

# PUBLIC HEARING

## WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

### JOINT REVIEW PANEL

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#### V O L U M E 8

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

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Monday, June 25, 2007

PRESENTERS: -Bilcon of Nova Scotia  
Ms. Susan Sherk  
-Nova Scotia Tourism, Culture and Heritage  
Mr. Robert Ogilvie and Ms. Darlene MacDonald  
-Municipality of the District of Digby  
Warden James Thurber  
-Town of Annapolis Royal  
Mayor John Kinsella  
-Municipality of the County of Annapolis  
Warden Peter Newton  
-Mr. Michael Hayden  
-Ms. Jan Hermiston  
-Paradise Women's Institute  
Ms. Phyllis Nixon and Ms. Kim Grimard  
-Mr. Clytie Foster

-Fundy Fixed Gear Council  
Mr. Chris Hudson  
-Canadian Parks and Wilderness Society - N.S.  
Ms. Laura Hussey

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

OPENING REMARKS  
(Dr. ROBERT FOURNIER)

1 Digby, Nova Scotia

2 --- Upon resuming on Monday, June 25, 2007, at 1:00 p.m.

3 THE CHAIRPERSON: Ladies and gentlemen,  
4 we would like to begin.

5 For those of you who are new to these  
6 sessions, I'd like to introduce the Panel to you. On my  
7 left is Dr. Jill Grant, who is a Professional Planner; on my  
8 right is Dr. Gunter Muecke, who is an Earth Scientist; and  
9 my name is Robert Fournier, I am an Oceanographer and the  
10 Chairman of this group.

11 Some of you will notice that some  
12 individuals in the audience are wearing headphones. That  
13 may be for simultaneous translation, which is underway, but  
14 many people wear these headphones because the acoustics are  
15 not very good, and thereby they enhance the acoustics by  
16 listening through the English version through their  
17 headphones. So if anybody has difficulty, please go back  
18 there and avail yourself.

19 I would like to urge the audience to  
20 restrain from any kind of emotional outbursts. I know  
21 emotions run high in this process, but at the same time,  
22 when presentations are made for either side, for the  
23 Proponent or for others, it is really not appropriate for  
24 these proceedings for those kinds of applause or cheering or  
25 anything of that sort. So please, do not do that.

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1                   We had some difficulty with computers  
2 last week. We had a presentation that we had to cancel  
3 because the computer, there was a glitch that we couldn't  
4 overcome in the proper time.

5                   One of the things we would like to urge,  
6 anyone in the audience who is planning to produce a  
7 presentation using Power Point or any computer assisted  
8 process, to bring their presentation to the Secretariat  
9 ASAP, as soon as possible, so that they can fit it into the  
10 computer and work the glitches out ahead of time.

11                   Unfortunately, the person that we had to  
12 turn away last week handed it in at the last minute, and  
13 even through the problem wasn't very difficult, it stymied  
14 us and we couldn't have the presentation.

15                   So as soon as possible, the day before  
16 if at all possible, or at the beginning of the day in which  
17 you're going to present, if at all possible or whenever it  
18 is possible.

19                   One thing I would like to identify are  
20 some undertakings. Undertakings are requests for  
21 information that cannot be accommodated during the session  
22 itself, and so a request is made to the Proponent, to a  
23 government organization or even to a private citizen: "Would  
24 you please provide this information by this time?"

25                   And last week, on Saturday, we had two

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(Dr. ROBERT FOURNIER)

1 undertakings, which I will just go over briefly.

2                                   Actually, it was undertaking number 46,  
3 directed June Swift, and it was to provide reference  
4 material relating to blasting and the mass beaching of  
5 whales.

6                                   She suggested that beaching of whales  
7 was related to blasting and that she could provide some  
8 additional information, so Ms. Swift is supposed to be  
9 providing that to us by the 29th of June.

10                                  The second one, which was undertaking  
11 47, was directed at the Green Party of Canada, and it was to  
12 provide the position of the Green Party of Canada on  
13 aggregates in general, and that was to be delivered on the  
14 29th of June as well.

15                                  Now today, there are four undertakings  
16 that are due, all of whom are directed at Bilcon, and none  
17 of which have been received as yet, but hopefully they will  
18 come before the end of the day.

19                                  Bilcon has agreed to provide us today a  
20 measure of the precision of the concentrations of copper  
21 occurring in the basalt found at the quarry site.

22                                  The second one...

23                                  Or I should say undertaking number seven  
24 is the one I just read to you.

25                                  Undertaking number eight was to provide

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1 estimates of the volumes of fines to be generated and to be  
2 used as part of the reclamation process.

3 Undertaking number nine is to provide  
4 references to the three to four percent figure for the  
5 production of fines during quarrying.

6 And then the final one, which is  
7 undertaking number 10, is an accounting of greenhouse gas  
8 emissions for marine transportation over the life of the  
9 Project.

10 So there are four undertakings that have  
11 been agreed to by Bilcon which should be provided to us  
12 today if possible.

13 Now today, we'll begin with a  
14 presentation by Bilcon. But before we come to that, I would  
15 like to refer back to something which is outstanding, and  
16 that has to do with the fact that Mr. Buxton, on Thursday  
17 last, you made a reference to...

18 We were talking about the flow of water,  
19 and I'll read this to you. This is from the transcripts  
20 from Thursday last, it says:

21 "But the catchment area is 143 hectares  
22 (referring to the catchment area for the  
23 site) that involves the sort of  
24 retention ponds. 64 hectares of that  
25 (of the total site) is actually above

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1 the quarry. It is fresh water, it's  
2 clean water.  
3 That flows down through the site, as it  
4 always has, and that has been part of  
5 our calculations with respect to  
6 retention for our operation but, in  
7 fact, if we got into or a severe storm  
8 were predicted, it has always been our  
9 intention to bypass the water (in other  
10 words that 64 hectares), that clean  
11 water from outside the quarry, straight  
12 into the Bay. It would not go into any  
13 part of the operation."

14 THE CHAIRPERSON: Now the question to you  
15 Mr. Buxton is that in the EIS, there is no mention of that  
16 at all.

17 Or to put it in another way, the Panel  
18 has gone back and looked at the documents, and we have  
19 examples of them here, in which the 64-hectare bypass from  
20 the Project into the Bay has never been described.

21 It's never been part of the water  
22 calculations, and we'd like you to respond to that please  
23 Mr. Buxton.

24 Mr. PAUL BUXTON: It's not in the  
25 calculations because in the work that CRA did for us,

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1 specifically for example the amount of water that was  
2 available in drought conditions or the amount of water that  
3 could come into the site under storm conditions, we've  
4 always assumed the worst case scenario, so we in fact  
5 included that.

6                               So where we're talking about storm  
7 conditions, we have included that 64 hectares in the  
8 calculation.

9                               I think what I was doing was responding  
10 to a more specific question, and if you like, this is a...  
11 It's a mitigation measure if you like, but we had not put it  
12 in there because we were dealing with the worst case  
13 scenario.

14                              It's certainly... It is included in all  
15 the calculations, in the responses prepared by CRA, which  
16 are in the responses to the EIS, in other words the whole of  
17 the catchment area is considered for storm conditions.

18                              THE CHAIRPERSON: I think the Panel's  
19 response to that is that at this late date, that information  
20 should not come as a surprise to us.

21                              In other words, in re-reading the EIS  
22 very carefully, there is no indication of that, that is  
23 there's no reference to it, there's no allusion to it.

24                              We're led to believe that all water on  
25 the site will converge on the sediment ponds, be dealt with

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1 in the sediment ponds and then be released through the  
2 sediment ponds, and suddenly at this late date, what we hear  
3 is that now, 64 hectares of catchment basin water will then  
4 bypass the sediment ponds.

5 Mr. PAUL BUXTON: I think we may be  
6 getting perhaps a little caught up in the definition of  
7 site.

8 The catchment area extends beyond the  
9 quarry site, so this 64 hectares that we are talking about  
10 is in fact not on the quarry site, it's in the catchment,  
11 it's in the general catchment area, but it's not on the  
12 quarry property.

13 Does that help at all?

14 Dr. JILL GRANT: I'm just looking Mr.  
15 Buxton at the illustration quarry infrastructure plan in IR-  
16 7, that's in the revised project description booklet that  
17 you gave us, and it shows drainage on the site.

18 It does not indicate any kind of bypass,  
19 it shows drainage from off site. The 64 hectares that  
20 you're talking about is either going underneath...

21 Some drainage is going underneath the  
22 sediment pond to the bog, and other drainage going to  
23 sediment pond five, and therefore into the loop.

24 So we're just not clear at all on where  
25 this bypass diversion is that you mentioned the other day

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1 that we didn't see in earlier documents.

2 Mr. PAUL BUXTON: The 64 hectares is not  
3 on the site, okay? The site that we have, the 380 acres or  
4 152 hectares, does not contain the whole of the catchment  
5 area.

6 There's 64 hectares of that catchment  
7 area that lie outside of the site itself, all right?  
8 They're actually now, I think, almost exclusively on lands  
9 of Bilcon, I think that that's correct, but they're not on  
10 the quarry site so if you were to take a look at the east  
11 property line of the Project, water coming from the  
12 catchment area would be picked up before it reaches the  
13 quarry site proper, and we would consider that as a part of  
14 the water available to us, for example in drought  
15 conditions.

16 Because I think we made it clear we have  
17 as much concern about having sufficient process water as we  
18 are about storm conditions.

19 So we are assuming that we can make use  
20 of that water for process.

21 However, we also have the option of not  
22 bringing it onto the site if a storm is anticipated, and  
23 simply letting it go in its natural course down into the Bay  
24 of Fundy.

25 Dr. JILL GRANT: With respect, the

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1 diagrams that have been provided for us indicating drainage  
2 on the site, do not reflect what I hear now, so there's a  
3 question as to whether the diagrams provided are inaccurate  
4 or whether the Project description is changing in some way  
5 that allows a different pattern of drainage than what we  
6 have been given previously.

7                   Mr. PAUL BUXTON: I'm fairly sure that  
8 it's in the text from the...in the Information Responses  
9 from CRA.

10                   THE CHAIRPERSON: Let me read to you the  
11 Information Response dated February 27th. It says:

12                   "With the exception of infrequent  
13 releases of storm water collected in the  
14 sediment ponds, there will be no other  
15 water releases since the quarry will be  
16 operating on the basis of a closed loop  
17 water system.

18                   Emergency water releases are considered  
19 an extremely rare event."

20                   So "no other water releases" is what it  
21 says.

22                   Mr. PAUL BUXTON: I think that is true  
23 from the quarry site, but water off the quarry site would  
24 just simply not be brought onto the quarry site.

25                   Process water would be just simply

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1 allowed to go into the Bay of Fundy as it does at the  
2 present time.

3 Dr. JILL GRANT: Once the Project is in  
4 place however, you've got a series of sediment ponds, a  
5 series of drainage ditches, a constructed wetland, so the  
6 either drainage of the site has changed quite dramatically,  
7 so how can it continue in the same way that it does at  
8 present?

9 Mr. PAUL BUXTON: No, it's not on the  
10 quarry site at all. The area that we're talking about here  
11 is not on the quarry... It's not in the footprint.

12 It lies outside of the footprint, and at  
13 the present time it just simply comes down and goes into the  
14 Bay of Fundy.

15 Dr. JILL GRANT: Across...

16 Mr. PAUL BUXTON: It would be available  
17 to...

18 Dr. JILL GRANT: But it comes into the  
19 Bay of Fundy across the Project site at present?

20 Mr. PAUL BUXTON: No. No, no. That's  
21 the whole point, it doesn't. It lies outside the quarry  
22 site.

23 We can use that water, potentially, and  
24 bring it onto the site for process water, otherwise it just  
25 simply goes into the Bay of Fundy.

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1                   Dr. GUNTER MUECKE: I'd like to clear up  
2 one other point. As a result of one of our inquiries, we  
3 now have received confirmation that the smallest fraction in  
4 the aggregate that will be produced was mentioned to be 140  
5 mesh, and that that is 0.1 millimetre.

6                   Now depending on the classification you  
7 use, that places it into fine sand to very fine sand, and so  
8 you're stockpiling... One of the products that you're  
9 stockpiling has material down to grain size of 0.1  
10 millimetre. I would call it very fine sand, in the  
11 classification I would use.

12                   And you told us previously that these  
13 stockpiles at times will be dry, for a couple of feet at  
14 least.

15                   So the question that arises is very fine  
16 sand under the wind conditions that are present at the site,  
17 and we referred a lot to that, one would expect it to be  
18 windblown and to be transported.

19                   So my question is where can we find some  
20 information about this windblown sand and its impact, and in  
21 particular its possible impact on the environmental  
22 protection zone?

23                   The second part of my question is this  
24 material is going to be loaded, is going to go on a  
25 conveyor.

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1                   Are there provisions that the finest  
2 aggregate... And that's what I'm talking about, the  
3 material in the 0.1-millimetre range.

4                   Is there any protection on the conveyor  
5 so that it doesn't get windblown? And what about the  
6 material falling into the holes under strong wind  
7 conditions?

8                   How much can one expect of that material  
9 to end up in the water column?

10                  Mr. PAUL BUXTON: I think I got about  
11 three quarters of that. Perhaps we could revisit the last  
12 little piece.

13                  It would be the intent to spray the  
14 stockpile with the fine material, and on the conveyor  
15 itself, the conveyor is covered and basically on the  
16 conveyor, all the material is wet because it's sprayed at  
17 each transfer point, it's sprayed at the crusher, and of  
18 course at the wash process it is wet, so we would not expect  
19 any blow from the conveyor belt itself.

20                  And I'm sorry, I think there was a  
21 second part to that question?

22                  Dr. GUNTER MUECKE: No, that basically  
23 covers it but... So you're saying the information you gave  
24 me before, that the stockpiles would at times be dry, you  
25 qualify this now by saying: "Except the one which has the

1 finest product", is that right?

2 Mr. PAUL BUXTON: No, it will be  
3 stockpiled wet, but I think what I said before was that if  
4 we got into an extended period of hot, dry weather, there  
5 could certainly be some drying of the surface, and if that  
6 took place, we would have a spray system which would just be  
7 turned on to spray the stockpile.

8 Dr. GUNTER MUECKE: Thank you.

9 THE CHAIRPERSON: Mr. Buxton, this now  
10 takes us to your presentation. I believe it will not be you  
11 this time, is that correct?

12 Mr. PAUL BUXTON: That's correct Mr.  
13 Chair, Ms. Susan Sherk will make the presentation.

14 THE CHAIRPERSON: Okay.

15 **PRESENTATION BY BILCON OF NOVA SCOTIA - Ms. SUSAN SHERK**

16 Ms. SUSAN SHERK: Dr. Fournier, Dr.  
17 Muecke and Dr. Grant, ladies and gentlemen, my name is Susan  
18 Sherk, I work for AMEC Earth and Environmental.

19 I have worked there for the past 11  
20 years, and I have been involved in SEA assessments over  
21 that period of time and for a total of approximately 15  
22 years. I have also worked internationally on socio-economic  
23 panels and public hearings.

24 I'm the former Assistant Deputy Minister  
25 of Tourism and Economic Development for the province of

1 Newfoundland and Labrador, and I was the Socio-Economist  
2 Manager for Mobile Oil (former Mobile Oil) and for Michelin  
3 Tires Canada based in Nova Scotia.

4 I would like to present an overview  
5 today of the socio-economic assessment for the Whites Point  
6 Quarry, and basically just to give a characterization of the  
7 socio-economic and cultural environment, the effects  
8 assessment and the overall conclusion.

9 Working on the socio-economic component  
10 for this quarry was AMEC Earth and Environmental, Elgin  
11 Consulting and Gardener Pinfold economists.

12 These are the project team members down  
13 below who are with us today, with the exception of John  
14 Schupner, who unfortunately, due to family illness, cannot  
15 be here until Wednesday.

16 And then you have the Bilcon  
17 representatives who have been here regularly for the past  
18 week.

19 I'd like to just give you a brief  
20 outline of what we're going to talk about in the next 30  
21 minutes.

22 These are the VECs, the valued  
23 environmental components that have been decided upon by  
24 Bilcon, but also based on the guidelines that were provided  
25 to them, and that is the Heritage Resources, Aboriginal Land



1 and Resource Use, Aesthetics, transportation, economy,  
2 socio-cultural environment and human health and community  
3 wellness.

4           Some of these topics will have been  
5 touched upon in the previous week, but from this point of  
6 view we are bringing the socio-economic considerations as  
7 opposed to the biophysical.

8           Just briefly, and I won't spend much  
9 time on this because most people are from here and they are  
10 very familiar with their communities, but this is the  
11 community profile.

12           We're dealing with approximately 1,000  
13 people on Digby Neck and the Islands, a majority of whom are  
14 of a British Descent, and over 98 percent speak English as  
15 their first language, and a high percentage have been here  
16 for three generations or more.

17           In terms of population change, these  
18 stats are not available for Digby Neck in particular because  
19 Stats Canada will be about another year before it breaks it  
20 down into that smaller level, so unfortunately the Digby  
21 Neck itself, we don't have the most recent population.

22           We do have it for Digby County and Digby  
23 Annapolis Valley and Annapolis Royal.

24           In all cases, you can see the trend  
25 downward on the population. This is as a result of out-

1 migration, but also an increase in deaths over births and a  
2 lack of in-migration in the area.

3 In terms of income in the area, you'll  
4 see that in fact due to a good fishery, Digby Neck and the  
5 Islands, particularly amongst the male population, exceeds  
6 the Nova Scotia average, but is slightly below the Canadian  
7 average.

8 Females, because they have not been  
9 directly involved in the same way in the lobster fishery,  
10 earn much less income than they do for Nova Scotia and for  
11 Canada in general.

12 Now you'll notice that income transfers  
13 are fairly high, at almost 35 percent. That is part of  
14 social income assistance, as well as old age pension and  
15 alike.

16 So your wages and salaries are about 50  
17 percent of the population.

18 Now I'd like to talk a little about the  
19 effects and running through each of the VECs, we'll start  
20 with the Heritage Resources.

21 There's a fair amount of information,  
22 and it is all in the EIS, but to summarize, studies were  
23 undertaken by archaeologists approved by the Nova Scotia  
24 Museum.

25 They approved the final documents, and

1 there were no significant findings in either the marine or  
2 land areas, and there we mentioned the "Hersey" house  
3 foundation, but nothing of significance according to the  
4 definitions used by the Museum of Nova Scotia were found.

5                   Nonetheless, and this is true for all  
6 construction projects or any significant buildings, there  
7 will be a marine construction, archaeological investigation  
8 of the nearshore waters.

9                   Bilcon itself has agreed to do briefings  
10 for all of its employees, and archaeological recording and  
11 testing will be done at the Hersey house, if required. In  
12 other words, if there is construction taken in that  
13 particular area.

14                   In terms of Heritage Resources, there  
15 was nothing of special historical significance or historical  
16 properties found on the site.

17                   However, mitigation will include  
18 upgrading and landscaping to maintain the existing rural  
19 aesthetic qualities, and there will be ongoing monitoring  
20 for heritage resources.

21                   Again, based on the definitions used for  
22 significant and adverse residual effects, there are no  
23 significant adverse residual effects for historic  
24 resources.

