guess I have to admit to being a CFA, however, I'm not a CFFA, Come From Far Away. I grew up in northern New Brunswick, and I guess I can claim an ancestral link to the Bay of Fundy because my father and several generations before him grew up in Saint John-St. George area.

I first came to the Neck and Islands in 1990, and for six years after that, Andy Moir, who's now my husband, and I made the trip down and back from Halifax almost every weekend, weather permitting. Andy had bought a house here in 1978.

I remember very well that first trip down here, and I should note that during the late '70s and early '80s I had worked for a few years as a travel agent and, during that time, I had the opportunity to visit places that are renowned for their beauty, among them Bermuda, Fiji, Hawaii, Jamaica, Australia, Portugal and other European countries.

I had also lived for a while in the Philippines on the Island of Mindinow, and in the time that

I was there years ago it was almost untouched and it was very beautiful.

Having seen those places, it still only took one day of exploring the shores of the Bay of Fundy for me to know that this is where I wanted to live for the rest of my life.

So one of the happiest days of my life was when Andy and I moved here to live full-time 11 years ago this coming fall. Since then, we've tried to contribute in a positive way to our community through numerous volunteer activities.

And when I say community, I'm referring to the whole of the Neck and Islands, and not just the Village of Freeport.

However, the nature of small communities everywhere is that we will remain CFAs until our ashes are tossed out over the Bay of Fundy, but that's okay. Our hope and intent is that we will be able to live here for the rest of our lives.

It seems to me the real CFA here is Bilcon, a subsidiary of an American company, whose commitment to this place is to spend the next 50 years blowing up as much of it as possible and shipping it off to another country.

Like Dianne Theriault, who spoke the other day, I'm saddened by the rift this proposed quarry has created in the community. There are people who no longer wave to me when we pass on the road, and I can only assume it's because it's known that I oppose the quarry.

Until it disappeared a month or so ago, we had a "Stop the Quarry" sign on our lawn, but I have certainly never had any harsh words with anyone over the issue.

I just want to tell you today I caught the 12:00 ferry off the Island to come here, and one of the ferrymen asked me how I was doing. And I said, "Well, I'm a bit nervous 'cause I had to do a presentation."

And he said, "What's your presentation about?" And I said, "I don't think this quarry is appropriate for this area."

And the first thing he said, and fairly aggressively, was, "How long have you been here?" And I was kind of taken aback because this is a gentleman that I have often had pleasant conversations with.

And then he started talking about the summer people in Sandy Cove and eventually it became apparent that he had had an issue with one summer person in Sandy Cove, but he was painting all of the summer people,

and obviously I was included, with the same brush.

And I want to point out that Bilcon is deliberately encouraging this kind of divisiveness in the community.

In the literature that they sent out as mailouts as public information, the wording is, and I got one in the mail yesterday. I didn't bring it. I wish I had.

But the wording is such that, you know, the people who have always been here are being pitted against the opponents, who are being painted as CFAs, summer people and aging retirees.

It's very sad, and if Bilcon wants to paint itself as a responsible corporate citizen, I don't think this is a positive way to contribute to our community because it's going to take a long time to heal. The divisiveness is growing.

Andy and I opened our home as a bed and breakfast in 1997, and we operated the business for eight years. In her presentation on Tuesday, Dianne Theriault talked about the cyclical nature of the tourist business.

Andy and I happened to get into it when the Canadian dollar was quite low, and before the huge chilling effect of 911, and we were flat out busy. From

1997 'til 2004, we had more than 4,000 people stay in our home.

Our brochures and web site made it very clear to potential visitors that if you didn't enjoy nature, there was really no point in coming here.

We were the type of hosts who felt that part of our job was to spend lots of time with our guests chatting and answering questions, so I believe I have a pretty good idea of what tourists who come here are looking for, and I can assure you it isn't to see a jagged scar on the land when they're out on a whale watch or to hear the incessant grinding of rock, or to be startled by blasting.

They come here because it's clean and peaceful and quiet and natural, and I know that from my experience. And like Dianne Theriault, I have every confidence that there's a very bright future for tourism in this area.

I also worked for a couple of summers as a guide on whale watching boats. I know you've heard time and again through these hearings about the threat this quarry will pose to the right whales, and that's a huge concern to me as well, but I'm just as concerned about all the other cetaceans that make the Bay of Fundy their home for part of the year.

My experience in working on boats leaving from Grand Passage between Long and Brier Islands was that we didn't see right whales all that often because it was quite a long trip to get to the area where they are most likely to congregate.

That said, they go wherever they want to go and we certainly have seen them off Long and Brief Islands. Personally, I'm more familiar with the humpbacks.

As you no doubt know, the same individual humpbacks return to the Bay of Fundy year after year to feed. They don't eat at all during the winter months when they're down in the Caribbean, so they really need to eat as much as they can while they're here.

The females bring their calves here to wean them and to teach them how to catch herring and krill, and those calves somehow remember how to get back here and they return in following years.

Once the females grow to adulthood, they, in turn, bring their offspring here.

There's one whale here we see named Bermuda. In 1987, she brought her calf with her, Foggy, and in 2003, Foggy showed up with a calf whose name is Motley. And that's three generations that the Bay of Fundy has sustained.

When you work on a whale watching boat and you see the same whales time and again throughout the summer, you start to think of them as friends. You get to know which ones are friendly and which ones are more serious and aloof.

And for those of you who haven't been out on a whale watch cruise, I urge you to go. You can't imagine what it's like to be out there when you've cut your engine, you're just sitting there quietly listening to the waves lapping against the hull, watching a mother-calf pair, and the calf decides it's going to come over to get a better look at you.

They can be just as curious and friendly as little puppies, so this little animal, if you can call something 14 feet long little, comes up to the side of the boat and rolls over on its side, and you're looking down into its brown eye.

And I challenge anyone in this room to be able to resist the urge to lean over and say, "Hello." It's the kind of interaction between a wild animal and a human being that can be so profound it literally brings people to tears.

One thing I've learned in those trips is that the whales can be bothered to the extent that there is

a marked change in their behaviour.

We saw time and again if the herring boats from New Brunswick came over and fished off our shore, the whales would be spooked for the next couple of days.

The way the herring boats find the herring is by looking for the whales feeding. Then they go there with all their bright lights and noisy engines and, inevitably, they chase the whales away.

And even if we couldn't see the boats out there at night with all their lights shining, we would know the next day that they had been there by the way the whales acted. They would only come to the surface long enough to breathe, and when they dove, they would stay under a lot longer than usual.

They weren't interested in interacting with us. We wouldn't see any flipper slapping or rolling over or breaching. Just a few quick glimpses of the dorsal fin and then the flukes when they went for a deep dive.

They were very clearly upset and disturbed and stressed.

Brier Island Whale and Seabird Cruises that I worked with has records of all the trips they've taken going back more than a dozen years in which every single whale, dolphin and porpoise that was seen is noted

and, where possible in the case of the humpbacks, is identified and any noteworthy behaviour is documented.

It's well known that cetaceans hear very well over long distances, so I have to wonder how those animals are going to react to the noise of blasting and incessant grinding.

This place is such a crucial part of their life cycle that I worry that they'll be too stressed to eat the food they need to survive.

And to get back to tourism for one minute, on the whale boat I had the chance also to talk to hundreds of tourists, and many of them, of course, had seen the "Stop the Quarry" signs coming down the Neck, and they would ask me about it.

And when I explained the proposed project, and I'm biassed, I admit, not one of them thought it made any sense for this area, and that includes a gentleman from northern Ontario and his wife who were quarry operators themselves.

Another concern I have is oil. A couple of summers ago I participated in a beached bird survey organized by Bird Studies Canada.

Volunteers like me walked a specific stretch of shoreline at least once a month with calipers and

a ruler and a camera, and we were to note any dead or injured birds we came across and measure them and photograph them and file a monthly report.

The purpose of the survey was to determine if oil was present in the water and negatively impacting birds.

I did find dead birds on my walks, but none of them had any evidence of oil on them, but I did come across a gull in another area of Freeport that had ingested oil. It was still alive when I came across it, but it died shortly after.