25                   Bilcon was also asked to look at

1 Aboriginal land and resource use.

2 In this case, there is as you are well  
3 aware First Nation Communities, number 6, 6A and 6B, with a  
4 total population of 272.

5 There was a report submitted in 2006 to  
6 the Panel by the Confederacy of Mainland Mi'Kmag stating:

7 "The use of Digby Neck and shore of St.  
8 Mary's Bay before European arrival may  
9 have occurred. There may be pre-contact  
10 burial sites there."

11 And an archaeological study, as a result  
12 of this letter, was carried out by Bilcon, but no sites were  
13 discovered.

14 It's not to say they didn't exist at  
15 some point, but they were not discovered.

16 And again, just as we referred to  
17 earlier, if artefacts are discovered, the work will be  
18 stopped and an investigation will be conducted by a  
19 qualified archaeologist under the Nova Scotia Museum  
20 direction.

21 I also would like to add that any of the  
22 mitigation measures suggested for the biophysical VECs also  
23 apply to the socio-economic VECs, where appropriate, and  
24 continued involvement of the First Nations communities will  
25 occur.

1                   In terms of aesthetics, which is a  
2 concern I think of many of the residents, we do know that  
3 Highway 217 is designated as a scenic drive.

4                   Little River, which is a very  
5 picturesque community, is located nearby, and the Bay of  
6 Fundy and St. Mary's Bay are popular eco-tourism  
7 attractions, primarily for whales and seabirds.

8                   The other sites along 217 and both St.  
9 Mary's Bay and Bay of Fundy, there's the rock trail at  
10 Tiverton and the marina at nearby Digby.

11                  Looking at the effect of this Project on  
12 the aesthetics and on the major areas that have just been  
13 noted, there is minimal boat tour activity near Whites  
14 Point.

15                  It's not to say it doesn't exist in the  
16 other areas, but in terms of where people go to see whales,  
17 it is generally not in the Whites Point area.

18                  The quarry is not visible from Highway  
19 217. It will not be in the future, it is not so now.

20                  And part of the proposed infrastructure  
21 and marine terminal is visible from the Bay of Fundy.

22                  In terms of mitigation, as mentioned  
23 previously the quarry property entrance from 217 will be  
24 upgraded and landscaped to maintain its rural character.

25                  A minimum 30-metre environment

1 preservation zone will be around the property perimeter.

2 A site disturbance will occur at 2.5  
3 hectares per year, and the incremental reclamation of  
4 disturbed areas is on a five-year schedule.

5 There will be an ongoing land management  
6 program and land restoration program.

7 This is the view today of Little River.

8 It is also the view of Little River in three years from now  
9 or in 10 years from now. In other words, it will not be  
10 visible from the road, the quarry. It is on the other side  
11 of the hill.

12 In terms of transportation now. As we  
13 know, Route 217 is the only land transportation route on  
14 Digby Neck.

15 It has current commercial usage as well  
16 as private car usage by residents. There was a traffic  
17 count done in 1996, 1997 and 2000, and you can see that  
18 there has been a slight increase in 1997. It decreased in  
19 2000. Those are normal variations.

20 However, the variation between seasons  
21 is not considerably different, in other words between the  
22 wintertime and the summertime.

23 And these were statistics provided by  
24 the Department of Tourism I believe. Transportation, I'm  
25 sorry.

1                   There will be some increased truck  
2 traffic during construction. It's estimated to be one to  
3 two trucks a day over an 18-month period, but the majority  
4 of equipment will be delivered by marine and will not be by  
5 road.

6                   Once the construction period has ceased,  
7 delivery of goods will occur on a weekly/biweekly basis, but  
8 again no quarry products will be delivered by road.

9                   So the increase in traffic is primarily  
10 during this construction period, but it is one to two trucks  
11 a day over that 18-month period.

12                   In terms of mitigation, as mentioned the  
13 shipping will occur wherever possible by water, and this is  
14 to avoid traffic on Highway 217.

15                   The Whites Cove Road from Highway 217 to  
16 the quarry entrance must meet the Department of  
17 Transportation and Public Works standards. The access road  
18 will be paved to reduce dust, and there will be ongoing  
19 community consultation to address future issues in terms of  
20 whether there is an increase in traffic or if people have  
21 issues regarding dust or something else.

22                   So again, in the assessment there are  
23 no significant residual adverse effects. They can be  
24 managed.

25                   In terms of marine transportation, the

1 Bay of Fundy is a vessel and major shipping route, both  
2 inbound and outbound. The shipping lanes are approximately  
3 13 kilometres offshore from the proposed Whites Point  
4 terminal.

5                   Currently, there are 800 rule vessels  
6 (in other words they have to report in and out) per year  
7 entering and leaving the shipping lanes, and the breakdown  
8 of that is approximately 600 tankers, transporting crude and  
9 refined oil to Saint John; 100 to Bayside and Eastport, and  
10 110 to Hantsport.

11                   Non-rule vessels, which includes  
12 ferries, fishing vessels, government vessels, tour boats and  
13 pleasure crafts, it's difficult to estimate the number  
14 because they aren't required to say where they are going and  
15 what time.

16                   The analysis is that this will increase  
17 in terms of rule vessels by 45 vessels per year,  
18 approximately, which is less than one a week.

19                   They will be transporting rock products  
20 by water. There will be a 24-hour turnaround time, and  
21 there will be a one-mile radius required for manoeuvring and  
22 docking of vessels, depending on weather and tides.

23                   There will be some inconvenience that  
24 could be caused to lobster, herring and sea cucumber  
25 fishers.



1                   In terms of mitigation, there will be  
2 advanced notice of shipping schedules. There will be the  
3 designated shipping route from the shipping lanes and the  
4 docking radius requirements provided to fishermen and tour  
5 boat operators.

6                   There will be ongoing public  
7 consultation regarding any issues that should occur, with  
8 both the fishers and the tour boat operators, and there is  
9 going to be a gear-replacement fund that will be provided by  
10 Bilcon if there was any disturbance to the lobster fishery,  
11 the lobster traps, in terms of equipment.

12                   Monitoring for the loss of fishing gear  
13 as a result of shipping. There will be a local fishers  
14 group, and there will be ongoing public consultation and  
15 complaint records will be compiled.

16                   Again, there will be no significant  
17 residual adverse effects, provided that mitigation measures  
18 are put in place.

19                   In terms of the economy, I think you're  
20 aware that there will be approximately 18 months in length  
21 for construction, where there will be 225 person years  
22 involved in that construction period from the local area.

23                   The operations will last approximately  
24 50 years, and there will be 34 people working two shifts,  
25 approximately 44 weeks per year.

1                   The payroll quarry will be 1.13 million  
2 dollars in 2007 figures. This of course will increase over  
3 the period of time due to natural increases in wages.

4                   In terms of costs, the construction will  
5 cost approximately \$40.6 million and the operations, for  
6 ongoing operations and maintenance, it will be \$20 million  
7 annually.

8                   The contribution to the GDP in terms of  
9 construction will be \$14.5 million, directly and indirectly,  
10 which translates for Digby County at \$2.4 million. The  
11 operations, it will be approximately \$6.3 million annually.

12                   In terms of taxes, the construction will  
13 be to the Federal Government, \$2 million, and the Provincial  
14 Government, \$1.6 million. Again, this will increase over  
15 time.

16                   Operations, it will be... Sorry, not  
17 during the 18-month period, but during operations, it will  
18 be Federal for approximately \$1 million and for the  
19 Province, \$0.8 million, and to the municipality, \$0,4  
20 million.

21                   In terms of mitigation measures, it is  
22 to hire locally, to buy locally, and that all training of  
23 new hires and ongoing training will be done by Bilcon of  
24 Nova Scotia.

25                   And I just want to point out that it

1 often is assumed by people that there's an interest in  
2 bringing workers in from the outside. That's not a cost-  
3 efficient method for companies or for most companies I  
4 should say.

5                   They want to hire locally because then  
6 they have a commitment to the local people who are living  
7 there, and this is the kind of work that can be done very  
8 much locally.

9                   The training would need to be... The  
10 basic training would be done by the Community College, but  
11 the ongoing and specialized training would be done by  
12 Bilcon.

13                   In terms of aquaculture, there are two  
14 sites that are located 2.5 kilometres and 8 kilometres  
15 respectively away from the Project site.

16                   There has been some concern related to  
17 blasting on these two operations.

18                   The analysis is that given the location  
19 of how far away a quarry can be from an aquaculture site,  
20 the quarry is sufficiently far away from both sites so as  
21 not to be a disturbance.

22                   However, in terms of monitoring, the  
23 weights of explosive charges will be kept to a minimum.  
24 With the multiple charges, the time-delay detonators will  
25 occur.

1                   The larger charges will be subdivided  
2 into a series of smaller charges in the blast holes, and  
3 also the blast holes will be backfilled with sand or gravel  
4 to grade. The setback distances as mentioned is based on  
5 the maximum weight of explosive charge.

6                   These are in compliance with the Nova  
7 Scotia Department of Environment and Labour, and it's the  
8 kind of compliance that applies to all quarries and mines in  
9 Nova Scotia.

10                   In terms of the fishery and the  
11 intertidal fishery located immediately adjacent to the  
12 proposed site, there is some harvesting of periwinkles along  
13 the Whites Point Quarry property. This is now accessed by  
14 all-terrain vehicles.

15                   In terms of mitigation and monitoring,  
16 the Whites Cove Road is a public road and people can still  
17 continue to access the periwinkle sites through that road.  
18 There will be ongoing community consultation and any issues  
19 that arise would be discussed with the Community Liaison  
20 Committee.

21                   In terms of the fishery itself, and  
22 you're all familiar with this information, but there are 13  
23 ports in St. Mary's Bay and the Bay of Fundy with 132  
24 registered vessels active, mostly between 35 and  
25 approximately 45 feet in length.

1                   There are 309 licensed fishermen, of  
2 which 103 are core fishers and 206 are non-core fishers. 71  
3 percent of the fishers live and operate out of Little River,  
4 Tiverton, Freeport and Westport. And you can see that the  
5 value of the lobster fishery has increased between 1998 and  
6 2004.

7                   In terms of the effects on the fishery,  
8 when near shore, the Project may cause some inconvenience to  
9 fishers, but the frequency of ship arrival/departures  
10 diminishes during the height of the lobster season.

11                   In other words, when most of the ships  
12 are arriving, it's when the lobster season is not at its  
13 height.

14                   Herring nets set within a one-mile  
15 radius of the terminal may be affected by ship  
16 arrival/departures, but nets generally are set closer to the  
17 coast line than in the course of the vessels.

18                   In terms of mitigation and monitoring,  
19 there are shipping lanes designated both within the Bay of  
20 Fundy, and then on the shipping lane, and then from the  
21 shipping lane into the terminal.

22                   At the request of fishermen, a wider  
23 approach departure area has been included to allow the traps  
24 to be set at an area currently fished in the immediate  
25 nearshore.

1                   There will be advanced notice of  
2 shipping schedules to be provided to the fishers.

3                   And monitoring, well shipping records  
4 will be kept by Bilcon just in case of any issues. There's  
5 going to be ongoing community consultation and there will be  
6 the recording of complaints, and particularly for  
7 compensation claims.

8                   The compensation, as mentioned  
9 previously, is that there will be a lobster-trap fund to  
10 compensate for lost traps and related gear due to shipping  
11 activity.

12                   In terms of tourism, unfortunately we  
13 don't have the more recent numbers. They are not available  
14 directly for Digby Neck and the Islands, but the value of  
15 the tourism industry was approximately \$3 million in 2004.  
16 It employed 80 people, and the payroll for tourism, direct  
17 and indirect, was \$1.2 million in 2004, which is  
18 approximately the same as the payroll, direct payroll of the  
19 Bilcon project.

20                   So they are equal in monetary value, but  
21 we're not equating the two in terms of their importance to  
22 people here.

23                   Primary attractions as mentioned are  
24 whale and seabird cruises from East Ferry, Tiverton and  
25 Westport.

1                   Again, these figures are old. We do  
2 know what's happened to tourism generally in the Maritimes,  
3 as a result of outside factors, and that has to do with the  
4 strong value of the Canadian dollar, plus the loss of  
5 Americans to the Maritimes partly because of the dollar, but  
6 also because of 9-11 and also the increase of gas.

7                   So tourism has generally suffered  
8 throughout the Maritime provinces. It has gone down.

9                   In 2004, there were 2,600 individuals  
10 at the Tiverton Visitor Centre, and as we are all familiar,  
11 the Brier Islands is an important destination tourism  
12 resort.

13                   In terms of the analysis, the quarry is  
14 not visible from the main road, from Digby Neck and the  
15 Islands Scenic Drive. It's not near any tourist  
16 accommodations. It's not near the proposed Discovery  
17 Centre, and it's not near the primary whale and seabird  
18 viewing locations. There are no commercial tourism  
19 infrastructures adjacent to the site.

20                   Nonetheless, the mitigation measures  
21 that would be put in place is the preservation zones for  
22 sensitive areas, the fact that the quarry will be reclaimed  
23 incrementally (every five years), that there will be visual  
24 buffer zones along the coast, there will be land reclamation  
25 to occur first around the sedimentation ponds and there will

1 be ongoing consultation in case there are issues resulting  
2 in something pertaining to tourism.

3           So again, in conclusions, there are no  
4 significant residual adverse effects. These effects can be  
5 mitigated.

6           On land values, which is an issue often  
7 associated with mining and other activities, there were in  
8 1999 to 2002 forty properties that were sold on the Neck,  
9 and in 2003 to 2005, 90 properties were sold.

10           In terms of the time it took to sell, 45  
11 percent were sold in the first one to three months between  
12 1998 and 2002, and 58 percent were sold between 2003 and  
13 2005.

14           Just in terms of adjacency to the  
15 property, not including Bilcon and what they bought, but  
16 there were four properties sold in Sandy Cove, and in 2003  
17 to 2005, nine properties were sold.

18           Property assessments have consistently  
19 risen over the last five years.

20           And just by way of comparison, we look  
21 at three other quarries, we looked at the land values of  
22 them.

23           Two you would be familiar with, and one  
24 you would not be familiar with. One is the Grandville Ferry  
25 location, and the other is the Canso Causeway, and the third



1 is in Branford, Connecticut.

2 The only reason that one is there is  
3 because it is adjacent to 45 percent of the New Haven water  
4 supply, and there are three schools within 800 metres of the  
5 quarry.

6 The point of this is that you can locate  
7 quarries within other uses, land uses, without necessarily  
8 affecting the value of the properties.

9 Here is a quarry that is somewhat  
10 similar to the one that is proposed here. However, the  
11 marine terminal, I believe, is larger in this particular  
12 case.

13 You'll see on the left-hand side a  
14 number of vacation cottages, so that they have managed to  
15 coexist in this particular place.

16 In terms of land value mitigation, a  
17 compensation plan for properties within 800 metres of active  
18 quarry face. Also, property acquisition by Bilcon has been  
19 taking place.

20 And again, the mitigation related to the  
21 biophysical VECs also apply where appropriate to the socio-  
22 economics.

23 So in terms of land value, there's no  
24 significant residual adverse effects.

25 In conclusion, the effects on the

1 economy, as already mentioned, there's no significant  
2 residual adverse effects. There are beneficial effects on  
3 employment and local economy.

4 As mentioned, it would contribute to the  
5 economy in the proportion that tourism does here today.

6 In terms of recreation, the Whites Point  
7 area has occasionally been used for social, cultural and  
8 recreational activity.

9 However, since the 1950s, it's been used  
10 less. It is now used occasionally by all-terrain vehicles  
11 and very occasionally by hikers, and there still is the  
12 Whites Cove Road, which is accessible to the public.

13 For mitigation, the access to Crown  
14 lands was maintained for recreational use.

15 To ensure safety of recreational users,  
16 a check-in procedure would be required during the blasting  
17 operations. This is generally required for any blasting  
18 operations anywhere.

19 And in conclusion, no significant  
20 residual adverse effects.

21 In terms of quality of life, through an  
22 attitude survey that was undertaken, people responded to it  
23 by saying that...

24 The factors important for them in  
25 determining their quality of life in living here is a

1 healthy environment, a safe environment, access to  
2 healthcare, good income and financial security, and the  
3 presence of family.

4                   The statistics there show that over 50  
5 percent felt that they had a good quality of life, either  
6 very good or excellent. 30 percent thought that it was  
7 good. Close to 20 percent felt that it was poor.

8                   The poorest quality of life when broken  
9 down was in the age group of 31 to 40.

10                   Another way of looking at quality of  
11 life is essentially social capital, and this is how  
12 communities and people engage in each other. The definition  
13 is trust, social cohesion, social support and civic  
14 engagement.

15                   In undertaking the work for the EIS, it  
16 was determined that belonging to a community is important.  
17 Attachment to place is important. Distrust of projects  
18 developed by people "from away" occurs, as we all know.  
19 Social networks are strong, although can be temporarily  
20 disrupted by possibility of change, such as the proposed  
21 quarry. Health and safe environment rated as important.  
22 Residents expressed concern about water and air quality, as  
23 well as noise and aesthetics.

24                   As far as mitigation, there will be  
25 ongoing community consultation. The mitigation proposed by

1 the biophysical environment would also apply. The  
2 discussion and monitoring of environmental issues such as  
3 water quality, air quality and noise would continue.

4 In terms of community infrastructure,  
5 basically it was looked at the capacity of each of these  
6 area infrastructures to see if there was an increased need,  
7 and could it be handled by the area.

8 In terms of fire service capacity, for  
9 the most part there are sufficient volunteer capacities, but  
10 insufficient equipment in Digby Neck and in general, there's  
11 insufficient volunteer resources.

12 In waste service, there is a sufficiency  
13 to handle further volume.

14 In terms of search and rescue, there's  
15 adequate volunteer service. Access road to Fundy shore at  
16 Whites Cove would assist in the EMO.

17 In Ferry service, there is sufficient  
18 capacity if new workers lived on the Islands.

19 In terms of the EHS Expanded capacity,  
20 there is sufficiency there.

21 In terms of health, it's sufficient but  
22 physician shortage is generally a problem in rural areas.  
23 This is no different than the rest of Nova Scotia, which is  
24 experiencing a shortage of health workers.

25 In schools, there's sufficient capacity

1 because there's been a decline of 27 percent in enrolment  
2 over the last decade.

3 Analysis now. In terms of roads, there  
4 will be some increase in traffic as mentioned earlier, but  
5 most heavy equipment will come by the sea.

6 In terms of electricity, the supply line  
7 from Digby to Little River will be upgraded.

8 In terms of First response, firefighting  
9 and first aid will be provided on site.

10 Mitigation means that improved power  
11 service will come to the residents of Digby Neck. There  
12 will be increased firefighting capacity on Digby Neck and  
13 with employment, a more stabilized population, it will  
14 possibly affect the school enrolment and volunteer  
15 capacities.

16 In conclusion, the effects assessment is  
17 that there are no significant adverse residual effects that  
18 will occur that can't be mitigated by the measures that have  
19 been proposed.

20 Moving on to human health and wellness,  
21 some of these issues have been discussed previously, but  
22 we're looking at this from a socio-economic context and also  
23 because it's the kinds of things that have been brought up  
24 by the public, in public consultation.

25 In terms of drinking water, and I'll

1 just quickly run over these, because you have seen most of  
2 them.

3                   The groundwater samples were taken at  
4 the quarry site. They do meet the Canadian guidelines. In  
5 terms of mitigation, as previously discussed, a domestic  
6 well survey will be completed prior to construction, and  
7 there will be ongoing public consultation.

8                   In terms of monitoring, chemical,  
9 physical and biological well water parameters, meaning that  
10 there will be monitoring of all wells and on-site wells.

11                   In terms of marine contaminants, the  
12 research found that the marine sediments in water, the  
13 concentrations of metals are within the Canadian Sediment  
14 Quality Guidelines and the U.S. Water Quality Criteria.

15                   The analysis is that the quarrying will  
16 unlikely result in increases of contaminants in the marine  
17 environment.

18                   However, for mitigation, Bilcon has said  
19 that it will have sediment retention ponds and it will  
20 recycle the aggregate wash water.

21                   Monitoring. There will be effluent  
22 discharge quality, including metal concentrates, and it will  
23 also monitor for contaminant levels in periwinkles.

24                   In terms of land contaminants and  
25 country foods, the research has shown that the

1 concentrations of metals are within the soil quality  
2 guidelines. The on-site concentrations in berries were  
3 analysed because water and soil were considered possible  
4 pathways.

5                   The analysis is that possibility for  
6 contaminants entering human food resources on land, beyond  
7 that due to the background, is considered extremely low  
8 based on the proposed project design and operation.

9                   The mitigation is site reclamation and  
10 sediment retention ponds.

11                   The monitoring will continue using  
12 raspberries as an example, and the soil chemistry for soil  
13 storage and reclamation sites.

14                   In terms of air quality, the key  
15 considerations are air quality and noise levels, the  
16 potential emission sources, the guidelines and standards,  
17 the noise level modelling.

18                   Mitigation measures: significance of  
19 effects and environmental management.

20                   I won't go through all of these because  
21 I believe they have been covered previously, but it is what  
22 Bilcon has looked at, and I just want to emphasize the  
23 enclosures for all processing equipment, which will cut down  
24 on both noise and dust levels; the hooded conveyor system;  
25 the use of dust suppressants; and the blasting that will

1 occur on regulated hours also.

2                   The compliance monitoring on site, it  
3 will be done for particulate matters, noise and vibrations,  
4 and all of these results will be made available to the  
5 public.

6                   So in conclusion on human health,  
7 drinking water, the marine and land contaminants, the air  
8 quality and country foods, there are no significant residual  
9 adverse effects.

10                   They meet the Canadian guidelines, all  
11 applicable guidelines.

12                   So in conclusion, the socio-economic  
13 effects can be managed resulting in no significant adverse  
14 residual effects.

15                   The beneficial effects are stable,  
16 ongoing employment; the benefits to the economy; and also to  
17 the provision of goods and services from local business and  
18 supplies.

19                   Thank you.

20 **PRESENTATION BY BILCON OF NOVA SCOTIA - QUESTIONS FROM THE**  
21 **PANEL**

22                   Dr. JILL GRANT: Thank you very much.  
23 Could we perhaps have a couple of clarifications on points  
24 offered in the presentation that I think differ a little bit  
25 from what was presented before?



1                   In that presentation, it indicated 45  
2 ships per year. I believe in response to an Information  
3 Request, we got an indication of the potential from 44 to 50  
4 ships per year.

5                   Can you give us an idea of why there's  
6 that range and whether 45 is a more likely number?

7                   Mr. PAUL BUXTON: The number of ships  
8 really depends upon the type of ship and probably or  
9 principally where it is going.

10                  A Panamax ship that is fully loaded can  
11 probably take 65,000 tonnes. Generally speaking, we cannot  
12 use the full capacity because the port that we would  
13 anticipate using cannot take 65,000 tonnes, so essentially  
14 we expect something in the order of say 45,000 tonnes per  
15 shipload.

16                  Our target is 2 million tonnes a year,  
17 so it's... I can't tell you whether it's 43 ships or 44 or  
18 45, but our best estimate typically, from what we know at  
19 the present time, is 45 ships.

20                  If a port becomes available or if  
21 dredging were to take place in the existing port that would  
22 allow us to take a larger shipload per voyage, we would  
23 certainly take advantage of that and cut it down.

24                  It's a great advantage to us to use the  
25 minimum amount of vessels, but we are restricted by the

1 ability to get a full load into existing ports where we  
2 would like to deliver.

3 Dr. JILL GRANT: Thank you. And the  
4 other clarification is around the number of workers to be  
5 employed during the construction period.

6 Now I believe that on the first day,  
7 the presentation indicated 65 to 80 workers during  
8 construction, but what was presented today said 225 person  
9 years, so can you clarify what the difference is in those  
10 figures?

11 Mr. PAUL BUXTON: Yes, we expect 60 to 85  
12 people on site. In terms of the total Project, it would  
13 amount to 225 person years, so for example if we had  
14 conveyor systems welded and partially erected in Halifax,  
15 that counts, if you like, in the economic generation of  
16 person years of work, but they would not be on the site.

17 So the 6285 refers to the people that  
18 would actually be at the quarry site doing construction.  
19 The 225 refers to the total man-years of work to create the  
20 facility.

21 Dr. JILL GRANT: And what proportion of  
22 that 225 is Nova Scotia-based workforce? What proportion of  
23 that work is being done in Nova Scotia? Do you have a  
24 percentage?

25 Mr. PAUL BUXTON: Could you just give me

1 one moment on that? Thank you.

2 --- Pause

3 Mr. PAUL BUXTON: Mr. Fraser will answer  
4 that. He is our economist. Thank you.

5 Mr. ROBERT FRASER: The 225 is a total  
6 person years of employment attributable to the project that  
7 includes the direct employment and then the spin-off  
8 employment from construction activity as well.

9 And the 225 is the total employment that  
10 will occur in the Province of Nova Scotia.

11 In Digby County, it would be  
12 approximately 45 person years of employment, with the  
13 balance of Nova Scotia being the 180 person years of  
14 employment.

15 Dr. JILL GRANT: So can you clarify,  
16 then, the 45 person years in Digby versus the 65 to 80  
17 people on site that was cited earlier?

18 I'm not quite getting these figures.  
19 Maybe you could clarify that.

20 Mr. PAUL BUXTON: Some people will come,  
21 and I will perhaps use an example, for the marine terminal.

22 We would not expect, and I don't think  
23 we have the machinery nor the equipment nor, perhaps, the  
24 trained personnel in Digby County, for example, to drive  
25 piles for the marine terminal, so they would come from

1 another location.

2 Dr. JILL GRANT: Okay. Thank you.

3 That's clearer.

4 In the Environmental Impact Statement  
5 Guidelines that the Panel issued, there was a request to  
6 describe how socio-cultural patterns and social organization  
7 in the community is affected.

8 And one of the elements in that was a  
9 request to describe social relations between residents,  
10 among generations, and between seasonal and year-round  
11 residents.

12 We don't find too much on that, so I  
13 wonder if you're able to comment a bit more on what your  
14 studies found about social relations in this category,  
15 between residents and among generations, and between season  
16 1 and year-round residents.

17 Mr. PAUL BUXTON: Ms. Sherk will answer  
18 that question.

19 --- Pause

20 Ms. SUSAN SHERK: My apologies.

21 We had to summarize for both the  
22 attitude survey and for social capital, and both of those  
23 were done through an attitude survey that we undertook. It  
24 was done by an outside consulting firm called Market Quest.

25 And we summarized those in both the EIS

1 and what we had out here.

2                   It's difficult to translate, I guess  
3 you'd say, or getting at some of those characteristics of  
4 community relations because people were fairly sensitive  
5 about them.

6                   But nonetheless, we felt that we were  
7 able to do that pretty much through impartial attitude  
8 survey that was fairly removed, well, completely removed  
9 from the actual project.

10                   Dr. JILL GRANT: I note in going through  
11 the attitude survey that there's very little there about  
12 social relations and further discussion in the EIS  
13 Guidelines asks you to consider implications of the project  
14 on things like social relations between those who support  
15 and oppose the project.

16                   One of the things that has come out in  
17 the discussions already, the presentations, is the feeling  
18 that the project has split the community.

19                   And so I wonder if you could comment  
20 more on what you've found in the study about the effect of  
21 the project on the community, the social relations in the  
22 community.

23                   Ms. SUSAN SHERK: There was also another  
24 study, which was a health study, and that got at some of the  
25 information.

1                   And without going into very detailed  
2 discussions of it, which we'd be glad to supply, but it was  
3 in the EIS, we tried to summarize it again on the overhead  
4 slide.

5                   And I think that it is what we discussed  
6 there, which is detachment took place, distrust of  
7 outsiders, distrust of change, that these were all natural  
8 phenomena whenever there is a project that's foreign to an  
9 area that looks at coming in.

10                   And it certainly is heightened.

11                   But this is an area in transition as  
12 well. People are moving away, and that has caused stresses  
13 on families as well, and this has been brought up to the  
14 health study.

15                   This adds to that particular kind of  
16 stress.

17                   Dr. JILL GRANT: Another item in the  
18 Guidelines requested an evaluation of potential effects on  
19 measures of health such as respiratory health that may be  
20 affected by the project.

21                   Can you give us an idea of what the  
22 study found about the potential effects on respiratory  
23 health?

24                   Mr. PAUL BUXTON: I believe that in the  
25 EIS we did look at the regional situation with respect to

1 respiratory health, and I think we've certainly recognized  
2 it as an important issue, certainly allied to air quality.

3           And I think that what we've tried to do  
4 is to ensure that we carry out mitigation measures on the  
5 site so that we, in fact, don't affect air quality.

6           So I think we're coming at it perhaps  
7 from the other way around, certainly to not only meet the  
8 guidelines, the thresholds, but to exceed them.

9           But I don't have the section on health  
10 at hand. I could bring it up if you'd like to pursue that  
11 further.

12           I'm quite sure that we described the  
13 Department of Health or the Regional Health Board's health  
14 statistics with respect to respiratory health, but perhaps  
15 nothing further than that.

16           Just a statistical analysis of the  
17 Regional Health Board with respect to the current state of  
18 health and respiratory illnesses.

19           Ms. JILL GRANT: Thank you.

20           The next topic I wanted to talk to from  
21 the Guidelines were asking how project-related impacts may  
22 affect harvested resources or harvest activities, thereby  
23 affect household economies and the sustainability of  
24 traditional economic activities.

25           Some of that was discussed, but we've

1 had some discussion already around the fisheries.

2 And so I'm wondering what you can offer  
3 in the way of discussion about the potential or the project  
4 on the overall household economies and the fisheries, given  
5 the kind of adjustments that we've heard fishermen may need  
6 to make here.

7 We're wondering about compensation.

8 I mean, there's discussion about  
9 compensation for lobster traps, but there may be losses of  
10 opportunity here, so what impacts might those have on the  
11 household economics of those harvesters?

12 Mr. PAUL BUXTON: We've heard very little  
13 from fishermen who are either in the dragging industry or  
14 the longline industry, and that's perhaps a reflection of  
15 the state of that element of the fishery at the present  
16 time, nor has anybody brought to our attention any concerns  
17 with respect to the scallop industry.

18 However, the access to the beach for  
19 harvesters of periwinkles was an issue, and the spokesperson  
20 for that group did speak to us as long as four or five years  
21 ago.

22 And we indicated to them that they would  
23 have beach access as they have now. We can't prevent beach  
24 access.

25 And should the Whites Cove Road in the



1 future be transferred to Bilcon of Nova Scotia, that we  
2 would create a trail specifically down to the beach for  
3 beach harvesters.

4 We were unable to find people, at least  
5 recently, who still harvested dulce in the area, although we  
6 know that that has taken place in the past.

7 With respect to sea cucumbers, there is  
8 an experimental sea cucumber harvest, I believe, still under  
9 way, and we believe that there will be or could be some  
10 inconvenience for shippers coming in when there's a sea  
11 cucumber harvesting going on at the time.

12 I think the major concern, quite  
13 clearly, is from the lobster fishermen, both from the point  
14 of view of damage to gear and possibly inconvenience or, as  
15 you say, loss of opportunity.

16 We did have a series of three meetings  
17 with people that we had identified as fished in Whites Cove  
18 pretty much exclusively.

19 We heard that there were five or six or  
20 seven or possibly even eight. We could never seem to get  
21 quite the numbers.

22 But we did invite those people to  
23 meetings to discuss how we could change our operation to  
24 cause a minimum of interference or inconvenience, and also  
25 to ameliorate the damage to gear, principally traps.

1                   The two principal things that came out  
2 of that was that they requested a much larger turning,  
3 manoeuvring circle for the ship to come in, whether it's  
4 coming in from the north or the south, depending upon the  
5 winds and the tide so that they could, in fact, set traps  
6 inside this big turning circle.

7                   And we changed the turning circle to try  
8 to take care of that.

9                   The other thing that was very  
10 significant is that there was some concern that the ship  
11 would come in, as it were, randomly from the shipping lanes,  
12 depending upon, perhaps, tide, winds, currents, time of day,  
13 et cetera, that they would approach as it was most  
14 convenient to the ship.

15                   And we assured the fishermen that, in  
16 consultation with them, we would designate a lane, both for  
17 inbound and outbound voyagers.

18                   And of course, that has to be also in  
19 consultation with Transport Canada and the Fundy Traffic  
20 Authority.

21                   But once that lane is established, then  
22 ships will not come in unless they can use that lane, and  
23 they must use that lane coming in and going out so that the  
24 area of interference is defined.

25                   Really, that is about as far as

1 discussions went.

2 My last communication with the fishers  
3 who, again, traditionally fish in Whites Cove for follow-up  
4 meetings to perhaps become more definitive was that, well, I  
5 thought that we'd resolved all that.

6 Well, I think we'd resolved at least  
7 some of the things in principle, but we did not get down to  
8 specifics.

9 I think that's probably where we sit  
10 with that. We do realize that there may be damage to gear  
11 and there may be some inconvenience.

12 And I think that that, perhaps, has to  
13 be defined and quantified.

14 One of, perhaps, the mitigating factors,  
15 and it's not really us doing the mitigation, but the lobster  
16 season is a winter season. It's 1st of December,  
17 approximately, or I think last Monday in November, until the  
18 end of May.

19 And again, this doesn't apply to all  
20 fishermen, but I think there is a tendency to fish in St.  
21 Mary's Bay for perhaps the first two or three weeks of the  
22 season. That seems to be the hot spot.

23 And then gear is moved over to the Bay  
24 of Fundy as the lobsters move.

25 I believe that that is also true, we

1 have had a significant number of conversations with lobster  
2 fishermen, for May.

3 I'm quite sure that every year is  
4 different, but there is a tendency for lobster fishermen to  
5 go to St. Mary's Bay for the first two or three weeks of the  
6 season and for perhaps the last two or three weeks of the  
7 season.

8 In that period, we will also be  
9 experiencing a shutdown period, depending upon weather and  
10 maintenance, which could last for a two-month period.

11 So I think that some of those periods  
12 may not be much of a difficulty, and we would certainly  
13 expect the number of ships coming in from December to the  
14 end of May to be significantly less than those that are  
15 there in the summer months, just purely weather-related, and  
16 also because the demand for aggregate is significantly less  
17 in the middle of the winter than it is in the middle of the  
18 summer.

19 So we recognize that there will be some  
20 gear loss, some inconvenience.

21 I think in general principles, the  
22 people that we have spoken to and, admittedly, it was not  
23 all of them. Some would not come to the meetings.

24 That we need to get into more specifics.  
25 We have written to the, I'm not quite sure their proper

1 name, the Bay of Fundy Inshore Fisheries Association or  
2 whatever their correct title is, on a number of occasions  
3 asking them if we can open consultations on this matter, and  
4 so far that has not happened.

5 Dr. GUNTER MUECKE: Mr. Buxton, I guess  
6 throughout your presentation, you referred to inconvenience  
7 to the fishermen.

8 There's a bit of a perspective involved  
9 here because when we're talking about loss of opportunity,  
10 we are talking, really, about loss of income.

11 And I think that was made quite clear to  
12 us on Saturday when one of the fishermen who lobsters in  
13 that region made it quite clear, okay, that he was looking  
14 at a loss of income.

15 I think loss of income most of us would  
16 not characterize as an inconvenience. Would you?

17 Mr. PAUL BUXTON: No. I think that we  
18 were talking about was, really, opportunity losses.

19 If a ship were coming in and it just  
20 happened to be a period of time when traps could be pulled  
21 or set because the weather conditions were good, then yes,  
22 that would be a lost opportunity.

23 I think in general terms the waters of  
24 the Bay of Fundy are generally shared waters. There is a  
25 fairly significant amount of lobster fishing, as I am led to

1 believe, that takes place, actually, in the shipping lanes,  
2 where possibly as many as 800 major vessels travel up the  
3 shipping lanes.

4                   And I think, from what I'm able to  
5 gather, it's a question of the level of risk.

6                   If the lobsters are there, is it worth  
7 setting the traps there because there may be two or three  
8 ships coming in the lanes on that particular day?

9                   And I suppose that that's one of the  
10 things that fishermen have to take into account throughout  
11 their season.

12                   When there were fish in the Bay of  
13 Fundy, then draggers were out in the Bay of Fundy, and I'm  
14 sure that there was some degree of conflict between fish  
15 draggers and lobster fishermen.

16                   It is a shared resource. We feel that  
17 if we can bring our ship in and out on a very narrow,  
18 precise line and that we are granted, perhaps, a little bit  
19 of space to bring a ship in and out... A ship is 100 metres  
20 wide.

21                   My understanding is that, with the  
22 latest navigation systems, a ship can position itself within  
23 a very few feet, so this might be, then, a lane that is 150  
24 metres wide that the ship can come in and go out.

25                   Yes, there might be some bottom that

1 might be lost to the fishermen.

2                   Again, I've talked to fishermen that  
3 sort of say, well, you know, 150 metres, yes, but perhaps  
4 the lobster move around.

5                   Certainly lobsters are caught when they  
6 move, not when they're stationary.

7                   And I don't want to in any way give the  
8 impression that we think that this is a zero problem. We  
9 think it is an issue.

10                   I think we certainly want to resolve the  
11 issue with fishermen, but I think that the company does, in  
12 fact, have riparian rights, which is an entitlement to bring  
13 a vessel, a boat, into the shore.

14                   And I think what we need to do is to  
15 find out how we can best operate with minimum losses to  
16 lobster fishermen and to establish a reasonable regime where  
17 we can compensate for those losses.

18                   I don't think, for example, that Bay  
19 Ferries, for example, who operates a ferry service to Saint  
20 John, as you know, during the lobster season, does not  
21 compensate for trap loss.

22                   They certainly cut a large number of  
23 lines. In fact, I believe the ship was disabled fairly  
24 recently by lobster gear around its propeller.

25                   They do not compensate.

1                   The ships in the shipping lane do not  
2 compensate.

3                   I think that we would like to be seen as  
4 a good corporate citizen, and we would like to sit down and  
5 negotiate something which is fair and reasonable to both  
6 sides.