It was awful to have to watch helplessly while it suffered.

If this quarry and marine terminal are allowed to proceed, I fear it will only be a matter of time before we have an oil spill and countless creatures that live in and on the water will suffer that same fate.

I couldn't believe the gentleman from DNR on Tuesday expressing his opinion that our weather is suitable for 600-foot long boats to be able to manoeuvre safely.

This past winter, on the hill where we live, Andy and I live, overlooking the Bay of Fundy, we clocked the wind one night at 130 km/hour.

Now, I just learned that they planned not to go, and this was in January, so...

But I would like you to be able to see the waves the day after a wind like that. The fishermen can inform you about that aspect much better than I am.

Let me assure you I'm not a banana. For instance, I'm a fervent supporter of the proposed Bay of Fundy Discovery Centre, which will celebrate the natural history, heritage and culture of the Bay and the communities on its shores and will also create some jobs. Not a lot of jobs, but some.

And I'm fully aware that we need jobs here, but as Sister Bonnie so eloquently put it the other day, let's create jobs that are sustainable, environmentally sound, jobs that don't require that we literally destroy the ground beneath our feet.

I referred earlier to the term NIMBY, Not In My Back Yard. It seems to me that any time I hear it, it's used derisively.

Well, I'm not going to apologize for saying that I do not want this project in my back yard, and I do consider Little River to be my back yard.

One of my very favourite things to do is to hang out a load of laundry. Standing on my little stoop,

I can look out at the water and all I hear is the birds or, depending which way the wind is blowing, maybe the ferry ramp hitting the slip or maybe my neighbours chatting down the lane.

When I bring my wash in later, everything smells fresh and beautiful.

Lately I've been thinking of my friends on the Neck and how even the contentment felt in such a simple pleasure as this must be tempered for them by the knowledge that there's a very real possibility it will be irrevocably changed should this quarry be approved with the resulting noise and dust.

And believe me, after looking at the bright red lines on the map the gentleman from the Department of Natural Resources showed us on Tuesday indicating where the good basalt is, I have a feeling of pure dread in the pit of my stomach.

If Whites Point goes ahead, what is to stop Beautiful Cove just down the road from my road from being next?

And there's another point about living on the Neck and Islands which I think should be considered.

We who live here, whether we were lucky enough to be born here or have made the decision to move

here, make certain compromises.

There are things we have decided we can live without, good things like book stores and movie theatres and lots of conveniences, and for half the year, take-out food.

If you get sick of your own cooking in the winter, if you live on the Neck and Islands, you can only hope your neighbour threw on an extra pork chop and is in a generous frame of mind because there is no other option.

But the tradeoff is we have the quiet, the peace, the beauty and the clean air.

If this quarry proceeds, it will eliminate the very things we cherish. What will be left to make this a desirable place to live?

So if anyone wants to accuse me of NIMBYism, if there is such a word, I'll gladly admit to it. I'll even wear the t-shirt when my banana t-shirt's on the line.

I adore my back yard. Why should I have to apologize for not wanting to see it destroyed before my eyes?

All we hear these days is about reducing our footprint on the earth, about consuming less and leaving

our cars at home. To be considering taking our hill away to make highways in the US is just plain wrong.

This is not about being anti-American. Some of my in-laws are American and many of our B&B guests from the States were among the kindest, most thoughtful and thinking people I've ever met.

As a matter of fact, when they heard about the proposed quarry, some of them actually apologised, they felt so terrible that it was an American company posing the threat.

I obviously have a very difficult time keeping my emotions out of this, but it's just the thought of blasting and crushing and grinding and ultimately eradicating our very land so that more gas can be exhaled into the environment that I just find so outrageous.

It's just the antithesis of the nature of the small, quiet place. I would go so far as to call it desecration.

Some people are going to say this is over the top, but to me it's like turning a cathedral into a strip bar. Some things just shouldn't be done.

I do realize that most of what I've said comes across as being all about me and my enjoyment of my own quality of life, but I have to tell you, and this is

CHRISTINE CALLAGHAN
(QUESTIONS FROM THE PANEL)

straight from the heart, that if I knew that I were moving away tomorrow, I would still be here today to make this presentation.

I'm just trying to do what I can to protect this beautiful, fragile and special place.

Thank you.

PRESENTATION BY CHRISTINE CALLAGHAN - QUESTIONS BY THE PANEL

THE CHAIRPERSON: Thank you, Ms. Callaghan.

Dr. JILL GRANT: Did you say your business closed in...

Ms. CHRISTINE CALLAGHAN: We ran it for eight years. It was closed in 2004.

Dr. JILL GRANT: Can you give us an idea of whether, in your perception, has tourism been under threat in this part?

Ms. CHRISTINE CALLAGHAN: That's not why we closed the business. I think we had a good enough reputation and enough repeat business to be as busy as we wanted to be.

I've read since that most B&B owners last between five and 10 years, and the reason Andy and I decided by eight years that we'd had enough is that you simply do, when you're running a B&B, give up your entire

CHRISTINE CALLAGHAN
(QUESTIONS FROM THE PANEL)

summer and you never get outdoors.

You're in the house cleaning and cooking and, I mean, if you take the dog down to the shore you have to leave a sign on the door saying "Back in 15 minutes".

We just felt that the reason we moved here is that we love the nature of the area and we weren't getting to enjoy it as much as we wanted ourselves.

But yes, tourism definitely has declined. The following year, when I went to work on the whale boat, I was at the wharf over in Westport and another B&B owner came up to me and said, "Boy, did you guys pick the right year to get out of it."

THE CHAIRPERSON: Mr. Buxton?

Mr. PAUL BUXTON: I have no questions.
Thank you, Mr. Chair.

THE CHAIRPERSON: Anyone else? No?
Okay.

We'll take a 15-minute break at this point. Thank you, Ms. Callaghan.

Ms. CHRISTINE CALLAGHAN: You're welcome.

THE CHAIRPERSON: Thank you.

--- Recess at 2:44 p.m.

--- Upon resuming at 3:01 p.m.

THE CHAIRPERSON: Ladies and gentlemen,

can we resume, please?

--- Pause, preparation of video

THE CHAIRPERSON: Okay, we'll proceed. Henry Bradford? Mr. Bradford? All right. Please have a seat. Pull that microphone up within about six or eight inches, and identify yourself after you're ready.

PRESENTATION BY Mr. HENRY BRADFORD

Mr. HENRY BRADFORD: My name is Henry Bradford, and I'm from Wolfville, and not Digby Neck, but the reason I'm here, I can empathize with those who do not want this industry invading their rural environment.

Moreover, as I look across the dyke lands from Wolfville, that beautiful basalt-rich North Mountain, I am concerned about the precedence that a quarry in Digby Neck would set.

However, I did not really come here to talk about the pros and cons of the Bilcon Proposal. I really wanted to talk more about the review process. There is a perception that if the claims in the Proponent's Environmental Impact Study are not disproven, the quarry is effectively a done deal.

This puts the onus on the ordinary citizens to produce a sophisticated analysis of a complex environmental question; rather I think the shoe should be on

the other foot. The onus should be on the Proponent, Bilcon, to convince the Public that there is a net benefit to the people of Nova Scotia in this Proposal.

I feel that the review process has the fault that the environment is not the only consideration. In fact, it's not even the primary one. The primary consideration is whether the people of Nova Scotia, especially those who are most affected, really want this industry. That should be determined first, and only if the answer is yes should a detailed Environmental Impact Study be undertaken.

I'd like to make an analogy. Suppose you own a home with a nice surrounding property in a pleasant rural area. Your neighbour comes across the fence, and tells you that you're not really using all that land, and he would like to build a pig farm on it.

Your immediate reaction probably would be no way, and your neighbour might ask, "Well, why not?" He says that it wouldn't do much harm. He would be careful not to pollute your well, the smell wouldn't be too bad. In any case, you would get used to it.

Moreover, your neighbour says he has a 3,000-page Environmental Impact Study to back up his argument. Your reaction probably still would be that you

don't care about the study. It is your property, and you simply aren't interested. The people of Nova Scotia should have a similar right of rejection regarding the quarry proposal.