7                   THE CHAIRPERSON: Mr. Buxton, I have a  
8 couple of requests, several requests for clarification.  
9 They are a direct result of the presentation by Ms. Sherk.

10                  My sense is that you presented  
11 statistics with regard to reductions in the size of the  
12 community locally, and I think it's consistent with the  
13 argument that the community is diminishing in size and  
14 diminishing in vitality and that the project will offer some  
15 encouragement or sustenance to the community.

16                  But is it not true that, in Nova Scotia  
17 and in the Maritimes and Atlantic Canada and much of North  
18 America, that there's a general out-migration from rural  
19 areas to urban areas?

20                  And wouldn't you say the statistics in  
21 which you've identified the young person's category between  
22 about, I don't know, I can't remember the numbers, but 25 to  
23 40, thereabouts is characteristic of many urban areas  
24 throughout North America and is in no way unique to this  
25 area?



1                   Mr. PAUL BUXTON: I'm sure it's not. As  
2 a matter of fact, I believe it's a concern in all of rural  
3 Nova Scotia.

4                   I think the statistics here are somewhat  
5 more dramatic because of the decline in the ground fishery.

6                   And I do not want to introduce new  
7 material. The reason that we did not give population  
8 statistical changes beyond 2001 is that Statistics Canada  
9 changed its dissemination area between 2001 and 2006.

10                  And the dissemination boundary, which  
11 starts just east of Little River, which encompasses all of  
12 Long Island, has, in fact, changed.

13                  But I can offer population change  
14 statistics, and you do not have these, and I would not have  
15 introduced them had you not asked, for Freeport, for  
16 example.

17                  The 2006 figures are out because it just  
18 happens to be in the same boundaries as Statistics Canada  
19 used in 2001.

20                  And the population decline for Freeport  
21 is 36 percent since 1981, virtually to date, to the last  
22 census. And for Brief Island, it's 29.9 percent.

23                  So these are pretty hefty numbers.

24                  And I think perhaps what is more  
25 apparent, and we did use these numbers because they apply

1 from 1981 to 2001, on Digby Neck and Islands the young work  
2 force, that is, from 15 or 34 years of age, has declined by  
3 53.6 percent.

4 So I think that there are other areas in  
5 the Province of Nova Scotia, Guysborough, I think, has  
6 suffered in a similar sort of manner, with that level of  
7 decline.

8 But my sense is that that would be at  
9 the higher end of the range of declines.

10 THE CHAIRPERSON: You do agree it's a  
11 rural phenomenon, though.

12 Mr. PAUL BUXTON: Absolutely.

13 THE CHAIRPERSON: Second question as a  
14 result of Ms. Sherk's presentation is, you mentioned and  
15 have mentioned repeatedly that there are 34 full-time jobs,  
16 but is it appropriate to refer to these as full-time jobs  
17 when two months out of 12, which is one out of six, which is  
18 16 percent of the year, they will be unemployed?

19 Mr. PAUL BUXTON: I think we've tended to  
20 call them family-sustaining jobs rather than full-time jobs.

21 Typically, in the construction industry,  
22 the work is concentrated in the summer. Not necessarily so,  
23 but most construction work is concentrated in the summer and  
24 it is not unusual for construction workers to work longer  
25 hours in the summer.

1                   And I think if you took the number of  
2 hours that each one of our workers would be anticipated to  
3 work, it would be considered to be a full-time job.

4                   So if, for example, one were to take a  
5 standard 40-hour week or a 37.5 or whatever measure it is  
6 and multiply it by 52, we would certainly achieve that  
7 number of hours.

8                   So in terms of number of hours worked  
9 per year, it would be the equivalent of a full-time job.

10                  THE CHAIRPERSON: would you anticipate  
11 that those people, those employees who are not employed for  
12 two months of the year would go on Unemployment Insurance or  
13 Employment Insurance?

14                  Mr. PAUL BUXTON: That would certainly be  
15 an option.

16                  Some of them, particularly the trades,  
17 would stay on site for most of that time.

18                  We would certainly try to encourage most  
19 people to take some of their vacation time during that  
20 period and, again, this is one of the drawbacks of the  
21 construction-type industry, that one doesn't get summer  
22 vacations because that's when the work is done.

23                  But I would think that they would  
24 certainly be eligible. There is a two-week waiting period,  
25 of course, when one doesn't get paid, but they would

1 certainly be eligible for Unemployment Insurance until they  
2 received their call-back.

3 THE CHAIRPERSON: Would it be fair to say  
4 that Employment Insurance would offset the taxes paid?

5 Mr. PAUL BUXTON: I certainly haven't  
6 done a calculation of that, and it is a choice thing.

7 I think that probably here, most people  
8 would, but I do know people that are eligible and do not.

9 THE CHAIRPERSON: A third question I have  
10 for you or, actually, on the basis of Ms. Sherk's  
11 presentation, has to do with operational expenses.

12 You indicated that 40-some million  
13 dollars would be spent on construction, then it would be  
14 operational after that at \$20 million.

15 I think the implication is that that  
16 would be disbursed into the community.

17 But is it not true that two-thirds of  
18 that operational money would be spent on shipping and that  
19 the shipping company you've identified, Canada Steamship  
20 Lines, is not necessarily a Canadian company. It's an  
21 international company.

22 It has offices in Boston and so forth,  
23 so that 20 million would not necessarily be spent locally,  
24 would it?

25 Mr. PAUL BUXTON: That is correct, and I

1 think that in the EIS, and I can certainly turn to Mr.  
2 Fraser I think we did indicate how much money we anticipated  
3 being spent in Nova Scotia, actually local Nova Scotia and  
4 Canada.

5 And I believe that those statistics are  
6 in the EIS in Gardner Report.

7 THE CHAIRPERSON: Thank you.

8 Mr. PAUL BUXTON: But if I could have  
9 just one moment, I could confirm that.

10 Mr. ROBERT FRASER: Yes, Paul's correct  
11 that where expenditures are made and they're not in Digby  
12 County, it is indicated.

13 Quarry operation impacts on GDP on an  
14 annual basis in Digby County is \$2.64 million.

15 The rest of Nova Scotia is \$3.67  
16 million. And then the total Nova Scotia is 6.31.

17 THE CHAIRPERSON: So approximately \$2.5  
18 million would be spent out of that operational budget  
19 locally, and the remainder of it, about \$3.5 million, would  
20 be spent in Nova Scotia, and then the lion's share of it,  
21 more than \$16 million, 15, \$16 million, would be spent  
22 outside the Province entirely.

23 Mr. FRASER: There is a table with total  
24 operating direct expenditures which shows shipping at \$13  
25 million.

1 THE CHAIRPERSON: I'm sorry. I stand  
2 correct.

3 THE CHAIRPERSON: I have one final  
4 question. In the AMEC survey that was put together, the  
5 response survey, the 2006 survey, there's a comparison made.  
6 It says:

7 "The number of respondents who support  
8 the project has increased to 42.5  
9 percent compared to just 28.9 percent in  
10 2005. Number of respondents who do not  
11 support the project has declined from  
12 40.3 percent to 31.8 percent."

13 I'm curious to know about the change in  
14 numbers, if there was any change, that occurred in this  
15 area, that is, in the Digby Neck and local environs, as  
16 opposed to the broader area because those numbers reflect  
17 the total, and the total includes Bear River and a whole  
18 host of other outlying communities.

19 But in this particular area here, was  
20 there a change? And if there was a change, I'd like to know  
21 what it was 'cause it's not isolated out.

22 Ms. SUSAN SHERK: Your question was on  
23 the first survey?

24 THE CHAIRPERSON: The comparison of the  
25 second survey to the first survey.

1 Ms. SUSAN SHERK: Yeah. On the first  
2 survey, we did not do that. We weren't asked to do that.

3 Normally you do it for what we call an  
4 employment catchment area, which is a larger area, and  
5 that's what we did it for.

6 It was a random sample based on the  
7 telephone exchanges within the employment catchment area, so  
8 we can't equate them directly.

9 For the second survey, we were requested  
10 to take out those with the telephone exchanges for Digby and  
11 Digby Neck, and that we did do.

12 But we couldn't go back and re-create it  
13 from the previous one.

14 So there is a difference in terms of the  
15 responses or a change, but we could not go back and ask the  
16 same people again because then it would not be a  
17 statistically valid survey.

18 So we can't equate it directly that way.  
19 We can only say in general, on a random sample, this is  
20 what has occurred.

21 THE CHAIRPERSON: So it's fair to say we  
22 don't have any information for the local area from...

23 Ms. SUSAN SHERK: Not from the first one.  
24 The information is there, but it's  
25 embedded in the employment catchment area.

1 THE CHAIRPERSON: Okay.

2 Dr. JILL GRANT: Just to follow up with  
3 this, the second survey had a sample size of 200  
4 respondents, so you can't really generalize very effectively  
5 from that, can you, with that small sample size?

6 Ms. SUSAN SHERK: We weren't trying to  
7 equate the first or the second, necessarily.

8 The second one was because we were asked  
9 to look at just the Digby and Digby Neck area, so we  
10 concentrated in on that.

11 Dr. JILL GRANT: And can you tell us what  
12 the refusal rate was? How many people did you have to call  
13 to get a sample of 200?

14 Ms. SUSAN SHERK: I can find that out. I  
15 don't have it with me.

16 Dr. JILL GRANT: We'll take that as an  
17 undertaking, to have that.

18 Ms. SUSAN SHERK: Okay.

19 THE CHAIRPERSON: We have a few more  
20 questions, but I think we'd like to take a break now.

21 So we'd like to take a break for 15  
22 minutes. That'll bring us up to 10 minutes to 3:00.

23 --- Recess at 2:36 p.m.

24 --- Upon resuming at 2:52 p.m.

25 THE CHAIRPERSON: We would like to resume



1 now. As I said before we broke, we still have a few  
2 additional questions we would like to ask the Proponent, so  
3 Jill?

4 Dr. GUNTER MUECKE: Mr. Buxton, regarding  
5 the attitude survey, was there any cross-tabulation done of  
6 the data?

7 Mr. PAUL BUXTON: Just one moment please.  
8 Ms. Sherk will address that question.

9 Dr. GUNTER MUECKE: Thank you.

10 Ms. SUSAN SHERK: Yes. Reference  
11 document 12, there is a summary of key findings which cross-  
12 tabulates the data between the two surveys.

13 Dr. GUNTER MUECKE: But in terms of  
14 cross-tabulation, was it of the questions that were in the  
15 surveys?

16 Ms. SUSAN SHERK: Sorry, the cross-  
17 tabulating of questions?

18 Dr. GUNTER MUECKE: Yes. For instance,  
19 could the data be used to determine the level of  
20 acquaintance of our respondents with the Project?

21 Could that be related to the responses  
22 in terms of positive versus negative attitude towards the  
23 quarry?

24 Am I making myself understood?

25 Ms. SUSAN SHERK: Not quite, sorry.

1 Dr. GUNTER MUECKE: Okay. I'll start  
2 over again.

3 Ms. SUSAN SHERK: Okay.

4 Dr. GUNTER MUECKE: Could the data that  
5 you have from these surveys be used to see whether there's  
6 any correlation between respondents' attitude towards the  
7 quarry, positive or negative, versus the level of  
8 acquaintance of these persons with the Project?

9 Ms. SUSAN SHERK: I understand your  
10 question.

11 Dr. GUNTER MUECKE: Okay.

12 Ms. SUSAN SHERK: I'd have to go back to  
13 the research company that did it to see if they could pull  
14 that data out.

15 It's a very time-consuming task, and  
16 it's also the understanding that you are dealing with two  
17 different data sets because in a random survey such as this,  
18 you are not going back to your same respondents, you are  
19 going to different respondents.

20 It is possible, but again I will have to  
21 check with them to see whether they're able to pull that  
22 kind of data out.

23 If you... And it may be useful if you  
24 look at the page, the very first page of number 12, which  
25 says:

1 "Data comparisons of 2005 and 2006  
2 attitude surveys."  
3 That might be able to help you decide  
4 whether there is sufficient information between the two, the  
5 correlation, or whether you want us to go further than that,  
6 okay?

7 Dr. GUNTER MUECKE: Well, can I just  
8 quickly consult with my colleagues?

9 --- Pause

10 Dr. GUNTER MUECKE: Okay. I'll have  
11 another look at that and see whether I can glean from it  
12 what I'm looking for, thank you.

13 Dr. JILL GRANT: A couple of other  
14 questions about the attitude survey. I'm trying to make  
15 sense of the numbers in it.

16 On page four in the report, it has...  
17 From the exchange 834, it gives a total of 36 respondents,  
18 but in the table, it suggests that there are a total of 94  
19 in the 834 exchange.

20 I'm wondering if you could clarify why  
21 there's these differences in numbers, in the different  
22 tables?

23 Ms. SUSAN SHERK: I think I can answer  
24 this, and again I may have to go back and take another look  
25 at it.

1                   We were asked to expand that survey, so  
2 as to include more people, and I just have to go back and  
3 look and see whether that is...

4                   The 834 I believe was the area, the  
5 exchange, to include more, but I will have to check that as  
6 well.

7                   Dr. JILL GRANT: Thanks. And in those  
8 two pages where those different numbers appear, we also have  
9 the different total. One says 461 were in the employment  
10 catchment area, and the other gives a sample size of 457,  
11 so...

12                   Ms. SUSAN SHERK: Table one and two?

13                   Dr. JILL GRANT: Well, I...

14                   Ms. SUSAN SHERK: They're different  
15 communities. One was the Whites Point... Sorry, the  
16 communities closest to Whites Point, and the second is the  
17 employment-catchment area. We were asked to break that out  
18 here.

19                   Dr. JILL GRANT: Well, there's... I  
20 guess it's just confusing to the Panel what exactly is going  
21 on because the numbers seem to differ across different  
22 tables.

23                   Ms. SUSAN SHERK: H'm.

24                   Dr. JILL GRANT: That presents confusion,  
25 and...

1 Ms. SUSAN SHERK: Excuse me. On page  
2 four, this is... We were asked this I believe by the Panel,  
3 but table one is the survey of the communities closest to  
4 the Whites Point Quarry, and table two is all other surveyed  
5 communities within the Whites Point Quarry employment-  
6 catchment area.

7 Dr. JILL GRANT: Right, and then if you  
8 go on a few pages, there's another table that has attitude  
9 survey results with frequency distributions, and it has  
10 different numbers again, so that's the confusion.

11 Ms. SUSAN SHERK: They would represent  
12 the two different years in which the surveys took place.

13 Dr. JILL GRANT: But in one place, it  
14 says that one of the surveys had a sample size of 200, and  
15 the other sample size from 2005 is said to have had a sample  
16 size of 461, in the employment-catchment area.

17 Ms. SUSAN SHERK: Right.

18 Dr. JILL GRANT: So...

19 Ms. SUSAN SHERK: It's very difficult to  
20 get exactly the same sample size again for a variety of  
21 reasons.

22 You are doing a random sample, and  
23 people are not home, they have moved away, for whatever  
24 reason being, and we cannot always get exactly the same  
25 number.

1                   There is almost no survey that would be  
2 able to replicate the same figures again.

3                   Dr. JILL GRANT: And the table that has  
4 457 in the sample size versus 461, what is this 457 sample?  
5 Why is there a difference there?

6                   Ms. SUSAN SHERK: Can you tell me which  
7 page you're on?

8                   Dr. JILL GRANT: It doesn't have a page  
9 number on it. It starts with the questions that were asked  
10 in the survey, so it's the first page of the answers to the  
11 survey questions.

12                   Ms. SUSAN SHERK: Yeah. I'm  
13 unfortunately not sure exactly where you're referring to,  
14 but I think this is a detailed question, and I'll be happy  
15 to... I understand the question, and I'll be happy to  
16 provide you with the information regarding the two different  
17 surveys, lay it out, the dates, the number of people, all of  
18 that for you.

19                   Dr. JILL GRANT: Thank you. We would  
20 take that as an undertaking, that you'll get those back to  
21 us by the 29th.

22                   Dr. GUNTER MUECKE: This is not on the  
23 attitude survey, but on the economics of it, just for  
24 clarification, in the presentation you mentioned taxes paid,  
25 annual operations, Federal, Provincial and Municipal.

1 I guess what I would be interested in,  
2 are these the taxes paid by the company, or by the company  
3 and the employees; meaning income tax, for instance?

4 Mr. PAUL BUXTON: I'm going to ask Mr.  
5 Fraser to address that, Dr. Muecke.

6 Mr. ROBERT FRASER: I believe that those  
7 would include the taxes paid by employees, as well as on  
8 purchases of goods and services that the company would make.

9 Dr. GUNTER MUECKE: Thank you.

10 Dr. JILL GRANT: And a couple of  
11 questions around the compensation for property value changes  
12 that may happen as a result of the project. Can you just  
13 clarify for us, if I think my property value has changed as  
14 a result of the project, what do I do? How do I enact a  
15 compensation claim?

16 Mr. PAUL BUXTON: I think what we've  
17 indicated there is that we would establish, perhaps in  
18 consultation with the Liaison Committee, a boundary where we  
19 think that there may be effects to property value. I think  
20 that that may require further independent study.

21 And we would then carry out an appraisal  
22 before we carried out any work, and at a subsequent period,  
23 if people feel that their houses are being devalued... It's  
24 somewhat subjective. I think we would sort of perhaps need  
25 some evidence that perhaps a house had been put on the

1 market at a reasonable price and it was not moving; that we  
2 would take a look at that situation.

3                   The other factors that could come in  
4 here might be, for example, a general downturn in prices due  
5 to increased interest rates. So we would follow these  
6 things on a regular basis each year. We would, I think,  
7 carry out sort of internal documentation of interest rates,  
8 how prices are seen by the real estate community, whether  
9 they're going up or going down, and there is certainly some  
10 distinct fragmentation in the local market which would need  
11 to be taken into account.

12                   Dr. JILL GRANT: Thank you.

13                   Mr. PAUL BUXTON: For example...

14                   Dr. JILL GRANT: Rather than get into too  
15 much detail on that, I wonder if you might just clarify for  
16 me whether we've understood the proposal and the  
17 Environmental Impact Statement correctly.

18                   It suggests that property owners within  
19 800 metres of the working face would be compensated after  
20 five years if they can show that the property has lost  
21 value. Is that correct?

22                   Mr. PAUL BUXTON: That's our proposition  
23 at the present time. We think that those are certainly the  
24 sort of properties that could perhaps, even if it's only to  
25 the extent that you're trying to sell a house and somebody



1 says: "Well, you know, is there any noise?", and the seller  
2 says no, but the buyer thinks, well, maybe there is.

3 And those, we think, are the ones that  
4 we would certainly concentrate on, yes.

5 Dr. JILL GRANT: So you've had to have a  
6 good baseline survey of the values of the property.

7 Can you give us an indication of how  
8 many properties will fall within that distance in the first  
9 five years of the project? How many properties are within  
10 800 metres of the working face in the time when this  
11 compensation would operate?

12 Mr. PAUL BUXTON: I think initially there  
13 would not be many, because the working face initially is  
14 quite, relatively close to the Fundy Shore.

15 As the quarry moves back, it could  
16 include more properties, and so I think it's a little bit of  
17 a moving target.