I don't like to be selfish, and perhaps we should be more opened to the trend for North American integration, and regard the quarry proposal simply as using North American basalt to pave North American roads, or perhaps I should be more accurate there; to build North American roads, or whatever the basalt will be used for.

Personally, I am not that broad-minded yet, and our good neighbours to the south will have to forgive my possessive attitude toward my Nova Scotian landscape and way of life.

I realize that not in my backyard arguments, if carried too far, can stifle economic development progress. To avoid this, Governments sometimes override individual objections in favour of the common good. For example, private property is often confiscated for highways. However, this should not be done indiscriminately and generally it isn't.

A strong case must be made that the Public good greatly exceeds the detrimental consequences to a minority. The same sort of justification is required for

the quarry. I realize that confiscation of property is not involved here, but there is a parallel. If the Public consensus is opposed to it, then if the Government overrides, if the Government licenses the quarry, it is overriding the will of the people.

However, in this case, there's no strong common good argument here to justify such an action. In fact, the overall benefit to the people of Nova Scotia, economic and otherwise, appears to be minimal, or even negative.

So in summation... Sorry, I hit the cutoff button there. In summation, I am not complaining about the way the environmental aspect of this Review is being conducted. Obviously it's very thorough. What I do claim is the priorities are wrong.

Licensing an industry with obvious impact on a locality should be a two-step process. Step one, determine whether the people of Nova Scotia, especially those most affected, really want the industry, or in exceptional cases, whether the common good takes precedence over their wishes.

And step two, if and only if the answer to step one is affirmative, then consider the environmental impact in further detail. Thank you.

THE CHAIRPERSON: Thank you. Mr. Buxton?

Mr. PAUL BUXTON: I have no questions.

Thank you, Mr. Chair.

THE CHAIRPERSON: Are there questions from the audience? No. Thank you very much, Mr. Bradford.

The next individual is the... Well, group... Tony Kelly speaking for the Little River Residents Group. Mr. Kelly, I understand you want to show some DVDs?

Mr. TONY KELLY: Yes, I have about six minutes of...

THE CHAIRPERSON: I've heard that you have two DVDs. Is that correct?

Mr. TONY KELLY: That's correct. Two, a total of eight minutes...

UNIDENTIFIED FEMALE: Microphone?

Mr. TONY KELLY: Maybe it's not...

THE CHAIRPERSON: I understand that both of those DVDs are in the Public Record as it is.

Mr. TONY KELLY: One is. The other is not. I'm sorry.

Dr. JILL GRANT: If he could just show us the one.

THE CHAIRPERSON: Yeah, one is. The

other, I understand, is not at the present time. The one that's in the record we would prefer not to see. The second one, how long would that be?

Mr. TONY KELLY: It's a total of five minutes.

THE CHAIRPERSON: Do we want to see five minutes' worth?

Dr. JILL GRANT: Yeah, but it takes it...

THE CHAIRPERSON: Yeah. You have 15 minutes. It comes out of your 15 minutes, of course. Okay?

Mr. TONY KELLY: Yes.

THE CHAIRPERSON: Okay.

PRESENTATION BY LITTLE RIVER RESIDENTS GROUP - Mr. TONY KELLY AND Mr. KEVIN GRIDNEY

Mr. TONY KELLY: Sorry. I'm sorry about that. The intent was to time it to 15 minutes, exactly, but if it is possible, we will do that.

And I'd like to ask permission for a fellow member of the Residents Group to join me, and that's Kevin Gidney who is part of the Little River Residents Group.

--- Pause, preparing video

THE CHAIRPERSON: Did you want to start speaking, while this is being organized?

Mr. TONY KELLY: Sure.

THE CHAIRPERSON: Okay.

Mr. TONY KELLY: I apologize for that. I didn't anticipate that the Panel would have sort of technical ---

THE CHAIRPERSON: That's okay.

Mr. TONY KELLY: --- glitches and stuff.

THE CHAIRPERSON: Well, why don't you read your name into the record, please?

Mr. TONY KELLY: My name is Tony Kelly. I'm here speaking on behalf of the ad hoc group called The Little River Residents Group, and I'm a 6th-generation resident of Little River, in Digby County. And I'm joined by my neighbour, Kevin Gidney, who is a 7th-generation resident of Little River on Digby Neck.

Should I proceed with ---

THE CHAIRPERSON: Yes, please.

Mr. TONY KELLY: --- comments? I appreciate the opportunity to speak to the Panel this afternoon. I'd like to offer some clarity in terms of who we are because, of course, like the Partnership, we are constituted in various ways, and this particular group is a representative group of the residents of the Village of Little River, and we have formed ourself in an ad hoc way

largely in relation to the activities of the Clayton Group, and the various Nova Scotian incarnations that have been in our backyard, as Chris Callaghan put it, over the past few years.

In general, we exist in support of the goals of what's known as the Partnership regarding the long-term sustainable health of the local ecosystem, including, of course, human habitat and being residents of Little River, I think we're profoundly concerned about questions of human habitat.

We're loosely structured, and we represent the residents who are anxious and concerned regarding the Bilcon activities to date, and the proposed industrialization of the Whites Point.

When we talk about the Bilcon activities to date, it's hard to know whether we're talking about Global Quarry Products, or Nova Stone, or the advance persons who are in our neighbourhood from the Carolinas, buying up property, or whichever particular group it's talking about, but clearly the residents of Little River have been haunted by these activities throughout... Past the year 2000, for sure, and we're revisiting quarry-like activities that we had opposed well over ten years ago, or around ten years ago.

Certainly, to be clear, all the residents who oppose, who express concerns about the quarry do not necessarily oppose the quarry, and there are boosters of the Project, and those boosters obviously do speak for themselves. Often there is real estate money involved.

Sometimes there is a group of people who have given up hope in terms of the local economy and/or they believe that the current economy can sustain a quarry side by side of the current setup in Little River and Digby Neck, and the region.

The local dynamics, in our view, are, of course, such that we would be quite anxious and worried about this development.

And I want to also be clear because of earlier presentations that, from the residents' point of view, even those involved in real estate transactions are not necessarily in support of the quarry in Little River, and on Digby Neck, and those particular people may indeed just see an opportunity to further their own personal objectives, which have nothing whatsoever to do with the development of the quarry.

Having said that, to fill in just a little more, which is already a matter of record, Little River itself has approximately 140 citizens, and it has, by

Canadian/Nova Scotian standards, I think a fairly healthy population pyramid; that is to say from the population from birth to the end of the public school, in fact, mirrors the elder or the retired population in that community.

There is an active workforce of about 51 citizens, and it consists, in an interesting way, of about 19 small business persons with the remainder beyond those small businesses, and often those are family partnerships; husband and wife, and that sort of thing.

The remainder, though, beyond those 19 businesses work in various positions in both public and private sector, both in the Village itself, and as far away as the Town of Digby, and some a bit further. Some are professionals; they're teachers, nurses, accountants and so on.

And when I mention the word "accountants", I'd like to say that, of course, it's a sign of the hope that's in the community that one of the videos which we're not able to show, because it is a matter of Public Record, shows a young family where the mother in that particular family, I would note with a great deal of pride, is a person who has worked from being a stay-at-home mom a little bit, through a tremendously challenging educational system through a series of accounting credentials and

qualifications to the point where she's a full-blown accountant, I think, working with one of the major accounting firms that have offices in the Town of Digby.

And certainly as individual trajectories of growth, and learning, and so on in life's pathways, there is no evidence in the Village of Little River, at least, that its citizens have given up hope on what one might consider to be personal pathways into a comfortable kind of living in Digby County, or in Nova Scotia, or in the country.

Little River, itself, is the kind... It has been, for many, many years, a little node of activity, and it has been a net importer of labour, and that labour has come from as far away in my lifetime and at the present time, as far away as North Range in Digby for their seasonal workforces. Many of those small businesses, which are, in fact, lobster operations have on those decks people who come from much further away than the Village, itself.

Homes are, of course, almost all privately owned, and very few of them are owned by non-residents, although in recent times, in most recent times, there are at least three properties that have been purchased by the agents of Bilcon, which, of course, in the context of the present discussion, raise serious suspicions

in the minds of the local residents in terms of the intent for those properties.