18 It's not a significant number of  
19 properties. I'm guessing at the moment that there might be  
20 12 or 14 or something like that. Well, I have a number here  
21 that says six at the present time. I think we'd want to  
22 confirm that.

23 It's not a significant number of  
24 properties, recognizing that we have purchased three houses  
25 which are in that zone to date.

1                   Dr. JILL GRANT: So are you, did I just  
2 hear you say it's not just the first five years; that this  
3 will continue through the life of the quarry, this kind of  
4 compensation program?

5                   Mr. PAUL BUXTON: That is correct.

6                   THE CHAIRPERSON: Okay. I think that  
7 brings to an end the Panel's questions.

8                   Do we have any questions from Government  
9 individuals here? No. Okay.

10                  Then we'll... You're all lined up, and  
11 you all put your hand up simultaneously. Maybe I'd just  
12 start and go down the line, okay?

13                  Mr. Dittrick first.

14 **PRESENTATION BY BILCON OF NOVA SCOTIA - QUESTIONS FROM THE**  
15 **PUBLIC**

16                  Mr. MARK DITTRICK: Yeah, and I'll be  
17 really quick. It's a very simple question having to do with  
18 the discussion earlier about ship capacity, how many ships  
19 and how much they'll carry.

20                  And something related to that, if  
21 someone in Bilcon knows what the annual maximum capacity of  
22 the primary crusher for the site. I didn't find that in the  
23 project description, and I'm assuming there's one primary  
24 crusher for this project.

25                  Mr. PAUL BUXTON: I don't think we've

1 necessarily picked the final design of the primary crusher  
2 specifically, but certainly if you thought 500 tonnes an  
3 hour, it'd be very close.

4                   Mr. MARK DITTRICK: Well, the question  
5 is, is the capacity of the... How is the maximum capacity  
6 of the primary crusher relate to the annual production of  
7 the quarry?

8                   Mr. PAUL BUXTON: Well, obviously there's  
9 a relationship between the two. Everything has to go  
10 through the primary crusher in order to end up as product.  
11 So as far as I can say at the moment, it's somewhere in the  
12 order of 500 tonnes per hour through the primary crusher.

13                   THE CHAIRPERSON: I think what you have  
14 to do, Mr. Dittrick, is get down with a pencil and paper and  
15 work it out. In other words, that's what... You've got the  
16 basic number.

17                   Mr. MARK DITTRICK: Well, what would be  
18 the multiplier? I guess that's the question. If it's 50...  
19 --- Pause

20                   Mr. PAUL BUXTON: I think there's a  
21 relationship also between the type of product that we're  
22 trying to produce, as well. If we're going, perhaps to a  
23 finer product that may be a slower operation, as against a  
24 three-quarter-inch product.

25                   But I think that, I think if you, again,

1 think around that 500 tonnes an hour, I think that's what  
2 our primary target is.

3 THE CHAIRPERSON: Thank you, Mr.  
4 Dittrick. Mr. Moir? No? Mr. Ackerman?

5 Mr. JERRY ACKERMAN: Yes, thank you. My  
6 various careers as a farmer, applied economics professor,  
7 business analysis, investment analyst, and being in  
8 business, has led to a fascination with hard numbers; what  
9 we call hard numbers, like real numbers, not just loose  
10 estimates.

11 And I'd like some of those from Ms.  
12 Sherk. And I didn't find very many of them. For instance,  
13 I didn't find numbers about the effects of the Parker  
14 Mountain Quarry on the neighbourhood. I've lived there all  
15 that time, and I could provide some of those, but I'm not  
16 going to at the moment.

17 The other example which I want to be  
18 more specific about is, in the employment catchment area,  
19 how many persons now are licensed to operate heavy-duty  
20 equipment, such as Mr. Wall will be using in a quarry?

21 And are they available? How many of  
22 those are there with that kind of licensing, and how many  
23 are now available? I'd like to know those hard numbers.

24 Mr. PAUL BUXTON: I'm not sure, Mr.  
25 Chair, that I could pull them off the top of my head.

1 Certainly, the applicants that have come in specify what  
2 their training is.

3 I do know that at least one person who  
4 has done some work for Bilcon went to a specific training  
5 course last fall for heavy equipment and is now operating  
6 heavy equipment.

7 I do know that last fall we had four  
8 women in the office with forms for a specific training  
9 program for women in the operation of heavy equipment, and  
10 we indicated that there were, in fact, jobs likely to be  
11 available in the future, because they had to demonstrate  
12 that there was a need in the area in order to get on the  
13 course. Those people did attend the course.

14 I think we could do a rough run-through,  
15 but off the top of my head I would say that at least 30 or  
16 40 and possibly 50 of the people that we have now are  
17 qualified to drive, in general terms, that kind of  
18 equipment. They will all need to be upgraded for the  
19 equipment that will be used, because it will be new  
20 equipment, and they will need to go through an upgrading  
21 course.

22 Some of those, I do know, are now  
23 working away from home, and we have regular people who come  
24 in every month to ask where we are in the process because  
25 they're desperate to get back home.

1 THE CHAIRPERSON: Mr. Buxton, we're  
2 running out of time really fast, so I'm going to ask you to  
3 keep the questions and answers both as precise as you  
4 possibly can.

5 Are you okay with that, Mr. Ackerman?  
6 Okay.

7 Ms. McCarthy, did I see your hand up?  
8 Go ahead.

9 Dr. MARY McCARTHY: Thank you. I'm Mary  
10 McCarthy. I would appreciate if Ms. Sherk would tell us the  
11 role and the responsibilities, together with the  
12 contribution, of her colleague from AMEC, namely Ms.  
13 Jacinthe David.

14 What was Ms. David's contribution to the  
15 health and wellness study?

16 I would also ask what Sections of the  
17 EIS documents are Ms. David's findings and recommendations.

18 Mr. PAUL BUXTON: I think I'm going to  
19 jump in here, Mr. Chair. There were allegations and  
20 correspondence to the Panel which were put up on the  
21 Registry site with respect to the activities of Ms. Jacinthe  
22 David. Those were addressed to Health Canada, Health Canada  
23 has responded, and I don't believe that we can interfere in  
24 that process.

25 Health Canada has gone on record as

1 indicating their position with respect to this matter, and  
2 it's inappropriate to respond to this.

3 THE CHAIRPERSON: Ms. McCarthy?

4 Dr. MARY McCARTHY: Mr. Chair, a follow-  
5 up to that.

6 So was the complete health and wellness  
7 study then conducted by Ms. Sherk, whose qualifications for  
8 that kind of study, I haven't seen on the board just now.

9 Mr. PAUL BUXTON: I don't think anybody  
10 has doubted the fact that Ms. Jacinthe David in fact  
11 assisted with a part of that study.

12 Dr. MARY McCARTHY: Yes. My question is,  
13 could we know what part of the study? Because I think it is  
14 vitally important for us, as a community to know the  
15 qualifications of the person who was handling an important  
16 topic like the health and wellness.

17 THE CHAIRPERSON: Mr. Buxton, I think  
18 it's a fair question. I mean, you're being, you're asking  
19 us to accept the data. I think it's a reasonable request to  
20 know who assembled the data or what their background was.

21 Mr. PAUL BUXTON: We're quite prepared to  
22 provide a C.V., and I'm told that it's in the Appendix in  
23 Volume...

24 THE CHAIRPERSON: I didn't ask for a C.V.  
25 I asked to know who was involved in the preparation of the

1 study. If you can provide us with C.V.s as well, that would  
2 be fine, but I think the question being asked is a fair one,  
3 I think.

4 Mr. PAUL BUXTON: We could certainly do  
5 that. Yes, no problem at all.

6 THE CHAIRPERSON: Ms. McCarthy? Okay.  
7 Next, yes?

8 Dr. DOREEN EVENDEN: Doreen Evenden.

9 THE CHAIRPERSON: Yes.

10 Dr. DOREEN EVENDEN: This relates to a  
11 question, actually, that I asked on Saturday, and I was  
12 referred to this afternoon's session.

13 I noted with interest Ms. Sherk's first,  
14 I think it was on her first screen that gave her sources of  
15 her information, and among the consultants noted was Elgin  
16 Consulting.

17 What I want to know is, did Elgin  
18 Consulting play any role at all in your conclusions, or what  
19 you offered to us?

20 Mr. PAUL BUXTON: I think it's very  
21 clear, Mr. Chair, that one entire volume of the document,  
22 one entire appendix, I believe, is devoted to the work that  
23 was gathered by Elgin Consulting.

24 Dr. DOREEN EVENDEN: So it's still there.  
25 Well, then, my question will follow, because in my



1 submission, which is numbered 1585 on the Public Registry, I  
2 dealt in some detail with the flaws and inadequacies of  
3 Elgin Consulting's report on traditional knowledge, and  
4 contended that both in methodology and content the report  
5 did not conform to the standards and criteria of the EIS  
6 Guidelines.

7 I refer specifically to one part; for  
8 example, the requirement for transparency and  
9 reproducibility, and therefore my question relates also to  
10 the Panel's expectations that the Proponent would take:

11 "Full advantage of traditional knowledge  
12 as a strategy, and tap the broad base of  
13 knowledge held by individuals and  
14 collectively by communities, including  
15 personal observation and experience on  
16 land and sea, through oral and written  
17 tradition."

18 That's taken right from your  
19 recommendations.

20 In this report, we have 46 interviews  
21 containing little history or traditional knowledge.  
22 Traditional knowledge, I would...

23 THE CHAIRPERSON: Ms. Evenden, this is  
24 not an opportunity to make a presentation.

25 Dr. DOREEN EVENDEN: Okay.

1 THE CHAIRPERSON: Take it a question.

2 Dr. DOREEN EVENDEN: It's very germane,  
3 alright, to what isn't there. You know the defects. All  
4 right.

5 I want to ask Elgin Consulting if,  
6 excluding the 50 households of current residents of Little  
7 River, most of whom have Loyalist roots in the community and  
8 whose names are available, I have a list of them, and there  
9 was a letter on the Registry, 1520, that mentioned that this  
10 resident of Little River had talked to her neighbours,  
11 consulted with them, 50 households at least, and none of  
12 them were contacted by Elgin Consulting for their memories  
13 or oral history or oral tradition.

14 THE CHAIRPERSON: What is the question?  
15 Are you going to ask them a question? Because if you're  
16 not, I'm going to ask...

17 Dr. DOREEN EVENDEN: Who do I ask? I  
18 just want to know if they feel that their report was  
19 adequate with this information that virtually nobody in  
20 Little River was consulted, and this is the area that's most  
21 directly affected by this whole project.

22 THE CHAIRPERSON: Mr. Buxton.

23 Mr. PAUL BUXTON: In general terms, would  
24 you like us to take the 57 and break them down into areas  
25 and provide that information? It's somewhat difficult,

1 because as I mentioned the other day some of this oral  
2 history was taken from people who are now in senior  
3 citizen's, and who give their residence as Digby, but who  
4 may have lived in Mink Cove, for example, for 50 years.

5 But we could go through the list and  
6 identify in general terms where these people came from.

7 Dr. DOREEN EVENDEN: Could I answer that  
8 point? Could I speak to that point?

9 THE CHAIRPERSON: You're going to answer  
10 the question you asked?

11 Dr. DOREEN EVENDEN: I want to speak to  
12 what Mr. Buxton is saying.

13 THE CHAIRPERSON: You're asking a  
14 question about where the information came from. Mr. Buxton  
15 is saying he can break it down for you and provide it to  
16 you, or provide it to the Panel.

17 Dr. DOREEN EVENDEN: I don't think he can  
18 break it down, sir, because I've already looked at it and  
19 broken it down, and I know where the information, the areas  
20 that it came from.

21 For example, he's saying 57 interviews.  
22 There are actually 46 interviews that contain any, even two  
23 lines of history, and some of them, believe me, contain two  
24 lines of history.

25 Two of the so-called interviews were not

1 interviews, and that's by the interviewer's own admission,  
2 and the rest contain no history at all. So 46 is what I  
3 would assess.

4 And on this small sample, how can you  
5 get traditional knowledge? It's missing. It's completely  
6 missing from the report. And that's what I'm asking about.

7 THE CHAIRPERSON: I think I understand  
8 now. Thank you very much, Ms. Evenden.

9 Next?

10 Ms. TINA LITTLE: Hi, I'm Tina Little,  
11 and I'm not great with numbers, but I am a word person, and  
12 I need some clarification about some verbiage.

13 But I do have one point to make first.  
14 I was watching the slides that Ms. Sherk was showing, and I  
15 noticed that the quarry that she said was co-existing with  
16 the cottages, and a point of correction I think would be  
17 that the cottages are pre-existing, not co-existing.

18 And the quarry on Parker Mountain, the  
19 people who live there and see it, we call it "The Scar". We  
20 hate that quarry.

21 Okay, in perspective and verbiage is  
22 what's getting me here. Like, for example the word  
23 "significant" through this presentation I found troublesome.

24 THE CHAIRPERSON: Ms. Little, you're  
25 taking this to a question, are you?

1 Ms. TINA LITTLE: Yes, I am, I promise.  
2 I am taking it to a question.

3 THE CHAIRPERSON: Soon.

4 Ms. TINA LITTLE: Very soon, yeah. One  
5 more statement and then a full question.

6 The word "significant" should be used  
7 for the double-digit trending of homes being sold within  
8 that slide that she showed. It's double. It's a huge...  
9 It's significant. Significant is the word, here.  
10 Significant.

11 Okay, the question. How can Bilcon say  
12 that there are no... Again, I'm going to qualify, or  
13 quantify, significant adverse effects to the area, to the  
14 lobsters, when we specifically heard from all the people  
15 this week that one area that they do not have completed  
16 tests, which is the most, one of the most important topics  
17 of conversation, is the subject of the lobsters and how they  
18 carried their eggs?

19 There is no data for that. So how can  
20 you make a statement that says that there are no significant  
21 adverse effects? Thank you. Can you answer that?

22 Mr. PAUL BUXTON: All I could do, Mr.  
23 Chair, is to ask Mr. Wittkugel again to sort of define  
24 "significance" as it applies to an environmental assessment.

25 THE CHAIRPERSON: Try and make it short,

1 Mr. Wittkugel, please.

2 Mr. UWE WITTKUGEL: In accordance with  
3 the guidelines for Environmental Assessment, there are five  
4 criteria, and these criteria involved the magnitude of the  
5 effect, the geographic extent of the effect, the frequency  
6 and the duration of the effect, and the irreversibility of  
7 the effect, and the last of the five criteria is the  
8 ecological or social context.

9 Those criteria are used in the... To  
10 give an example, "magnitude" would be typically the extent  
11 to which perhaps an existing guideline or standard would be  
12 exceeded. "Frequency" would be how often is this standard  
13 exceeded. And et cetera. If you have more questions, I  
14 can...

15 THE CHAIRPERSON: Ms. Little, let me just  
16 add something to the mix, here, and that is that the EIS  
17 defines "significance" as the Proponent sees it.

18 Ms. TINA LITTLE: Oh, except...

19 THE CHAIRPERSON: The final determination  
20 of "significance" is made by the Panel.

21 Ms. TINA LITTLE: One... Just, I'm not a  
22 scientist. You are a scientist, right? I'm sorry, yes?  
23 Okay. So how can you qualify something if you don't have  
24 the answer or the numbers to use to qualify it? They don't  
25 have the reports on how the lobsters carry their eggs

1 underneath and how this might affect them, so how do we know  
2 what numbers to use to qualify it? We don't have the answer  
3 to that. Right?

4 Mr. PAUL BUXTON: Mr. Chair, I don't  
5 think that this is quite true. We did discuss, at some  
6 significant length, with DFO any possible effect with  
7 respect to lobster.

8 Quite frankly, my understanding is that  
9 there is virtually no science on this matter.

10 What was done was a cross-correlation  
11 with the snow crab, where there has been a fairly  
12 significant amount of work, and my belief is that DFO is  
13 beginning to address this question.

14 But certainly, when we addressed it  
15 through a specific scientist, Mr. Christian, and he did a  
16 very extensive search of the literature, there was virtually  
17 nothing on the effect on eggs with lobster.

18 There has been some study with respect  
19 to eggs on snow crab, and particularly with respect to the  
20 production of triploid eggs through massive bombardment with  
21 the effects of the seismic shocks.

22 I just don't believe that there is any  
23 literature on this subject, Mr. Chair.

24 Ms. TINA LITTLE: So again...

25 THE CHAIRPERSON: Ms. Little, I'm sorry,

1 we're going to have to leave it there.

2 Ms. TINA LITTLE: Okay. That's fine.

3 THE CHAIRPERSON: You've had about five  
4 questions. Okay?

5 Ms. TINA LITTLE: I'm done. Thank you.

6 THE CHAIRPERSON: Thank you.

7 Mr. BOB MORSCHEs: Good afternoon,  
8 doctor. My name is Bob Morsches. I'd like to direct this  
9 question to Bilcon.

10 If you receive approval from the Federal  
11 and the Provincial Government, will Bilcon have a detailed  
12 description - I mean a survey and a blueprint-type  
13 presentation - within the decommissioning reclamation when  
14 you submit the permit for actually building, operating, and  
15 then the decommissioning part?

16 Will that be detailed in your permit?

17 Mr. PAUL BUXTON: Mr. Chair, yes, this  
18 would be a part of the industrial permitting process, and  
19 yes, we would need a detailed reclamation plan which would  
20 indicate what we're going to reclaim, when we're going to  
21 reclaim it, during the various stages of the quarry, and the  
22 final plan.

23 Now, I think we did say that the final  
24 decommissioning with respect to some elements would be  
25 subject to discussion with the community, the community may



1 have a use for part of the facility, but we would certainly  
2 have a plan and effect the plan for, for example, removing  
3 the marine terminal is the subject of an undertaking to the  
4 Panel, and that undertaking I think has either gone across  
5 or will go across today.

6 THE CHAIRPERSON: Okay, Mr. Morsches?

7 Mr. BOB MORSCHEs: Yes, doctor. Just a  
8 quick footnote. Bilcon of Nova Scotia comes out of the  
9 headquarters of Bilcon in Delaware.

10 THE CHAIRPERSON: Mr. Morsches, this is a  
11 comment. Question only. We're way behind.

12 Mr. BOB MORSCHEs: I'm finished, sir.  
13 Thank you very much.

14 THE CHAIRPERSON: Mr. Lang, I think, is  
15 it? Yeah.

16 Mr. WILLIAM LANG: A point of order, real  
17 quick, Chair, if I may. That at the beginning of the  
18 hearings this morning you said that undertaking 47 was given  
19 to the Green Party of Canada. I'd just like to say that's  
20 the Green Party of Nova Scotia, for the transcripts.

21 THE CHAIRPERSON: Thank you.

22 Mr. WILLIAM LANG: And my question is to  
23 Ms. Sherk. In your presentation, you showed an image of a  
24 quarry in B.C. What was the point and the meaning of this  
25 image?

1                   Ms. SUSAN SHERK: It is purely to put a  
2 quarry in context. It is to show that there are quarries  
3 that are, and I understand the word, we'll say, co-exist.  
4 We're not making a value judgment as to whether this is  
5 good, bad or indifferent. It's to show what it looks like,  
6 what it can look like, and nothing more than that.

7                   Mr. WILLIAM LANG: Okay. Well, I would  
8 hold that without any real information, you know, a random  
9 photocopy is evidence of nothing.