We did want to enhance, and I think we will enhance with about five minutes of video our earlier submissions to the Panel, which have been all through the opportunities to present written information, by at least one video which is called "The Prophet of Whale Cove".

And I think it is valuable to show this video, because among other things, it provides us with a visual way of seeing the majesty that Chris Callaghan has been talking, and what Sister Bonnie, a person who tried to teach me to put music in my head many, many years on Wednesday afternoons, with some success, but what really sticks in my head profoundly is this notion of all things bright and beautiful, which is a way to summarize, I think, many, many persons and a sense of the place that we're talking about; Little River and Digby Neck, itself, especially.

So I think the visuals around what we have here today are stunning, and are well worth having a look at because they present, among other things, that poetry and artistry that is hard to gather just through words alone. So I would like to take the opportunity, if we could, to show this five minutes of video.

--- Pause, video presented

Mr. TONY KELLY: I think my intent in showing that, of course, is the imagery alone on the Bay of Fundy, and the video imagery that's been submitted already, I think we were concerned that there may have been a problem with the sound, and we will make sure that that's re-submitted in case there was.

Before Kevin speaks, I'd just like to conclude my section of this for now with what's a 2000-year old allegory from the Chinese Sei Chen Su which I came across a few years ago when it became clear that we would be having to enter a second round of conflict with yet another American company that wants to blow up our coastline.

The story, to me, illustrates the potential lethal nature of the collusion between what I would call local northern developers, and of course those in south who have the most to gain from what I could only describe as an approximately a billion-dollar baby, which is their enterprise.

The Emperor of the South was Fast and Furious, and Fast, rather. The Emperor of the North Sea was Furious, and the Emperor of the Centre was Hun-tun, which means undifferentiated, pristine, the state of nature; the kind of thing you can observe easily and readily in a place

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like Whites Cove.

Fast and Furious met from time to time in the land of Hun-tun; indeed, metaphorically, on their own shores; and the local people treated them very generously. Fast and Furious were discussing how to repay Hun-tun's bounty, and they said together, "All men have several holes through which they look, they listen, they eat, and they breathe, but he alone doesn't have any. Let's try boring them." Interesting when we talk about test bores and all the rest of it.

And every day they bored one hole, and on the 7th day Hun-tun died. And I think that's the... You know, after spending about ten years of my life in energy, and watching the tremendous energy of the local residents to get eaten up with these troubles, we find ourselves in that position.

So at this stage, I'll just give Kevin Gidney a brief opportunity to present whatever comments he'd like to make.

Mr. KEVIN GIDNEY: Hello, I'm Kevin Gidney. I'm a concerned resident and a lobster fisherman.

First of all, I live approximately one mile from the Whites Cove Point, so any resident would be concerned one mile from a quarry this big, so I'll go right

to lobstering.

We fish that year, or that bottom off the Whites Cove off to that traffic lane. We fish it there months a year, approximately, from middle December to the middle of March. We fish 15-trap trawls, which these boats coming from these lanes to Whites Cove Point are going to be in the path of our gear. They're going to cut our buoy lines off, or drag gear to where we can't find it, and they talk about compensation, but how are we going to prove to them that it was their ships that took our lobster gear?

We can't run high-fliers on our gear in the winter, because they will ice up, and they will tow our buoy lines and plumes to the bottom; then we will lose our gear. So it's quite a mess for a fisherman's point of view to see where this is coming in here.

And they say for their blast zones that they're going to have so many metres off to look for these whales. Are they going to put buoys there to judge their distances for each time? That's going to be places where we won't be able to fish. We'll be entangled in them buoys and lose gear. And just bringing ballast water back, bringing disease or parasites to get in our healthy lobsters.

And we say they're going to bring 34 jobs here. Well, if they knock the fishery down any more

than it is, there's generally three men aboard a boat, and there's roughly we'll say 35 boats from Little River around to Centreville, and if it goes down, everybody's going to have to lay a man off their boat, so there's 30 jobs that will be gone just from that point, plus there would be people that would be moving out. They won't want to live near this thing.

So I just wanted to say my little minute there, just to say I was concerned.

**PRESENTATION BY LITTLE RIVER RESIDENTS GROUP - QUESTIONS
FROM THE PANEL**

THE CHAIRPERSON: Have you had any contact with Bilcon? Did you participate in these CLC Meetings? Did you speak to Bilcon about the issues, or have you been interacting with them at all? Have they come to you and asked you for advice?

Mr. KEVIN GIDNEY: No. No, I haven't.

THE CHAIRPERSON: So there's been no interaction at all?

Mr. KEVIN GIDNEY: No. I just...

THE CHAIRPERSON: What about your colleagues? I mean, these 35 boats with three men on a boat, has there been any... Have you been watching this from a distance unfolding in front of you, or have they been

LITTLE RIVER RESIDENTS GROUP
(QUESTIONS FROM THE PANEL)

involved in any way?

Mr. KEVIN GIDNEY: Well, I guess we're just all sitting back hoping it's not going to come, but it... Not that I know of has anyone ever come and approached Bilcon to ask about compensation or anything like that.

THE CHAIRPERSON: Thank you.

Dr. JILL GRANT: I wonder if you could give us an idea, Mr. Gidney, of what proportion of your business, of your lobstering, occurs in waters that would be affected by this project?

Mr. KEVIN GIDNEY: Well our season is a six-month season, so it would be half of my lobster season that it would affect bad.

Dr. JILL GRANT: Are all of your traps in areas that would be affected by the project?

Mr. KEVIN GIDNEY: Yes, pretty well 100 percent of my gear will be affected from this project for three months of the year.

Dr. JILL GRANT: Thank you very much.

THE CHAIRPERSON: This area off Whites Point, Mr. Stanton, Kemp Stanton, told us that he fishes there almost exclusively. So it's not a... It's a part of the coast that is frequented by lots of boats, is it? I

LITTLE RIVER RESIDENTS GROUP
(QUESTIONS FROM THE PANEL)

mean, it's an important lobster area broadly through the community?

Mr. KEVIN GIDNEY: Yes. Yeah. You'll have boats from Yarmouth at times up there fishing.

THE CHAIRPERSON: How many boats would fish in that area, do you think?

Mr. KEVIN GIDNEY: Oh, it's hard to say. Like, there's... I got a good number saying there's at least 30 to 35 boats from our residents, but then yo boats that come from Weymouth, Saulnierville, Meteghan, Port Maitland, Yarmouth. So it's kind of a hard number for me to say how many people it would affect there.

THE CHAIRPERSON: That's a lot of lobster, isn't it? I mean, I guess what I'm saying is, it must be a very productive area to sustain that fishery for that many boats for that period of time.

Mr. KEVIN GIDNEY: Yes, it's a real important piece of bottom to fishermen. It's right from there right off to that traffic lane.

THE CHAIRPERSON: Thank you.

Dr. GUNTER MUECKE: Along the same vein, you know, just trying to understand how you operate among each other. Though nobody considers a particular piece of water as their property, do they? It's interchangeable all

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the time?

Mr. KEVIN GIDNEY: Yes, we...

Dr. GUNTER MUECKE: Whoever gets there and wants to set their traps, sets their traps, and then they move on to somewhere else, somebody else takes a... There's no sort of history grounds that anybody claims?

Mr. KEVIN GIDNEY: No, it's a... We have a license to fish District 34 lobster, and it takes you from Gulliver's right clean down to I think pretty near Clyde River in Shelburne, and you can, anyone that has a permit to fish there can fish any part of them waters that they would desire.

Dr. GUNTER MUECKE: So when Bilcon now says they have consulted local fishermen, "local" would mean all those fishermen, lobsters, who use that particular piece of water, right?

Mr. KEVIN GIDNEY: Yes.

THE CHAIRPERSON: Mr. Buxton?

Mr. PAUL BUXTON: I have no questions, thank you, Mr. Chair.

**PRESENTATION BY LITTLE RIVER RESIDENTS GROUP - QUESTIONS
FROM THE PUBLIC**

THE CHAIRPERSON: Any questions emerging?
Yes, Ms. Peach and Mr. Marcocchio.