10                  But my follow-up is what kind of quarry,  
11 or more specifically, does blasting take place at this  
12 quarry, and if not, in your opinion, Ms. Sherk, is it valid  
13 to draw comparisons and conclusions between two vastly  
14 operations, as they did in your presentation.

15                  Ms. SUSAN SHERK: The objective of this  
16 exercise is to look at the Bilcon operation. I was not  
17 making any more evaluation than to show physically, in terms  
18 of the context of the socio-economic, what it looks like;  
19 you know, what it can look like, because it's difficult for  
20 somebody to visualize what this might look like. And that's  
21 purely what I was trying to do.

22                  Mr. WILLIAM LANG: Okay.

23                  THE CHAIRPERSON: Okay, Mr. Lang. Next?  
24 Yes. And then, Mr. Marcocchio, I think that... And one  
25 more? Okay.

1                   Mr. BRIAN MEESON: I need one  
2 clarification from Mr. Buxton, and then I have a question.

3                   The first clarification, in an answer  
4 previously, you mentioned destination ports, plural. On  
5 Friday, you spoke of shipments to New Jersey. How many  
6 ports are there in New Jersey, and how many other  
7 destinations ports do you plan to ship aggregate to?

8                   Mr. PAUL BUXTON: I don't know how many  
9 ports there are in New Jersey, Mr. Chair. If it's  
10 important, we could try to find out.

11                  THE CHAIRPERSON: The question means  
12 destination ports to you, to the ship, where it will go to,  
13 I think.

14                  Mr. BRIAN MEESON: Yeah.

15                  Mr. PAUL BUXTON: It is possible that  
16 some could go into New York, and it really depends on which  
17 is the end terminal, because they have different depths, so  
18 it may be that some rock or aggregate has to be dropped off  
19 before it goes to another facility.

20                  I can tell you that South Anvoy has  
21 relatively shallow water, and generally speaking, material  
22 has to be off-loaded before a ship can get in there, but I  
23 could also say that that port probably will not be there in  
24 five or ten years' time, and that Bilcon and its affiliates  
25 is looking at building an alternative port in New Jersey,

1 and I don't think it would be appropriate to say precisely  
2 where that is, but a depth of water is a significant issue  
3 where that has to be considered for each shipment.

4 THE CHAIRPERSON: Mr. Meeson, follow-up?

5 Mr. BRIAN MEESON: Yeah, my follow-up  
6 question is addressed to Ms. Sherk, because one member of  
7 the Panel asked if she had distinguished between two  
8 different types of tourists; the occasional tourist, which I  
9 think the statistics refer to, and what I would characterize  
10 residential, returning tourists.

11 On the average, they spend a good deal  
12 more on the Nova Scotia economy, and I wonder if you'd done  
13 that breakdown, because there are a lot of them on Digby  
14 Neck and the Islands. Thank you.

15 Ms. SUSAN SHERK: It's a good distinction  
16 and a good point.

17 It's very difficult for any economy to  
18 differentiate between a tourist who... Let me define what a  
19 tourist is. A tourist is generally anybody who travels more  
20 than 50 kilometres to a destination. Would that be...  
21 Yeah, and spends money. So you have the issue is a summer  
22 resident a tourist?

23 The assumption would be, and it's not to  
24 take away from that, a contributor to our economy. It just  
25 doesn't fit into the definition of tourist. If that person

1 pays taxes in a community, then that person would not be  
2 considered a tourist by definition. It doesn't mean that  
3 it's not contributing to the economy.

4 THE CHAIRPERSON: Thank you. Mr.  
5 Stanton?

6 Mr. KEMP STANTON: Yeah. Kemp Stanton  
7 from the Society, and as I understand it, these ships will  
8 have to avoid whales and porpoises because of their status,  
9 and in rough weather, they will have trouble at low speed  
10 manoeuvring.

11 Taking this into consideration in my,  
12 proximity of my gear, how reasonable is it to expect you to  
13 stay within 150-metre traffic lane? Thank you.

14 Mr. PAUL BUXTON: I'm advised that, in  
15 fact, it is feasible for a ship to stay in a tight traffic  
16 lane. I think we have said that if the ship observes a  
17 whale, that it would take, or try to take some alternate  
18 action perhaps by changing course.

19 Perhaps somewhat fortunately, in general  
20 terms, the whales are summer visitors, and lobstering is  
21 essentially a winter activity, so I'm not so sure that...  
22 I'm not saying it isn't a problem. I don't think that it is  
23 perhaps a major problem in terms of a number of occasions  
24 that this would happen.

25 THE CHAIRPERSON: Okay. The final

1 question goes to you, Mr. Marcocchio.

2 Mr. BRUNO MARCOCCHIO: Thank you. Bruno  
3 Marcocchio. I'm speaking on behalf of the Sierra Club.

4 Throughout this assessment, there seems  
5 to be a heavy reliance on the Proponent defining the impacts  
6 and the zones; for instance, 800 metres for the blasting  
7 effects, when, in fact, three to four kilometres, the sounds  
8 will be clearly audible.

9 Similarly, looking at the impacts on  
10 both tourism and the fishery seem to exclude most of the  
11 issues that have been raised here by those sectors, and  
12 choose, instead, to focus on the aspects that the Proponent  
13 wishes to address, and none other.

14 Specifically, through the Chair, I'd  
15 like to ask why the impacts of... The potential impacts on  
16 the fishery that could have, and the tourism industry that  
17 could have a profound effect; for instance, eggs and larval  
18 damage during blasting operations, which clearly are  
19 documented in the literature as causing death to eggs; and  
20 impacts on larva, as well.

21 Similarly, the effects of the blasting  
22 may affect the patterns of the whales that the tourism  
23 industry is dependent on. Why did not the socio-economic  
24 assessment take into consideration these worst-case  
25 scenarios, and present a true picture of what the potential

1 socio-economic impacts will be?

2 Mr. PAUL BUXTON: I think we... Perhaps  
3 we just dealt with the egg issue, the lobster egg issue.

4 I think with respect to the behaviour of  
5 whales, I think we did make reference to that in the EIS.  
6 In fact, Department of Fisheries and Oceans made a statement  
7 to the effect, and I... Unless it can be pulled up quickly,  
8 we could find it... To the effect that while there may be  
9 some behavioural effect, it is likely to be small.

10 I think I could pull that if the Panel  
11 would like me to. I know I used it in the marine  
12 presentation.

13 THE CHAIRPERSON: Mr. Marcocchio, you  
14 just made a reference to literature, as if there's an  
15 external source. Do you have that literature? Can you  
16 provide it to us? Is there a reference to it?

17 Mr. BRUNO MARCOCCHIO: I don't have it in  
18 hand, but I'll endeavour to find that.

19 THE CHAIRPERSON: That would be  
20 appreciated. Thank you.

21 Mr. BRUNO MARCOCCHIO: Thank you very  
22 much.

23 THE CHAIRPERSON: Mr. Sharpe, I didn't  
24 see you over there. Okay.

25 Mr. ANDY SHARPE: Ms. Sherk, in her

1 presentation, indicated that in order to minimize road  
2 trucking, materials would be brought to the site by ship  
3 where possible. Does this represent additional shipping to  
4 the site as distinct from aggregate carriers?

5 Mr. PAUL BUXTON: I think I can address  
6 that, Mr. Chair, because it was dealt with in the Project  
7 description, and yes, these will be ships other than  
8 aggregate carriers. They're very likely to be barges which  
9 will be brought in specifically to deliver, for example,  
10 part of the bridging for the conveyor, et cetera.

11 So, yes, there would be additional  
12 shipping.

13 THE CHAIRPERSON: Okay. That brings...  
14 No, I'm sorry, Mr. Lang. As much as I would like to have,  
15 give you the opportunity, we're way behind.

16 As a matter of fact, the Panel has  
17 decided to run this session until 5:00, rather than 4:30.  
18 We have to take a break to get something to eat, of course,  
19 but... So in order to accommodate as many of the people  
20 that we have scheduled, we'd... Sorry, okay.

21 We are scheduled, at this point, to  
22 bring Tourism, Culture and Heritage Department in Nova  
23 Scotia, Nova Scotia Department of Tourism, Culture and  
24 Heritage to the floor and where they will be making a  
25 presentation now.





1 Scotia's significant tourism, culture and heritage resources  
2 for lasting social and economic benefits.

3                   We have three strategic goals in terms  
4 of economic growth. We're looking to seize the opportunity  
5 for new economic development opportunities by stimulating  
6 community and export development potential in the Province's  
7 tourism, culture and heritage sectors.

8                   On the stewardship side, we're looking  
9 to build for individuals, families and communities by  
10 preserving, promoting, interpreting and developing the  
11 Province's diverse cultural and heritage resources.

12                   And in terms of governance and  
13 accountability, we're trying to enhance our operational  
14 effectiveness by delivering professional client services and  
15 effective programming to support government-wide and  
16 departmental priorities.

17                   I'll be presenting the heritage  
18 perspective. This is on behalf of the Heritage Division.  
19 My own role is to oversee the administration of the **Special**  
20 **Places Protection Act**, through the Special Places Program.  
21 This legislation, which was passed in 1980, provides us a  
22 legislative mandate to protect significant archaeological,  
23 historical and paleontological remains. Because of that, we  
24 provide feedback on Environmental Assessments such as this  
25 one, and we have since its inception back in the late 1980s.

1                   The purpose of the Act is to make sure  
2 that people who are undertaking excavation and exploration  
3 for archaeological and historical and paleontological sites  
4 are qualified to do so, and part of that work is that they  
5 provide reports to us, and all the collections they make  
6 under permit are submitted to the Provincial repository for  
7 long-time storage, and availability for researchers.

8                   Part of my role in dealing with  
9 Environmental Assessments such as this one is to co-ordinate  
10 the response of our Division, and most of my content experts  
11 are actually situated in the Nova Scotia Museum, and  
12 coincidentally they're down the hall from me.

13                   Their mandate is to collect, research  
14 and document Nova Scotia's natural and human history, and  
15 have been doing so for well over 150 years. The museum also  
16 provides exhibits, programs, billings and publications for  
17 self-directed learning, and we also help our tourism  
18 counterparts by developing and maintaining a high-quality  
19 museum system.

20                   Specific to this site, there are two  
21 primary concerns that we addressed. Palaeontology, which  
22 was addressed in sort of a basic way, by the Proponent was  
23 not an issue for this site. Basaltic rocks are not known  
24 for having fossils.

25                   The marine heritage was of interest, and

1 it's in the realm of marine shipwrecks and submerged First  
2 Nations' archaeological resources. There is only one  
3 recorded shipwreck in the area, and I will not go into a lot  
4 of details on this, but basically it went down well over  
5 100 years ago, but the documentary research that was  
6 developed for Bilcon and which we reviewed suggested that it  
7 was salvaged at that time, and then subsequently salvaged  
8 again.

9                   There was a side scan marine survey done  
10 for a separate purpose which did not identify any other  
11 shipwrecks, but this is not to be... You wouldn't expect it  
12 to be found in that type of environment anyways.

13                   What we've requested is that they  
14 actually go in and take a closer visual look of the  
15 footprint of the pier, and we expect that will tell us one  
16 way or the other if there's anything there.

17                   There was one other marine  
18 archaeological resource that was identified during Bilcon's  
19 work, and that is an oulu from the Middle Archaic Period  
20 which was found offshore not too far from here, but  
21 certainly several kilometres. Though that particular find  
22 we consider very significant, it's a very unique object. We  
23 did not believe it is terribly relevant to this site, given  
24 where it was found, and the lack of context.

25                   We do concur with their recommendation,

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1 once again, to take a closer look at the near-shore bottom,  
2 and that should be conducted by a qualified marine  
3 archaeologist holding a heritage research permit through the  
4 **Special Places Protection Act**. That is on the table from  
5 Bilcon, and that is what is required by law, so we're  
6 satisfied with that.

7                   On the land side, once again, this is  
8 typical of all ecological, Environmental Impact Assessments,  
9 excuse, and there was an archaeologist employed by Bilcon to  
10 investigate this site. There's also historical background  
11 and research done on the use of the land over time.

12                   The only tangible archaeological remains  
13 that were found were the remains of the Hersey house, and  
14 it's a habitation from back around the late part of the 19th  
15 century. Bilcon has proposed that there be a 250-metre zone  
16 put around that, basically to protect it, with the  
17 understanding that there may well be burials within that  
18 zone.

19                   Those were not found, but we know that  
20 there were deaths on the property, so there is a  
21 possibility, given the practices of the time, that there  
22 would be burials on that site. Once again, none were found,  
23 and they are very difficult to find, unless they're marked.

24                   We feel that the 250-metre zone that they put around the  
25 site should encompass any burials that would have taken

1 place.

2                   At the same time, if there is going to  
3 be any work undertaken in that zone, it would be overseen by  
4 an archaeologist, once again, operating under a Heritage  
5 research permit.

6                   There was another general recommendation  
7 provided by Bilcon and that is that there be sensitivity  
8 training for staff on site, so that they are aware of what  
9 archaeological resources may look like, so that if some are  
10 stumbled upon during the course of construction, that they  
11 can act appropriately. And we would oversee, or at least  
12 look at the training that they would put in place for that.

13                   And with that, I'd like to pass it over  
14 to my colleague, Darlene MacDonald, for the tourism  
15 perspective.

16                   Ms. DARLENE MacDONALD: Thank you, Bob.  
17 I am Darlene MacDonald, Manager of Tourism Development, with  
18 the Tourism Division of the Department.

19                   Just to touch upon our core business  
20 activities within the Tourism Division, we work closely with  
21 the Tourism Partnership Council which are 14 tourism  
22 industry leaders across the Province who help set direction  
23 and recommendations to the Minister in regards to marketing,  
24 development and research.

25                   With that, we work in development and

1 planning, and in particular, that is the area which I work  
2 in, so with staff, we work with community groups in building  
3 destinations, attractions in developing and enhancing  
4 tourism industry, private sector, and enhancing their  
5 overall marketing readiness and business operations.

6                   Within the Division, we are the primary  
7 source of tourism marketing and promotions for the Province  
8 of Nova Scotia, and with that, through our sales and  
9 partnerships team, they are actively out promoting Nova  
10 Scotia, and supporting our tourism brand to the travel  
11 trade.

12                   We also manage provincially-owned Crown  
13 assets such as the facility we're sitting in, as well as  
14 other Provincial Resorts, and contracts with major suppliers  
15 for distribution and call centres. We also have a section  
16 that collects and disseminates research based on various  
17 tourism indicators, and some of them will be referenced in  
18 this presentation.

19                   So some of the figures as it relates to  
20 tourism in Nova Scotia, provincially, tourism is a \$1.3  
21 billion sector. While there have been various comments made  
22 on tourism up and down, it has remained fairly consistent  
23 throughout the Province over the last number of years,  
24 generating \$200 million in Federal, Provincial, Municipal  
25 taxes, and employing 23,800 in direct jobs, and about 9,000

1 in indirect jobs.

2 I must say that these numbers are  
3 calculated through our research section that use provincial  
4 economic input/output model.

5 When we look at Digby County, and that  
6 is the lowest that we can take our impact model, 37.7  
7 million is directed towards Digby County for tourism  
8 revenues representing 5.8 million in taxes, and  
9 approximately 1,000 directly into jobs.

10 Digby is an entry point to the Province,  
11 and this demonstrates that in 2006, approximately 29,000  
12 visitors came through Digby as one of the seven entry  
13 points. It also illustrates where these markets are coming  
14 through this entry point to the Province of Nova Scotia, so  
15 we do see Ontario, Quebec, even some western Canada, and a  
16 fair number from the U.S. regions.

17 So from a tourism perspective, and it is  
18 in my section of development and planning that we provide a  
19 tourism perspective on environmental assessments such as the  
20 one proposed. We looked at the following considerations:  
21 Transportation and materials, visual aesthetics, noise,  
22 local tourism development plans, and potential growth of the  
23 development.

24 In this case, has the transportation of  
25 materials proposed is by marine. We feel that the whale



1 watching... Sorry, whale watching is a strong product  
2 experience for the Digby area, and as such, it is one of the  
3 top locations within the Province, the other two areas being  
4 the Shediac/Pleasant Bay area and the other area being the  
5 Halifax/Eastern Shore/Eastern Passage area.

6                               With increased shipping, there is  
7 potential that it may impact the already endangered species,  
8 which could, in turn, impact the local whale-watching  
9 sightseeing tours and businesses. As I referenced through  
10 our research section, each... Sorry, every four years, we  
11 conduct a visitor-exit survey, so we surveyed those people  
12 leaving the Province, and in the 2004 VES surveyed, nine  
13 percent of travellers participated in a boat tour for whale  
14 and seabirding, watching.

15                               I must say that that is not just to  
16 Digby. That is a provincial, so where they took that  
17 boating experience, we don't have that specific information.

18                               In addition, 44 percent of travellers  
19 participated in nature observation activities during their  
20 visit to Nova Scotia. As such, coastal experiences such as  
21 nature observation... In other words, birding and hiking...  
22 May be impacted. In 2002, we hired Tom Heinz, a well-known  
23 birder from Ontario to assess Nova Scotia as far as  
24 potential to develop our birding experiences, and Digby Neck  
25 area was one of the top three birding opportunities in the

1 Province, the other two being Sable Island and Sheffield  
2 Mills from a nature observation perspective.

3           So, as such, we suggest the Proponent  
4 mitigate and monitor any potential impact on whales by  
5 working with experts and stakeholders in those fields. We  
6 also suggest that the Proponent work with local boat tour  
7 operators to mitigate any potential impact on their  
8 operations, and most importantly, the visitors experiences.

9           On the visual aesthetics, we are  
10 concerned of the impact on the visitors' perception and  
11 experience of Nova Scotia.

12           We position Nova Scotia as pristine, a  
13 natural experience. Between six percent of travellers cite  
14 general coastal scenery as the main reason for choosing Nova  
15 Scotia as their destination. Once again, the source is the  
16 2004 Visitor Exit Survey.

17           35 percent of travellers cite general  
18 coastal scenery as what they liked most about their visit to  
19 Nova Scotia, remembering this is as they leave the Province.

20           So coastal experiences are not only by  
21 water, but also by land, and in 1997, we conducted a marine  
22 tourism study, and that was one of the key findings; that  
23 much of our marine coastal experiences are experienced by  
24 visitors who, whether they're doing a coastal hike, or if  
25 they're launching their kayak, and do sea kayaking, or

1 they're visiting a lighthouse.

2           In particular, since 1998, we have had a  
3 joint partnership with the tourism industry along the Bay of  
4 Fundy, as well as the Province of New Brunswick in  
5 developing and promoting the Bay of Fundy. I have provided  
6 a copy to the Panel of the brochure for the ultimate Bay of  
7 Fundy experience.

8           As part of the Bay of Fundy programs  
9 since '98, it has evolved to include marketing, whether it  
10 be direct media to target markets, as well as website  
11 development, and as well as a market-readiness program for  
12 operators to denote those operators that offer the ultimate  
13 recommended experience on the Bay of Fundy.

14           I should note in 2006 the Bay of Fundy  
15 Tourism Partnership Council received the Tourism Industry  
16 Association of Canada award for sustainable development.