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Ms. JUDITH PEACH: I'm just wondering how satisfactory compensation would be to you, Mr. Gidney, if it wasn't a big problem to get compensation. How important is just the lifestyle to you? I mean, if you could get your same income just paid into your bank account, and you could sit at home and do nothing, would that be just as good to you, or?

Mr. KEVIN GIDNEY: No. I like the water. I've fished the water since I've been 18 years old. I've run my own boat since I've been 24 years old. I'm a third generation fisherman, and hopefully my boy can follow my steps, if he wishes.

THE CHAIRPERSON: Thank you. Mr. Marcocchio?

Mr. BRUNO MARCOCCHIO: Thank you. Just a question of clarification for Mr. Gidney. In thinking about the interaction between the potential activities of the quarry and the activities with the lobster fishermen, you described a problem. And perhaps you could just elaborate it on it a bit so it's clearer.

For you to be eligible for compensation, your traps would have to be marked with a buoy and a radar reflector that poses a particular problem because it ices up and would sink the gear to the bottom. So it's not

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eligible.

So you would have a great deal of difficulty, if I understand you correctly, in establishing that you've lost your gears due to the activities because of that problem, is that correct?

Mr. KEVIN GIDNEY: Yes, it is. Unless their boat was towing one of my marked balloons with my name on it into the quarry, then you could say, yes, he got into it, but it's hard to prove. Them boats are going to be coming in at night. Maybe they'll be coming in in rougher weather that we desire to fish in our small fishing boats. So it would be very hard to prove.

Mr. BRUNO MARCOCCHIO: Thank you very much.

Mr. BOB MORSCHEs: I just have a short question, doctor, of the gentleman. Let's say the boat grabs one of your trawls and it destroys in some way your lobster cages.

THE CHAIRPERSON: Mr. Morsches, you mean the ship, do you? The incoming ship?

Mr. BOB MORSCHEs: A ship.

THE CHAIRPERSON: Yeah.

Mr. BOB MORSCHEs: A ship. A ship comes in, and there are lobster traps, doctor, on the plot that I

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gave from Kemp Stanton. It shows that there are a lot of buoys that the lobstermen have within that shipping area.

Say he strikes that and he ruins the traps, how do you get your license to add more traps? Like if he destroys 18, do you have to go out and get a new license number for each one of the new traps?

Mr. KEVIN GIDNEY: We'd have to take an observer from Fisheries and apply for a whole new suit of tags, to take him out and I guess re-tag a new set of gear, to prove that you're not trying to set over the trap limit.

Mr. BOB MORSCHEs: and that would take a period of time between the traps being destroyed and when you get the license to get a new trap?

Mr. KEVIN GIDNEY: Yes.

Mr. BOB MORSCHEs: Thank you, doctor.

THE CHAIRPERSON: Maybe you could clarify that for me. I wasn't aware of that. So when you get a license, you get tags. Tags then are put right on the lobster part or the trap itself, and so that identifies it as yours. So when it's lost through accident or being run over by a ship, then you're out the tag as well as the trap, and you have to go through a process to recover it. See, that wasn't clear to me. Thank you.

Mr. KEVIN GIDNEY: Can I have one more

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thing to say?

THE CHAIRPERSON: Yes?

Mr. KEVIN GIDNEY: The way they do it, the issue us 375 traps. That's our maximum winter limit. And then they will give us 25 tags at the first of January that we are eligible to put on to maintain that trap limit to 375 for lost gear.

The only way people I've heard of going to get new tags, and the ones that have got it have said that maybe a fish dragger has got in their gear and they've lost, like, 100 or 150 traps.

But just for instance if I lost a 15-trap trawl in the middle of December and I didn't get to fish that gear for the rest of the year, it's quite a chunk of income taken from me, 'cause there's... On a good year you can maybe, we'll say, gross \$1200 per trap for that for that season, and maybe on a bad year you'll only get \$700 a trap. So it's a, 10 traps can mean quite a bit of money.

THE CHAIRPERSON: A 15-trap trawl is a piece of rope that connects one trap to another trap to another trap, so when they go out, they go out together, right?

Mr. KEVIN GIDNEY: Yes.

THE CHAIRPERSON: So anything that a ship

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or another boat that encountered them and twisted them up, takes them all?

Mr. KEVIN GIDNEY: Yes. Usually, well, once in a while, maybe if you're lucky, you lose one or two traps, but in that case you usually pretty well lose the whole 15-trap trawl. And they have an 85-pound anchor on each end of the trawl, and we have 200-fathom buoy lines of complete float rope that go to the surface on what we call an LD-3 balloon. This is pretty well a 50-inch diameter balloon that never goes under in the tide, because we have a massive amount of tide here in the Bay of Fundy. THE

CHAIRPERSON: That's how you hook it, is it?

Mr. KEVIN GIDNEY: Yeah, we just, and then we have a little tailor buoy behind that, that would be approximately 30 feet, that we would gaffe that little buoy to put into our hauler to bring the big balloon out of the tide and proceed hauling.

Dr. GUNTER MUECKE: From your past experience, how long, you know, if you're running out of tags, what would be the response time from DFO in terms of obtaining new tags?

Mr. KEVIN GIDNEY: I'm not really sure on that. I've been lucky enough that I've never had to go get a set of tags.

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Mr. PAUL BUXTON: Mr. Chair that just raises a question, if I might. I wonder if Mr. Gidney would advise how you, as a lobster fisherman, avoid fish... You know, how do you cohabit with the fish draggers in the same water?

Mr. KEVIN GIDNEY: Well, the fish draggers are pretty courtesy(sic). They know when our lobster season goes, they just don't fish that area. And usually, that time of year, where we lobster fish, that is not a groundfish area. In the winter, they will go down below Brier Island and out into the deeper water where the fish go, where the water would be warmer in the winter, and they fish them areas.

Mr. PAUL BUXTON: Thank you.

THE CHAIRPERSON: Mr. Buxton, do you have any further questions?

Oh, you have a question?

Ms. RHONDA GIDNEY: What happens to the lobster that are in the traps, that get caught? Oh. I'm Rhonda Gidney. I live directly across the road from this proposed project. I'm wondering what happens to the lobsters that may be in those traps that may be destroyed by these freighters.

THE CHAIRPERSON: I think that's a

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question to you.

Mr. KEVIN GIDNEY: We have biodegradable augerings on our escape hatches that will release probably a year underwater that they will eat off, and a real big lobster won't get out, but a normal-sized lobster can escape the trap unless it's really crushed, the trap, that it can't fit through this escape hole.

Ms. RHONDA GIDNEY: So none of the lobsters would starve?

Mr. KEVIN GIDNEY: Well, a lobster can...

Ms. RHONDA GIDNEY: Not that it's your fault.

Mr. KEVIN GIDNEY: A lobster can live in water and fill off plankton, a lobster could live in a crushed trap for 10 years and survive.

Ms. RHONDA GIDNEY: Oh. Okay, thanks.

Mr. BRIAN MEESON: Brian Meeson. Mr. Gidney, it was wonderful informative about the possible loss of traps. What about the possible loss of actual lobsters as a result of seismic echos, blasting, and so on? So you have any sense of how that might affect the lobster?

Mr. KEVIN GIDNEY: Well, in my opinion, the vibration off this will drive the lobster from that rich area, and it would take them to where we're not going to be

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able to fish them, or it will shove them out past the other traffic lanes, maybe it'll drive them to another district, District 35, and you have District 36, the Grand Manan. It's a district up, but it will, them lobsters won't stay there. To my knowledge.

Maybe, I hope I am wrong. But it's just that it's going to be quite a vibration, that magnitude of dynamite going off.

THE CHAIRPERSON: Thank you. Any additional questions? No. Yes?

Dr. GUNTER MUECKE: I guess I'm trying to get a sense of what might be called loss of opportunity in fishing the grounds that you're fishing on now. So we have to go slightly hypothetical here.

You are going to be, according to Bilcon, given a warning, okay, that the ship is coming in. At which stage, you would have to go out, and if you have traps there you would have to retrieve them to get them out of the way because they cannot avoid your traps.

So I'm trying to get a sense, in terms of you set your traps, obviously, to where you think you're going to get the most lobster. So if you have to go out and pull them, and then can put them back, I'm trying to get a sense of the sort of losses that you may incur.

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Mr. KEVIN GIDNEY: Yes. It sounds good to say that, that we'll just call you up and remove your gear, but I've seen instances that you've had a lot of gear in a spot that was producing lots of lobsters, and you've hauled a trawl aboard your boat, and I say, there's many boats around. It's nothing to say that another guy is not going to come right back in behind me and put his trawl where I just left the hole.

It's hard, you can't move gear that way. You've got to try to keep your gear on the lobsters. And far as to say, well, you move your gear for three days and bring it back, well, you might not be able to get it back out there again when you do get back, and then you may go and get no lobsters or less or maybe you'll be lucky and get more.

But it's not that easy just to say, well, I'll move my gear for three days and expect to put it back in that same spot.

Dr. GUNTER MUECKE: And if I understood you rightly, by the time you get there, somebody else may be on the ground.

Mr. KEVIN GIDNEY: Yeah.

Dr. GUNTER MUECKE: And it's first come, first go?

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Mr. KEVIN GIDNEY: Yes. Yeah.

THE CHAIRPERSON: Looks like we have some additional questions. Young man?

Mr. JACOB GIDNEY: My name is Jacob Gidney. I live right across from Whites Point. I was watching the discovery channel the other day. I was watching about fish. Well, when they feel vibration in the water, they'll swim the opposite way. If trawlers are fishing there, when they blast that's going to give a vibration in the water. The fish will move from the spot and the trawlers, well, their profit will go down.

THE CHAIRPERSON: You weren't intending to ask a question; you're just informing us, were you?

Mr. JACOB GIDNEY: Yes.

THE CHAIRPERSON: You wouldn't want to ask a question?

Mr. JACOB GIDNEY: Nope.

THE CHAIRPERSON: Okay. Thank you very much.

MR. BOB MORSCHES: Doctor, I've already been here once. Several times. But to answer Dr. Muecke's question, when I was in Vietnam, the Vietnamese would go for Langosta, which is similar to the lobster, and they would have traps. We would bring in our supply ships, into the

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Cameron Bay, churning up the water, tangling with the traps, and the Air Force would bring in their supplies via ship also.

The weather would change such that the lobstermen for days could not get back out to retrieve their traps or find out what's left of them, and the same thing can happen because of what Mr. John Scott said about the weather change here.

So, you know, you could go from hours to days...

THE CHAIRPERSON: Are we going to question here, Mr. Morsches?

Mr. BOB MORSCHEs: Well, the point I'm trying to make, sir, is that the ship is on a schedule, and if it's going to take him, let's say, several days to get his traps out of the way, what's the ship going to do? Lay out there in the sea. That's what I'm saying, sir.

THE CHAIRPERSON: Thank you, Mr. Morsches.

Mr. Mullin?

Mr. DON MULLIN: Mr. Gidney, something's been bothering me for a couple of days, and it had to do with a conversation probably two days ago with regard to fog and weather inversions. And the discussion involved how

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long, how much of a window you needed if a fog lifted or an inversion changed, if you had explosives in the ground. You only needed a brief time in which you could detonate safely.

How would you, as a lobster fisherman, deal with a situation in which there is fog, but there's a risk that the fog might lift and the company might decide to blast.

How would you know that a blast is imminent?

Mr. KEVIN GIDNEY: Well, there's, to me, I don't know. There would be no way that I would know, unless they were going to go with Notice to Mariners and put it on the VHS for all the vessels to hear that it was going to happen, but...

And the gentleman that just spoke about the period of time, I've seen 20 days that I've not been able to get to my fishing gear because of the weather.

Ms. LINDA GRAHAM: My name is Linda Graham. I'm obviously not a lobster fisherman, but I have a question. Doesn't the best lobster spot change constantly, so you're constantly moving your gear?

Mr. KEVIN GIDNEY: It does. It depends on your weather. These bottoms, Kempie and them would leave their gear there year-round, and once we get outside of Kempie's gear, Kempie fishes buoy gear, he doesn't fish

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trawls, do Kempie only goes off to roughly 30 to 32 fathom of water. And then we go with our trawls from 30 fathom off to, well, off to our line.

So it's, there's always gear there. That bottom is never free of gear. A lot of people say, well, the lobster catch may go down here on a two-night set, but we'll give them a four-night set and keep that same weight of product coming.

Ms. LINDA GRAHAM: Okay, but if there is vibration from blasting, as I said, I'm not a lobster fisherman and don't know anything about it. But if there is vibration and the lobsters move, maybe then the better fishing, instead of being here, would be down here, because the lobsters have moved because of the vibration.

Would it not be just a matter of a different area would be better fishing than what it is now?

Would not maybe the better fishing move, the same as you've moved your gear?

Mr. KEVIN GIDNEY: Well, if they would stay in our district. What's to say that they're not going to move uphill ten miles and go up above Gulliver's? We're up into 35. Or go, when they go...

Ms. LINDA GRAHAM: But is that not also a lobster fishing ground?

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Mr. KEVIN GIDNEY: Yes, it is, but it's not an area that I'm allowed to fish in.

Ms. LINDA GRAHAM: Okay.

Mr. KEVIN GIDNEY: This is affecting District 34 lobster fisherman.

Ms. LINDA GRAHAM: Okay, understood. What if they move the other way? Can they not move, I guess, west?

Mr. KEVIN GIDNEY: They could. Yes. See, we don't know what direction they'll move.

Ms. LINDA GRAHAM: Okay. Thank you.

THE CHAIRPERSON: Okay. I'm going to close questions now. All right? Thank you very much Mr. Kelly, Mr. Gidney. Very, very useful information.

We're coming to the final presentation for the afternoon, and it is the Atlantic Canada Chapter of the Sierra Club, and presenting will be Janet Eaton, if she's here. There she is.

--- Pause

THE CHAIRPERSON: Okay, can we get underway? Dr. Eaton? Okay. Can you identify yourself, please?

PRESENTATION BY THE ATLANTIC CANADA SIERRA CLUB, Dr. JANET

EATON

Dr. JANET EATON: Yes. I'm Janet Eaton.
I'm a marine biologist from...

Sorry, I'll start again. Yes. I'm a marine biologist by profession. That's what my doctorate is in. And over the years, I've had experience in many, many fields, ending up in the last ten years working on globalization issues, and have taught critical perspectives on globalization and other such courses, like community, political power, and environment and sustainable society, at local universities in Nova Scotia.

I'm representing the Sierra Club of Canada today, and also the Sierra Club U.S. Corporate Accountability Committee, for which I'm an international liaison from the Sierra Club of Canada. And that Committee has been involved in the quarry issue for, since 2004, which some of you will have noticed on the corporate accountability website.

While she's trying to get the PowerPoint up, I will just mention to you reasons why the Sierra Club of Canada became involved in this issue, and it's because it's counter to one of the major goals of the organization, which is a transition to a sustainable economy, and the Sierra Club believes that the unquestioned assumptions of

corporate economic globalization are a major cause of environmental global crisis, and we can't assume economic growth, as an end in itself, and that a natural area is considered wasted if not developed for profit, and we can't consider all environmental costs treated as externalities any longer.

The Sierra Club Corporate Accountability Committee, that's the U.S. Sierra Club Corporate Accountability Committee, facilitates the Club's responses to the corporate abuse of power and its advocacy of enforceable measures to ensure corporate accountability in relation to the environment, and has taken an interest in this issue, as I said, since the summer, actually, of 2005.

Are we going to be able to have the PowerPoint? Okay. Is that because of these particular laptops? Has anyone else shown PowerPoints today? And I wonder if there's another computer, if we could try another configuration here.

I also have two disks with me. Did you assume it's something wrong with the disk I brought? It's the computer? Is there anyone in the audience who is a computer expert that could help?

UNIDENTIFIED MALE: Not an expert, yet.

--- Laughter

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UNIDENTIFIED MALE: We'll see what happens.

--- Pause

THE CHAIRPERSON: Are we having any success there at all?