17           So, overall, key to tourism in Nova  
18 Scotia is the integrity of our natural environment, and in  
19 particular, our coastal assets.

20           It is through the Tourism Brand  
21 Positioning Statement that we position and sell Nova Scotia  
22 as a destination, and so we are targeting the market of  
23 those people who appreciate the sea; that Nova Scotia is  
24 Canada's foremost seacoast vacation destination; that offers  
25 an authentic experience for your body and soul, better than

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1 any other destination, because only Nova Scotia unique  
2 combines spectacular scenery, living tradition, maritime  
3 culture and lifestyle with a feeling of deep-down spiritual  
4 satisfaction.

5                   This is not a statement that you would  
6 see as going out and actively putting in the marketplace,  
7 but it is the behind-the-scenes position of everything that  
8 we do from a marketing and development perspective, in the  
9 sense that much of our messaging, as this is Nova Scotia,  
10 Canada's Seacoast, and I have provided you copies of a few  
11 pieces, such as the 2007 Travel Guide, and as well as the  
12 2007 Outdoor Guide.

13                   You will see there's very few images  
14 that do not touch upon an activity or an experience that is  
15 coastal-based. In addition, while I do not have copies to  
16 leave, we do have a binder that offers many ad samples for  
17 2007. So this is the promotional materials that are in the  
18 specific geographic markets, whether it be Atlantic Canada,  
19 Ontario, Quebec, Western Canada and the U.S.

20                   So as such, we are concerned that this  
21 development has the potential to negatively impact our  
22 Provincial Tourism Brand, and this development is not  
23 consistent with our international tourism promotions in  
24 positioning Nova Scotia as Canada's seacoast.

25                   Another consideration in respect to

1 noise, we are concerned that the noise from the quarry  
2 construction, operations of the marine terminal, and  
3 blasting may impact the visitors' experience; concerned that  
4 increased noise from operations and shipping may impact  
5 whales and create a risk for sightseeing tour operations.

6           The work we're doing in development  
7 includes working with regional efforts and in this case,  
8 we're working with the Digby Area Tourism Association to  
9 develop their planning from a tourism destination area  
10 perspective, and one of the areas that they've identified is  
11 the importance of serving as stewards for their ecosystems.

12           And in conclusion, the potential growth  
13 of the development, given the location on the Bay of Fundy,  
14 which we consider to be an important destination, with  
15 potential for Nova Scotia, consideration should be given on  
16 the impact to the visitors' perception and experience should  
17 be considered.

18           And given the whale-watching experience  
19 is a strong component for the area, consideration of the  
20 potential impact on this business activity. And should  
21 ongoing expansion be... Should be monitored carefully as  
22 potential growth for such a small geographic area may impact  
23 on tourism experiences north and south of the area.

24           And I guess that formally concludes the  
25 presentation of the Department.

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NOVA SCOTIA TOURISM CULTURE AND HERITAGE  
(QUESTIONS FROM THE PANEL)

1 **NOVA SCOTIA TOURISM CULTURE AND HERITAGE - QUESTIONS FROM**  
2 **THE PANEL**

3 THE CHAIRPERSON: Thank you very much.  
4 Do you want to go?

5 Dr. JILL GRANT: I'd like to start with  
6 some questions to Mr. Ogilvie. The report by the  
7 Confederation of Mainland Mi'Kmaq identified concerns about  
8 an Indian hill camp on the site. Are you satisfied that the  
9 archaeological study was thorough enough to determine  
10 whether there was such a feature on the site?

11 Mr. ROBERT OGILVIE: We were satisfied  
12 with the level of investigation done on the site.

13 It's a very difficult site to look at,  
14 being treed and so on and so forth, but that particular area  
15 is not expected to have a high potential for this type of  
16 thing.

17 There is potential that there could well  
18 be something out there which wasn't discovered because the  
19 nature of archaeological remains is that they do tend to be  
20 hidden until they're discovered, but we are confident in the  
21 methodology that was used.

22 Dr. JILL GRANT: And if there were, at  
23 one time, a small settlement at Whites Cove, as some of the  
24 community members suggest, is it likely to have occurred in  
25 the coastal plain area, the part that may have been already

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(QUESTIONS FROM THE PANEL)

1 disturbed before the survey was done?

2 Mr. ROBERT OGILVIE: Yes. More than  
3 likely it would have been along the coast.

4 Settlements occupy certain places for a  
5 certain reason. It normally has to do with resource  
6 availability.

7 In this case, it would have been done to  
8 support fishing activity, and these do tend to be very  
9 coastal.

10 The other parameter that would have been  
11 looked at would have been fresh water availability.

12 And so those two things together, the  
13 coastline and the availability of fresh water sort of put  
14 together what would be considered a high-potential area for  
15 a community.

16 Dr. JILL GRANT: And what kinds of  
17 factors do you use to decide whether a settlement is  
18 significant?

19 There's some disagreement between the  
20 way the analysis and the way community members see it, so  
21 can you give us your assessment from a provincial  
22 perspective?

23 Mr. ROBERT OGILVIE: Significance is a  
24 major issue. There's no question about that.

25 It's something that we do grapple with.

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(QUESTIONS FROM THE PANEL)

1                   Certain sites have national significance  
2 or even global significance, and we do have examples in Nova  
3 Scotia.

4                   There are others that we consider to  
5 have provincial significance.

6                   That is where we tend to draw the line  
7 in terms of the responsibility we take for sites. At the  
8 same time, that's not to say that there are not sites that  
9 could be of local significance, that can be of regional  
10 significance or even family significance, and this is where  
11 it becomes a challenge.

12                   From our perspective, the type of  
13 community that would have developed at that place, from what  
14 we know from it, and the time at which it was extant, it  
15 would not be considered significant from a provincial  
16 perspective.

17                   There would be dozens, if not hundreds,  
18 of similar communities around the coast, and the time period  
19 is not terribly old.

20                   We're talking, you know, the latter part  
21 of the 19th century.

22                   And we certainly do have tens of  
23 thousands of sites of that age around the province, and we  
24 would consider a very small percentage of those to have any  
25 significance whatsoever.



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(QUESTIONS FROM THE PANEL)

1 Dr. JILL GRANT: Can you give us an  
2 indication of the significance of the oulu that was found in  
3 this area and whether you perceive that there's a risk to  
4 disturbance of whatever associated artefacts there may be  
5 with that because of the ship manoeuvring?

6 Any concern about that?

7 Mr. ROBERT OGILVIE: No, not really.

8 The oulu was well off shore. It was  
9 dragged up. Because of that, we don't have a good context  
10 as to where it was found.

11 It could have been part of a settlement  
12 that existed in that part of the Bay of Fundy at a  
13 particular time several thousand years ago when the water  
14 was less deep, or it could simply be something that fell out  
15 of a boat. It could have been on an ice floe that melted  
16 and dropped in that spot. We simply don't know.

17 The artefact itself is exceptional.  
18 There have been very few loose found, although there was one  
19 found just three or four years ago on the Mersey River.

20 We only have a handful in our  
21 collection, and we do consider them all quite significant.

22 Unfortunately, an artefact without  
23 context doesn't give you the same amount of value or  
24 information as something that is found within the context of  
25 an existing site.

1 Dr. JILL GRANT: I note that in the  
2 museums response to the report that the museum, and you  
3 mentioned it in your presentation, that there's to be a 250-  
4 metre protection zone around the 19th century house remains.

5 I'm wondering if Mr. Buxton can tell us  
6 if that 250-metre zone is included in the Environmental  
7 Preservation Area.

8 Mr. PAUL BUXTON: It's not really quite  
9 the same thing.

10 I think what Nova Scotia Museum asked us  
11 to do was that if any disturbance is to take place inside  
12 that zone, then we are to carry out a further archaeological  
13 investigation inside that zone.

14 So in the sense it's not an  
15 Environmental Protection Zone as such, but it is a  
16 protection zone for that particular foundation because Nova  
17 Scotia Museum deemed it likely that, within that zone,  
18 anything attached to the Hersey House would be found.

19 So the answer is that, at some point, we  
20 probably would disturb that and we then need to make contact  
21 with Nova Scotia Museum and give them our plan for tackling  
22 that on further investigation.

23 Dr. JILL GRANT: Mr. Ogilvie, is that  
24 your interpretation?

25 I just note your letter of the 20th of

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NOVA SCOTIA TOURISM CULTURE AND HERITAGE  
(QUESTIONS FROM THE PANEL)

1 April, 2004 says:

2 "Confirmation of a 250-metre protection  
3 zone..."

4 So that's why I'm a little confused.

5 Mr. ROBERT OGILVIE: I guess I am at this  
6 point as well.

7 Certainly the understanding we would  
8 have is that within a 250-metre buffer zone or whatever you  
9 want to call it, that if there was going to be activity  
10 within it, further work would be required.

11 It doesn't mean, in our estimation, that  
12 it means that there will be a 250-metre permanent buffer  
13 around the foundation. We think that would not be  
14 necessary.

15 Dr. JILL GRANT: I'm sorry? You think it  
16 would be necessary, or wouldn't?

17 Mr. ROBERT OGILVIE: We think it would  
18 not be necessary.

19 We do not believe a permanent 250-foot  
20 buffer is necessary.

21 We believe that if there is no work  
22 going on, then that is fine, but if any work goes on within  
23 the 250-metre buffer, then further archaeological work would  
24 have to be done to ensure that significant remains or  
25 burials possibly, in this case, would not be disturbed.

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(QUESTIONS FROM THE PANEL)

1 Dr. JILL GRANT: Thank you. And a few  
2 questions for Ms. MacDonald.

3 I noted in your response that you  
4 suggested that the project is not consistent with Nova  
5 Scotia's tourism brand, and we have seen information from  
6 some other government departments that might indicate that  
7 aggregate production is being promoted by them.

8 So I wonder if you could give us a bit  
9 more understanding of how to deal with the inconsistencies  
10 between different provincial departments in terms of the  
11 philosophy of how to deal with the coastal zone?

12 Ms. DARLENE MACDONALD: I guess from a  
13 tourism perspective, understanding that we're looking and  
14 we're promoting to consumers and trying to entice and lure  
15 them to come to the province, so I guess the audiences, if  
16 you will, that we would be directing our messaging to  
17 probably would be quite different from the audiences of some  
18 of the other provincial departments.

19 And the perception, I guess, of what is  
20 in the visitor's mind, the branding all starts with what  
21 they perceive Nova Scotia to be.

22 And it follows through to their actual  
23 experience and their satisfaction, so it's not just a tag  
24 line and, in this case, that it's Canada's seacoast. It's  
25 more than that.

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(QUESTIONS FROM THE PANEL)

1                   It's everything from the time they see  
2 the TV ad to the time they respond to, hopefully, they come  
3 visit and experience.

4                   So it's a much longer, I guess, impact  
5 on what they perceive to be Nova Scotia's brand.

6                   I'm not sure if that answers.

7                   Dr. JILL GRANT: Well, it's in some ways  
8 a rhetorical question, anyway.

9                   Perhaps you could give us an idea of  
10 whether you have any experience in the tourism marketing  
11 with situations where a country or region's ability to  
12 market itself for its nature experience has been negatively  
13 affected by projects.

14                   Ms. DARLENE MACDONALD: I don't  
15 personally. I'm not in the marketing section.

16                   I would speculate there probably are  
17 various examples, but I wouldn't want to comment directly  
18 further than that.

19                   Dr. JILL GRANT: The Proponent had  
20 suggested that leaving an Environmental Preservation Zone  
21 around the shore of the site would buffer the site visually  
22 for visitors, although there's been some discussion about  
23 whether that's, in fact, the case.

24                   Do you think there's any way in which  
25 the visual aesthetics from the sea can be mitigated to make

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1 it less noticeable to visitors?

2 Ms. DARLENE MACDONALD: I'm not 100  
3 percent clear on the topography as to the slope of the land  
4 and what that buffer would... For example, if that buffer  
5 is higher than the actual quarry site.

6 At the same time, the experience also is  
7 not just solely from the water. Whether there are  
8 opportunities for coastal hiking trail or, for example, if  
9 there's lighthouses such as, say, Boar's Head.

10 There may be various vantage points  
11 along that coast that they would see the development.

12 And I'm not 100 percent sure.

13 Dr. JILL GRANT: Thank you.

14 Can you give us an idea of what the  
15 potential risks are that you see to the local tourist  
16 economy here?

17 What do you perceive as the worst case  
18 scenario from the tourism economy perspective in this region  
19 of the province?

20 Ms. DARLENE MACDONALD: I guess one of  
21 the concerns would be the impact on the visitors'  
22 experience.

23 For example, if they are coming to this  
24 part of the province expecting pristine, natural coastal  
25 experience, they may be disappointed.

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1                   So as far as not fulfilling their  
2 meeting what those perceptions are, particularly if that is  
3 what we're marketing, and if we're not able to deliver on  
4 that promise, that could be of particular concern.

5                   I guess just as far as the sense of  
6 welcomeness and that they are coming to communities that  
7 want them to come and to experience, that it's the  
8 communities that demonstrate our Nova Scotia hospitality and  
9 friendliness, so I would hope that that is maintained.

10                  Dr. JILL GRANT: And my final set of  
11 questions is around the potential for growth in tourism.

12                  Can you give us an idea of what your  
13 department sees as the potential for growth in this nature-  
14 based eco-tourism?

15                  Ms. DARLENE MACDONALD: Provincially, we  
16 have been working with our colleagues at the Tourism  
17 Industry Association of Nova Scotia as well as the Tourism  
18 Partnership Council that I mentioned for a vision for  
19 tourism.

20                  As such, looking that in this very  
21 demanding and competitive marketplace that we exist in, Nova  
22 Scotia has to look at how we can differentiate what we have.

23                  And with that, through the vision for  
24 tourism, while the original revenue projections were to look  
25 at doubling revenues, those were set in 2002.

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1                   We have not achieved, but it is more, I  
2 guess, a philosophy of looking at how we can deliver on the  
3 promise and continuously building on the strength of our  
4 brand positioning.

5                   So as I mentioned, we are working quite  
6 closely with the Digby Area Tourism Association, trying to  
7 build the capacity and the opportunities that they have to  
8 offer within this destination area.

9                   And so, from a regional perspective,  
10 we're working quite closely. At the same time, on a  
11 regional marketing perspective, the department works with  
12 Destination Southwest Nova, so that marks the south-western  
13 part of the province to various tourism markets.

14                   So both on the development side as well  
15 as on the marketing side, staff are, you know, working as  
16 well as putting resources in to enhancing the overall  
17 experience and what we have to offer.

18                   Dr. GUNTER MUECKE: Ms. MacDonald, coming  
19 back to potential, how would the department rate the  
20 coastline along Digby Neck and Islands relative to other  
21 coastline in Nova Scotia in terms of potential, or do you  
22 have a rating where you put your resources?

23                   Ms. DARLENE MACDONALD: While we may not  
24 have a scientific or quantifiable rating, I can say that the  
25 Bay of Fundy as a whole, from a tourism perspective, is



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1 self-importance.

2 As I mentioned through the Vision for  
3 Tourism, we have just completed an inventory or analysis of  
4 the Bay of Fundy and looking at the opportunities for future  
5 development.

6 Provincially, we've made some major  
7 investments over the years with Cape Chignecto Provincial  
8 Park, the purchase of Cape Split land and, most recently,  
9 with the site development of Joggins Fossil Cliffs.

10 So all of these components add to the  
11 Bay of Fundy experience, and also our continued involvement  
12 since '98 with the Bay of Fundy Tourism Partnership Council.

13 It is quite important, if not one of the  
14 most important, coastal areas that we are working with.

15 Dr. GUNTER MUECKE: Thank you.

16 And just for clarification, there has  
17 been mention of a possible coastal trail going along the  
18 Fundy coast, something perhaps similar to the West Coast  
19 Trail on Vancouver Island, which draws a lot of people.

20 Is that something the department has  
21 under consideration, possibly, of financing in the future or  
22 facilitating?

23 Is it in the books at all, as far as  
24 you're concerned?

25 Ms. DARLENE MACDONALD: To my knowledge,

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1 and I guess just for clarification, I'm not sure if it's a  
2 coastal hiking trail or if it's coastal driving trail like  
3 the Evangeline drive.

4 Dr. GUNTER MUECKE: Coastal hiking trail,  
5 I believe.

6 Ms. DARLENE MACDONALD: Okay. I know  
7 there's various groups and there's various planning  
8 initiatives along the Digby Neck.

9 I'm, at this time, not personally  
10 familiar with or current, I guess, on plans for a coastal  
11 trail, so I'm not totally clear. Yeah.

12 I guess I would have to say I'm not  
13 personally familiar with any plans or discussion on a  
14 coastal trail at this time.

15 Dr. GUNTER MUECKE: Could you find out  
16 for us?

17 Ms. DARLENE MACDONALD: Sure.

18 Dr. GUNTER MUECKE: Could you make that  
19 an undertaking?

20 Ms. DARLENE MACDONALD: Do you have any  
21 source as to where you heard about a coastal trail? That  
22 might make it easier.

23 Dr. GUNTER MUECKE: It has been mentioned  
24 during these hearings by one or two individuals.

25 Ms. DARLENE MACDONALD: Okay.

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(QUESTIONS FROM THE PANEL)

1 THE CHAIRPERSON: Mr. Ogilvie, I have a  
2 question for you.

3 I'm curious to know how the  
4 archaeologist that was chosen to do this project was chosen.

5 How do archaeologists for these kinds of  
6 things get chosen, in general?

7 Mr. ROBERT OGILVIE: They are selected by  
8 the Proponent themselves.

9 What they do is they will contact a  
10 number of archaeologists generally, get a quote, and proceed  
11 on that basis.

12 The archaeologists themselves cannot  
13 proceed until they come to us with a Heritage Research  
14 Permit application which outlines their methodologies, what  
15 they're going to be doing, where they're going to be doing  
16 it, and their qualifications.

17 We assess all of these permits and we  
18 deal with over 100 a year, and we match them up, the  
19 archaeologist with the project.

20 And if they're qualified to undertake it  
21 and their methodology is sound, we approve the permit, they  
22 do the work, and things follow after that.

23 THE CHAIRPERSON: Does the Proponent set  
24 out the terms of reference for the archaeologist?

25 Mr. ROBERT OGILVIE: At one level they

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1 probably do simply because they're the ones who have to  
2 contact the archaeologist, contract them for work which  
3 generally, in this case, would be described as an  
4 Archaeological Impact Assessment.

5                   Those are guidelines that we used which  
6 are publicised on our web site and are pretty standard  
7 practice across the country in terms of what is expected  
8 from this type of work.

9                   So they would put that out there. I  
10 assume it would be bid on by several, although they could  
11 sole source it. It's up to them.

12                   But what comes to us is what comes to  
13 us, and we do frequently reject permits because the  
14 methodology isn't sound, the person isn't qualified to  
15 undertake it, so on and so forth.

16                   In this case, the methodology was sound  
17 and the archaeologist was qualified.

18                   THE CHAIRPERSON: You didn't find it odd  
19 that archaeologist was a plains archaeologist rather than a  
20 marine or coastal archaeologist?

21                   Mr. ROBERT OGILVIE: Well, I must say  
22 there was some discussion around that point because it is  
23 unusual for us to stumble across a new archaeologist,  
24 period.