--- Pause

THE CHAIRPERSON: Ladies and gentlemen, we have had difficulty with this projector/computer combination, and so it's not going to work today. And there are a large number of overhead slides which are part of the presentations, so Dr. Eaton was asked whether she wanted to continue, or reschedule, and she's opted to reschedule, so we'll hear this another time. Yeah.

GENERAL QUESTIONS OF BILCON BY THE PUBLIC

I wonder if there is any interest amongst the group of asking some general questions of Bilcon? At this time, we have a little bit of extra time, and I have been short in terms of providing question time.

Mr. DON MULLINS: Thank you, Mr. Chair. I don't know if it's a question that's answerable by Bilcon, yourself, or who, but Nova Scotia Environment and Labour said the other day they're responsible for maintaining sound level standards from ground base activities, I understood it.

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What about noise levels emanating from marine activities? If they're not responsible, what Department is? And this relates, of course, to loading ships at night.

THE CHAIRPERSON: I can't answer that. I don't think any one of the Panel Members can answer that. Are there any other questions? Anyone have a... Mr. Morsches?

Mr. BOB MORSCHEs: I would like to direct...

THE CHAIRPERSON: Identify yourself, please?

Mr. BOB MORSCHEs: I'm sorry.

THE CHAIRPERSON: Would you please identify yourself.

Mr. BOB MORSCHEs: My name is Bob Morsches, resident of Sandy Cove.

My question is does Bilcon have any data concerning the exact latitude and longitude of the property, the exact latitude and longitude of all the experimental wells, including the depth and the height above ground? I tried to plot this on a geographic and hydro chart, and the presentation in the EIS is so general that it doesn't really fit the way it goes.

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I know I have some of the outlines from the deeds, and you can sort of get an idea, but the deed says, "Do not use this for measurement", so I'm wondering if Bilcon can provide us with the details of where the pits are, where the settling ponds and all of that, because that is absolutely necessary in a detailed design.

You don't go any further. If you don't go the... If you don't have a blueprint of what you're going to do, you cannot get a contract to build a building, or a house, a church, or whatever.

Mr. PAUL BUXTON: There are two major survey monuments, Mr. Chair, in the area. The property, itself, is surveyed by a Nova Scotia Land Surveyor, and the data that we have was GIS'd, and I can't tell you just what the accuracy of that is; what particular instrument was used. But it's pretty good. And that enabled us, in fact, to overlay information from one plan to another as we went.

I doubt that they're to the inch, but they're certainly very good for this stage of the Proposal.

THE CHAIRPERSON: I think Mr. Morsches, if I'm not mistaken, is asking where he can access it. So is it available? Is that what you're asking, Mr. Morsches?

Mr. BOB MORSCHEs: That is correct, Doctor. I went through everything in the EIS, the first

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version and the revised, and I didn't see one co-ordinate, lat, longitude, or elevation. I see general elevations, but I don't see any specific elevations.

You need to know that at those well sites. You have to know the exact depth, and you have to know the exact area; I mean the exact geographic co-ordinates in order to determine anything. That's a detailed plan.

Mr. PAUL BUXTON: Certainly I can recall latitude and longitude on the application under the **Navigable Waters Protection Act**, because it is required. The rest? I know that we have latitude and longitude of various points on the process, on the Project site.

If Mr. Morsches would give us specifically what he needs, we will certainly provide it to him.

THE CHAIRPERSON: You heard him, Mr. Morsches. If you...

Mr. BOB MORSCHEs: Yes, I'd have to see something to see if it's satisfactory information.

THE CHAIRPERSON: Okay.

Mr. BOB MORSCHEs: You should have a GPS exactly for each area, surveyed area point is, or where each pipe is...

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THE CHAIRPERSON: Yes, I understand.

Mr. BOB MORSCHEs: ...in order to
determine.

THE CHAIRPERSON: Yeah. Okay, thank you.
Ms. Peach?

Ms. JUDITH PEACH: I think I have a
leftover question from when we were talking about the road
yesterday, and during the time of Global Quarry Products, a
bunch of equipment was brought down to grub the hillside.
Apparently, there was material put on the road, at that
time, and I guess a lot of that material is what got washed
into the Bay.

I know there's still some granite
aggregate down there which came from the South Mountain.
I'm unclear as to who put that on the road. Was it Bilcon
or was it TPW?

Mr. PAUL BUXTON: I can't be precise,
except that I can say that Bilcon has never put any material
on the road. I believe that when the current owners of the
property purchased the property, they engaged a contractor,
and I'm searching for the name. It's the same name as our
last MLA. Can somebody help with that? I've got a block on
it.

UNIDENTIFIED MALE: Baltzer.

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Mr. PAUL BUXTON: Baltzer. Yeah, that's right. The Baltzer brothers, who have a small construction business, I understood put the pit run material on the road. If I had to guess, it would be 1999, but I'm not precisely sure. I've not seen anything put on the road since I first visited the site in early February 2002. Prior to that, I'm uncertain, but my guess would be 1999.

THE CHAIRPERSON: Is that okay? No?

Ms. JUDITH PEACH: No, because that granite was put there after the big washout, when the DFO was called, because a culvert washed out right at the bottom of the road, right before you go onto the flat plain, and somebody put that there. I thought it was TPW, but Mr. Buxton has said that he... His company and his equipment did the work, I thought.

Mr. PAUL BUXTON: She's actually quite right, Mr. Chair. This is right at the bottom of the Whites Cove Road, where the road has turned to the north, and the drainage which comes down on the east side went through a very small culvert into the Bay of Fundy.

That entire area washed out, and we attempted, Bilcon attempted to put check dams on the upper side, on the east side of the road with barrier material, and that did not work.

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The Department of Transportation and Public Works was notified that this was a serious problem. They actually brought the material down, and I believe one of our machines helped to spread it.

THE CHAIRPERSON: Excuse me for... Could I ask you not to engage in conversation back there, please? It's distracting at this end. Sorry.

Mr. PAUL BUXTON: So this would have been a cobble granite about three to six inches, which was laid in the gully cut by the stream across the road, and intended really to replace the road, but also to sort of slow the water down, and I assume sort of act as some sort of sediment barrier off the road.

We did not provide the material. That was Nova Scotia Department of Transportation and Public Works, but I believe one of our machines helped to spread it.

THE CHAIRPERSON: That's it? Yeah, okay.

Ms. RHONDA GIDNEY: Rhonda Gidney, Resident of Little River.

I understand that Bilcon has compensated for water levels, like if someone runs their well dry, and it's due to this. Is there any compensation at all for any personal property damage; for a example, a backyard swimming

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pool? Do you understand that question?

Mr. PAUL BUXTON: Are you saying that if some activity at the quarry damaged anything on your property, like...

Ms. RHONDA GIDNEY: Yes.

Mr. PAUL BUXTON: ...the house or the swimming pool...

Ms. RHONDA GIDNEY: Due to where we live.

Mr. PAUL BUXTON: Yes. And the answer to that is that there is a requirement for a pre-blast survey by an independent professional, which is given to the homeowner, and that looks at basement walls, and anything else that they've got on their property such as a swimming pool. And it records cracks in the walls, or its present state.

And if you felt that you had a problem, there would be a second inspection to determine whether, in fact, that there had been some deterioration.

Ms. RHONDA GIDNEY: So are you saying that I would have to hire someone to look at my property, before the...

Mr. PAUL BUXTON: No, that's the responsibility of the Proponent.

Ms. RHONDA GIDNEY: Okay. That would be

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your responsibility to hire someone to look at my property?

Mr. PAUL BUXTON: Yes.

Ms. RHONDA GIDNEY: Okay. And how is that arranged?

Mr. PAUL BUXTON: Well, it would be arranged through the homeowner, just as we are required to do a pre-blast well survey, and the Panel asked that we conduct that at this stage. We'd notify the homeowner and ask when it would be convenient... First of all, for permission; ask them when it would be convenient, and the engineer or technician goes onto the property when arrangements have been made, and we pay, and the report goes to the homeowner, just as with a pre-blast well survey.

THE CHAIRPERSON: Okay, Ms. Gidney?

Ms. RHONDA GIDNEY: The well people were at my house, but did not have... Yes.

THE CHAIRPERSON: Ms. Gidney, you're really... I know it's odd ---

Ms. RHONDA GIDNEY: Oh, I'm sorry.

THE CHAIRPERSON: --- but you're talking to me.

Ms. RHONDA GIDNEY: Yes.

THE CHAIRPERSON: Right?

Ms. RHONDA GIDNEY: Okay, okay. The well

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people were at my home, and they did not have the tools to check my well, so that was the... That just fell through, as far as the water table goes. There's no pre-determined water level on record of my well right now. So who's to say if my well goes dry in two years, it's not due to the fact that this may be in operation?

Mr. PAUL BUXTON: I think, Mr. Chairman, that we did say that we had done a partial pre-blast well survey. Some people were away. I didn't know about the technical difficulty on your property, but we have made a commitment, and in fact, it is requirement that we do a pre-blast well survey on all wells, provided, of course, people will let us on their property to do them.

THE CHAIRPERSON: Ms. Gidney, it sounds to me like there is a process, and what's going to have to happen at some point is an interaction between both parties to the satisfaction of both parties. So what you're hearing is a process, so it may not have been done, but I presume that it can be done.

Ms. RHONDA GIDNEY: So this check of your property, is this before the quarry is in effect? Does this have to be, does this have to take place before that?

Mr. PAUL BUXTON: Yes, Mr. Chair, it's... We're not allowed to blast until these surveys are done,

either in the well, or the building.

Now that presupposes that you will give us... It's for the protection of the homeowner, and there was a presupposition in this requirement that we be allowed to do it. If we're not allowed to do it, then the onus could be transferred to the homeowner to demonstrate later that, in fact, the damage had been caused by our activities.

So it's certainly to the benefit of the homeowner to have this work done, and those people that have had the well surveys were provided the results of the surveys, in confidence, and they already have them.

THE CHAIRPERSON: Ms. Gidney, I don't think that any further questions along this are appropriate for here, but this is the kind of thing you can do afterwards, and go to the Bilcon office, and speak with them.

Ms. RHONDA GIDNEY: Okay. Thank you.

Dr. JILL GRANT: Mr. Buxton, perhaps you could give a little bit of clarification on part of Ms. Gidney's question.

She asked specifically whether there would be compensation if there's damage to her home or pool, and you did indicate there's compensation if there's damage to their well. Is there also an intention to offer

compensation for damage to property?

Mr. PAUL BUXTON: It would be a requirement in law, yes. We would have the pre-blast surveys, the post-blast survey. I think it would be fairly clear if the damage showed that cracks had opened up in walls, that sort of thing. Then very definitely we would be liable fully for to compensate either by repairing to the satisfaction of the homeowner, or in fact, if it was severe enough, providing alternate accommodation; re-building.

THE CHAIRPERSON: Mr. Moir?

Mr. ANDY MOIR: Andy Moir. Just a quick point of clarification, 'cause you just mentioned a post-blast survey, so does that mean that there's going to be a survey of these homes every time that there's a blast, or how... Could you just explain how that process works?

Mr. PAUL BUXTON: There was a pre-blast survey, Mr. Chair, so we have the baseline data, if you like, on the house. We would not do another survey unless the homeowner came to us and said, "We believe that we have damage to our basement", and that's usually where these things tend to show up; cracks in the basement wall.

And that would then trigger us bringing in the appropriate expert to look at it, and compare it with the pre-blast survey, and all this would accompanied by

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photographs, video, et cetera, which the homeowner would have, and if it is determined that there has been damage, then we would be responsible for costs, yes. I...

Dr. GUNTER MUECKE: Mr. Buxton, I'd like some clarification here in terms of these surveys. To what distance from your property lines do you intend to have the well surveys and property surveys done?

Mr. PAUL BUXTON: With respect to wells, it was our intention to examine all the wells that were felt to be at risk. Essentially, the reality is that the Department of Environment and Labour will tell us which wells that we must do.

Since we sort of haven't gone through that process at the present time, and the Panel specifically asked us to do that at this time, we can only work with the information that we have now. It may very well be that the Department of Environment and Labour will come back and say, "Well, we think you should go another 100 metres". And then we would be required to do that.

I can't tell you just off the top of my head what the requirements are for blast, but certainly people in Halifax would be very familiar with this, because trench-blasting has been common in Halifax for a utility services, water, sewer, et cetera, and these blast surveys

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have taken place throughout the City of Halifax and Dartmouth.

And I can only suppose that we would have to do a survey satisfactory to the Department of Nova Scotia Environment and Labour. In other words, they will say, "We want you to do a pre-blast survey of these dwellings", and that's what we would have to do as a pre-condition.

Dr. GUNTER MUECKE: Okay. Going now back to what you previously said about unconditional compensation for people whose wells get impacted, let us suppose... This is hypothetical, of course, but I think the situation may very well arise.

They specify a number of properties for which they require well surveys. My well is located outside that, just outside that perimeter. If I heard you right just now, you said then the onus is... Unless I pay for the well survey myself, then the onus is on the property owner to prove that their well has been damaged.

Am I disconnecting here somewhere?
Clarify it for me, please.

Mr. PAUL BUXTON: No, I don't think I quite said that. I said that the Department of Environment, Nova Scotia Department of Environment and Labour would in

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fact look at our plan. Now at the present time, we're not at that stage in the process, so we used the ones that we identified as perhaps being at risk.

Nova Scotia Department of Environment and Labour will review and they will tell us which ones to provide a pre-blast survey of, and then we must do those. But as I said, there is a pre-supposition that we will be allowed to come on the property and do it, and I think we have had a couple of refusals in the area; that people did not want their wells looked at.

Dr. GUNTER MUECKE: Maybe I didn't express myself well enough, because that was not the question I asked. The question I asked, if the Department of Environment and Labour, once it draws that line for you, okay, if my well just falls outside it... After all, their decision is based on some criteria and they can be wrong like anybody else can be wrong... If my well just falls outside that perimeter that they specify, is the onus on the property owner to have had a well service before you start compensating?

Mr. PAUL BUXTON: No, I don't think that that is the case. I think it becomes more difficult to establish when there is no baseline; when you don't have that initial pre-blast survey.

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We could, for example, get somebody from Sandy Cove, and if... Actually, we had a question from somebody, I think, from Waterford, that questioned that we might affect them. Well, that's about 30 kilometres away. I think, in that case, then we would have to sort of have to look at it, and say, you know, did it happen, could it have happened, and base it on that sort of analysis.

It does become much more problematic, if we don't have the pre-blast surveys.

Dr. GUNTER MUECKE: So who does the onus of proof fall to? I wasn't talking about 30 kilometres. I was talking about just outside the perimeter that was specified by Nova Scotia Department of Energy and Labour, which means you're going to hit very marginal cases here, right?

Mr. PAUL BUXTON: Well, I think, you know, these sorts of issues have arisen, and indeed, arose on a number of occasions in the City of Halifax, where homeowners felt that their homes had been damaged when they were outside of the zone that the contractor putting the sewer lines in, for example, was required to look at.

I think it's one of those things that there has to be some good will on the part of the contractor, or on the part of Bilcon to look at it, and sort

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of say, you know, "Is this possible? You know, is it within the realms of possibility?"

It's hard to speak to, because I mean just what is that zone? We'll be told what that zone is presumably from standards in past practice, and certainly from the data gathered in the City of Halifax and Dartmouth. And we will be told, "This is what you are required to do", and we'll do that.

I think if somebody just outside that zone sort of says, you know, "I have some concerns", it would be easier for us to do it when the others are being done than two years later bringing somebody down to do it.

So I think there has to be some measure of good will here, and I'm certainly prepared to extend that.

Dr. GUNTER MUECKE: Thank you.

THE CHAIRPERSON: Are there any additional questions? If not, then we will adjourn this session, and we meet again on Monday at 1:00. There will be no morning session on Monday. It will begin at 1:00 and continue on through until I think 9:00. Thank you all.
--- Whereupon the matter was adjourned at 4:32 p.m. to resume on Monday, June 25, 2007, at 1:00 p.m.