25                   Generally, the community in Nova Scotia

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1 is quite small. We do maintain a list of all the active  
2 archaeological consultants, and this name did come out of  
3 the blue at us.

4                   Although there certainly are strengths  
5 in having a local or regional archaeologist in place,  
6 methodologies are the same. And we're quite confident that  
7 Dr. Watrall was fine.

8                   He did a good job. There was a very  
9 thorough historical background study by Barry Moody which  
10 helped with some of the background and his research.

11                   And overall, we had no complaints.

12                   THE CHAIRPERSON: Were you aware that  
13 there was a great deal of contentiousness about his  
14 participation in this project, the fact that he was...  
15 We've been told.

16                   We don't know firsthand, but we were  
17 told that he did not sample local knowledge or traditional  
18 knowledge in any way, and basically argued that only first  
19 principles were useful, that is, he had to walk on the site  
20 and see it himself as opposed to gathering information, and  
21 that his delineation of the site is quite at odds with  
22 people from the community who have a totally different view  
23 of it.

24                   Mr. ROBERT OGILVIE: I must say we were  
25 not aware of that level of contention, and I guess that's

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(QUESTIONS FROM THE PANEL)

1 all I can say.

2 No, we weren't aware of that.

3 THE CHAIRPERSON: Thank you.

4 Ms. MacDonald, I have just one question  
5 for you.

6 And that is, what impact would you  
7 expect if the blasting, ship movement and other noises and  
8 activities associated with a quarry fully under way were to  
9 drive offshore the whales along this coast, of which not  
10 just the northern right, but the humpbacks and others, and  
11 pushed them across the Bay, say, in the direction of Grand  
12 Manan so that they weren't injured in any way, but they were  
13 now quite a ways away?

14 What impact would that have?

15 Ms. DARLENE MACDONALD: While I'm not a  
16 whale expert or knowledgeable in that field, I guess I would  
17 have to speculate that it would have implications on the  
18 tour operator boat sightseeing businesses, that it may make  
19 it more difficult for them to operate, I guess, if the  
20 experience wasn't reliable that they could ensure that their  
21 visitors would have a sighting.

22 So I guess I could only foresee that the  
23 implications would be directly on those sightseeing tour  
24 operator businesses.

25 THE CHAIRPERSON: Thank you. I think

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(QUESTIONS FROM THE PROPONENT)

1 that's all the questions from the Panel.

2 Over to you, Mr. Buxton.

3 **PRESENTATION BY NOVA SCOTIA TOURISM CULTURE AND HERITAGE -**  
4 **QUESTIONS FROM THE PROPONENT**

5 Mr. PAUL BUXTON: Thank you, Mr. Chair.  
6 Just two quick questions to Ms. MacDonald.

7 And it goes to Dr. Grant's question to  
8 you with respect to the consistency of the provincial  
9 strategies with tourism branding.

10 The Province is actively promoting LNG  
11 terminals and superports. They've constructed marine  
12 terminals in rural areas like Sheet Harbour.

13 There are existing quarries, for  
14 example, Aulds Cove, the Canso Causeway, refineries in  
15 Dartmouth, other industrial activities, superports in  
16 Dartmouth for container ships.

17 I mean, there must be some sort of  
18 strategy within Government. Halifax is a seaport town, and  
19 yet we have refineries. We're increasing the size of the  
20 superports there, and that's seen as a good thing in  
21 Halifax.

22 The LNG terminal in Guysborough is seen  
23 as a good thing. Promotion of superports on the Canso  
24 Causeway are seen as good things.

25 How do you reconcile tourism branding,

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1 then, with Provincial strategies such as that?

2 Ms. DARLENE MACDONALD: I guess from a  
3 visitor's perspective, when they are going to an urban area  
4 or a developed area, whether it be Halifax or Aulds Cove was  
5 an example used in a few cases, when you look at a man-made  
6 causeway and bridge and then look down the harbour and see  
7 the Stora Enso, you are within a commercial or industrial  
8 developed area.

9 Versus as we promote our clean,  
10 pristine, natural environment, such a development may  
11 potentially have impact from the visitor's perspective.

12 So, in other words, if we're going out  
13 and promoting that we have coastal natural landscapes and to  
14 put a new development in such a landscape versus an  
15 established commercial-industrial area, I guess that's how  
16 we would see the difference.

17 Mr. PAUL BUXTON: But this, I suppose,  
18 pre-supposes, then, that rural Nova Scotia, if it doesn't  
19 have commercial development, ought not to have any.

20 And I would perhaps point you to, let's  
21 say, forestry.

22 I can't come up with a guess, but there  
23 are thousands and thousands of acres of clear-cut forest on  
24 Digby Neck.

25 How do you reconcile that with tourist

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1 brand?

2 Ms. DARLENE MACDONALD: I guess I would  
3 say that it may have the potential to impact the visitor's  
4 perception and, as such, their experience.

5 So whether it be forestry or other  
6 developments in rural Nova Scotia, they may impact the  
7 visitor's experience.

8 Mr. PAUL BUXTON: Yes. I understand the  
9 difficulty here. And just one more quick question.

10 The length of the tourism season in  
11 Digby, Annapolis, what length of season does the department  
12 see it as being here in this area?

13 Ms. DARLENE MACDONALD: While we don't  
14 like to refer to it as seasons, certainly the main tourism  
15 activity tends to take place from a May to October period.

16 Mr. PAUL BUXTON: So it's a relatively  
17 short period. I mean, I'm looking, for example, at the  
18 theme park, which doesn't open until mid, late June closes  
19 on Labour Day, and this facility closes in October.

20 So it is a fairly compact season.  
21 Whether one says it's 120 days or 140, it is a short season.

22 Ms. DARLENE MACDONALD: Certainly it is,  
23 I guess, a challenge from a tourism perspective always to be  
24 extending the season, and in some areas within the province  
25 they have been quite successful in doing so.

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1                   But for the most part, it is a May to  
2                   October tourism activity. For the most part.

3                   Mr. PAUL BUXTON: Thank you, Mr. Chair.

4                   THE CHAIRPERSON: Any questions from the  
5                   audience? Yes, Ms. McCarthy and Ms. Little.

6                   **PRESENTATION BY NOVA SCOTIA TOURISM CULTURE AND HERITAGE -**  
7                   **QUESTIONS FROM THE PUBLIC**

8                   Ms. MARY MCCARTHY: Mr. Chair, my  
9                   question is for Dr. Ogilvie. It's regarding the issuance,  
10                  first, of a permit.

11                  I think I just heard Mr. Robert Ogilvie  
12                  say... I'm sorry. I don't know whether I should address as  
13                  "Doctor" or "Mister". I'm not sure of that.

14                  Depending on the site, that the  
15                  archaeologist was, as I understood, teamed up with the site  
16                  and if he was capable of managing that site, then that would  
17                  be the best person to do it.

18                  But in view of the fact that Dr. Watrall  
19                  had so much trouble walking this land, that's as he told us  
20                  at the meeting. He put that in his report.

21                  He said inaccessibility of the site in  
22                  question due to the difficulty of walking over that land.  
23                  He also said that he covered as much of the property as he  
24                  could.

25                  And he complained that field mechanisms

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1 was difficult due to extensive flotsam material on the  
2 beach.

3 Now, I'm a pretty advanced senior, long  
4 past retirement age, and that property is not inaccessible  
5 to me. And I have photographs here taken during the period  
6 of Dr. Watrall's study.

7 Actually, they were taken in September,  
8 but Dr. Watrall told us at the CLC meeting that in  
9 September-October he did some work on the site, but the  
10 official permit is for November.

11 THE CHAIRPERSON: Are you going to a  
12 question?

13 Ms. MARY MCCARTHY: My question to Dr.  
14 Ogilvie is, how could that gentleman complain of  
15 inaccessibility of the site and how could it be accepted in  
16 the report.

17 Mr. ROBERT OGILVIE: Well, I'm going to  
18 say myself I'm not entirely sure. Certainly, we have to  
19 take Dr. Watrall's word as to accessibility. I do have some  
20 experience in the white spruce forest along Digby Neck, and  
21 I know that they can be somewhat difficult to walk through  
22 in places.

23 I don't have direct information on blow  
24 downs and things like that.

25 He did reference his report with a lot

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1 of things along the shoreline to a certain depth, which once  
2 again I can't really comment on, but certainly would be a  
3 barrier.

4 Certainly if he did not cover the areas  
5 that he said he covered, then there is an issue. But we  
6 have no direct evidence that that's the case.

7 We certainly would sympathize with  
8 archaeological testing on a site of that size and of that  
9 type of forest in place. We have an example right now which  
10 is costing us a bit of grief at Debert which is, you know, a  
11 site of international significance, where we were requiring  
12 a level of testing which we don't require in other places,  
13 simply because of the nature of the site and the nature of  
14 the soils and so on and so forth.

15 We would not require that level of  
16 testing at a site like the quarry site, and even if we did,  
17 it wouldn't be practical, because testing of a type done on  
18 one place doesn't necessarily fit somewhere else. We do  
19 tend to give a fair bit of latitude to the archaeologists  
20 because they are there, and there are areas where they won't  
21 test, or at least not very often, because they're bogs, or  
22 because the slope is too steep.

23 In other cases, they won't test to a  
24 certain pattern that we might like to see, because there are  
25 tree roots and boulders and so on and so forth all the time.

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1                   It's not a precise science, but  
2 certainly given the qualifications of Dr. Watrall and the  
3 reporting that we saw, we were satisfied with the findings  
4 of them.

5                   THE CHAIRPERSON: Ms. McCarthy?

6                   Dr. MARY McCARTHY: Mr. Chair, given due  
7 diligence from the person who worked on this site, from the  
8 archaeologist, I presume, certainly a better job could have  
9 been done.

10                   Elgin Consultancy(sic) itself,  
11 unfortunately we didn't hear from Ms. Bishop, put in her  
12 report as a result of her interviews that people she  
13 interviewed from the area felt that there was a significant  
14 element of truth in the Little River's community assertion  
15 that there had been people buried in the White Cove  
16 property.

17                   Now, we brought this...

18                   THE CHAIRPERSON: Is this a question?

19                   Dr. MARY McCARTHY: Yes. I mean, I think  
20 it's all questionable, actually, for Dr. Ogilvie, because  
21 I'm surprised, I can't comprehend how this study was  
22 accepted as was presented.

23                   Dr. Watrall told us at the CLC meeting  
24 that he needed guidance if he were to find the graves.

25 Now...

1 THE CHAIRPERSON: This is more of a  
2 statement, Ms. McCarthy.

3 Dr. MARY McCARTHY: Yeah, it is.

4 THE CHAIRPERSON: Is there anything you  
5 can add to this, Mr. Watrall - oh, I'm sorry.

6 Mr. ROBERT OGILVIE: Yes, well, we also  
7 are of the understanding that there may well be graves on  
8 the property, but graves in particular are extremely  
9 difficult to find. Most archaeological sites are difficult  
10 anyways, because they are buried.

11 Graves, and we have a lot of experience  
12 with this in recent years in trying to find them, there are  
13 two methodologies to find them. One is to use what's called  
14 ground-penetrating radar, which works very poorly in Nova  
15 Scotia soil, and the other one is basically to strip the  
16 topsoil off completely.

17 And that's the sort of thing we would be  
18 looking for if there is more activity within the development  
19 zone.

20 Dr. MARY McCARTHY: Sorry, Mr. Chair,  
21 could I ask another?

22 THE CHAIRPERSON: We're running way out  
23 of time.

24 Dr. MARY McCARTHY: I do realize that.

25 THE CHAIRPERSON: I think you've made

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1 your point.

2 Dr. MARY McCARTHY: But I have spent five  
3 years on this, and so has Mrs. Peach.

4 THE CHAIRPERSON: One quick, one quick...

5 Dr. MARY McCARTHY: On our own funds.  
6 Personal to us.

7 THE CHAIRPERSON: Ms. McCarthy, one quick  
8 question and then we're moving on.

9 Dr. MARY McCARTHY: Right. Dr.  
10 Ogilvie...

11 THE CHAIRPERSON: Not a statement; a  
12 question.

13 Dr. MARY McCARTHY: Dr. Ogilvie, I'm  
14 surprised that when the museum was informed about the  
15 possibility of a village, but there's only talk of a Hersey  
16 house now, one Hersey house.

17 But had the Deeds been studied  
18 carefully, it is possible to map the homes of at least five  
19 families on that, and we have done it.

20 THE CHAIRPERSON: Ms. McCarthy, Mr.  
21 Ogilvie can't possibly know this information. I mean, he's  
22 prepared to talk about the qualifications, perhaps, of the  
23 archaeologist, but not about the site.

24 Dr. MARY McCARTHY: Yeah, sorry. Thank  
25 you, but Mr. Ogilvie and I have had long discussions on

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1 this. Thank you.

2 THE CHAIRPERSON: Oh.

3 Dr. MARY McCARTHY: Thank you.

4 THE CHAIRPERSON: Okay.

5 Dr. MARY McCARTHY: I think Mr. Ogilvie  
6 will remember, I was the first person who brought it to your  
7 attention.

8 THE CHAIRPERSON: Okay. Ms. Little,  
9 please?

10 Ms. TINA LITTLE: This is a question  
11 about tourism. In your view, is the future economic health  
12 of this part of Nova Scotia strongly dependent on eco-  
13 tourism?

14 Ms. DARLENE MACDONALD: Certainly nature  
15 tourism activities play an important role in the overall  
16 tourism experience for this region of the province.

17 Ms. TINA LITTLE: Just as a follow-up,  
18 just to give you a little, make you feel good about the  
19 future, I live in Florida most of the year and we had a very  
20 short season 20 years ago, and those parameters have  
21 extended tremendously. So with the proper marketing, I  
22 believe that you could do the same here.

23 THE CHAIRPERSON: Okay. One more. Okay,  
24 one more, Mr. Ackerman.

25 Mr. JERRY ACKERMAN: I'll try to be



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1 quick, thank you.

2 Nova Scotia coastline has, as Mr.  
3 Buxton, many obstructions to scenic beauty, and those  
4 include the gypsum port at Windsor and Canso, the tar ponds,  
5 the polluted harbour at Halifax, one of the worst on the  
6 east coast.

7 What about this proposal will constitute  
8 a tipping point or something that will aggravate your  
9 ability to market Nova Scotia as a coastal tourist  
10 destination?

11 Ms. DARLENE MACDONALD: I guess, as  
12 stated in the presentation, we do have concerns that it may  
13 potentially impact the Provincial tourism brand. I can't  
14 say whether or not it's a tipping point, per se, but as  
15 stated, we do have concerns that it may impact the  
16 Provincial tourism brand.

17 THE CHAIRPERSON: Thank you. Okay, then,  
18 thank you Mr. Ogilvie and Ms. MacDonald.

19 We will now move on to the next  
20 presenter, who is the Municipality of the District of Digby.  
21 --- Pause

22 THE CHAIRPERSON: There's a slight change  
23 in the schedule. The Municipality of the District of Digby,  
24 the Town of Annapolis Royal, and the Municipality of the  
25 County of Annapolis will all sit down together and make a

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1 joint... Well, a sequential presentation.

2 So gentlemen, very sorry to keep you  
3 waiting, but this is a very important issue for all parties,  
4 and we're trying to do it as thoroughly as we possibly can.

5 So could you identify yourselves, and as  
6 you heard me say already if any of you have complicated  
7 names please spell them out, and also identify your  
8 affiliation and so forth.

9 **PRESENTATION BY THE MUNICIPALITY OF THE DISTRICT OF DIGBY -**  
10 **WARDEN JAMES THURBER**

11 WARDEN JAMES THURBER: Mine might be  
12 complicated. My name is James Thurber, T-h-u-r-b-e-r, and  
13 I'm the Warden for the Municipality of the District of  
14 Digby.

15 MAYOR JOHN KINSELLA: Good afternoon. My  
16 name is John Kinsella, I'm the Mayor of Annapolis Royal.  
17 That's K-i-n-s-e-l-l-a.

18 WARDEN PETER NEWTON: Good afternoon.  
19 My name is Peter Newton, and I'm the Warden for Annapolis  
20 County. Newton is N-e-w-t-o-n.

21 THE CHAIRPERSON: Thank you. Gentlemen,  
22 would you like to begin? Maybe we'll start with you, Mr.  
23 Thurber, and go in this direction.

24 WARDEN JAMES THURBER: Okay. Thank you  
25 very much, Panel.

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1                   As I stated, my name is James Thurber,  
2 and I am the Warden for the Municipality of District of  
3 Digby. I am here today on behalf of the Council of the  
4 Municipality, and on behalf of the majority of the citizens  
5 of the Municipality who have told us that they do now want a  
6 quarry on Digby Neck.

7                   As a Council elected by the people of  
8 the Municipality of the District of Digby, we have supported  
9 our citizens in their opposition to this project.

10                  While it may not be quantifiable, there  
11 needs to be recognition of the fact that this project can  
12 negatively impact the quality of life of the residents of  
13 Digby Neck and Islands.

14                  This project is very much at odds with  
15 the promotion of Digby Neck and Islands as an eco-tourism  
16 destination.

17                  As elected Municipal officials, it is  
18 our responsibility to promote and protect the long-term  
19 economic, social, and environmental sustainability of the  
20 Municipality.

21                  Often, Council is faced with making a  
22 decision or taking a stand on issues that, while they may  
23 appear to be good for the economy of the Municipality, they  
24 may not be so good for other areas of the economy, for the  
25 environment, or for the social aspect of the community.

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1                   What may, at first glance, be seen as  
2 something that could have a positive impact on the economy  
3 of the area may, in the long term, have a devastating  
4 negative impact on the environment, or on the quality of  
5 life of the citizens of the community.

6                   In July of 2006, on behalf of Council, I  
7 wrote to Ms. Debra Myles, Panel Manager of the Canadian  
8 Environmental Assessment Agency expressing concerns  
9 regarding the following aspects of the Environmental Impact  
10 Statement.

11                   Blasting. The Proponent has indicated  
12 that binoculars will be used to determine if the mammals or  
13 birds are present before blasting takes place. The use of  
14 binoculars is not a reliable method, given the fact that fog  
15 can decrease the visibility considerably.

16                   Digby Neck is well known for the number  
17 of days they are fogged in. Even without the problem of  
18 fog, the use of binoculars alone to determine the presence  
19 of mammals is inadequate and unreliable.

20                   The lack of scientific data on the  
21 effects of blasting on large mammals such as whales and  
22 other marine animals is, in itself, reason enough to proceed  
23 very carefully in this area.

24                   Ballast water. The probability is  
25 increased that ballast water will bring with it invasive

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1 species by the increase in the number of ships in our  
2 waters. We are already dealing with the green crab, which  
3 has the potential to significantly alter the ecosystem. A  
4 ship's ballast discharge can hold a wide range of species,  
5 which could have a harmful effect on the ecosystem.

6 Silt and runoff. Sediment, as a result  
7 of runoff, or windblown particles deposited into the Bay,  
8 can seriously endanger plant and aquatic life. There is not  
9 enough scientific data pertaining to how this may impact on  
10 the various local fisheries.

11 Our local communities have depended on  
12 these fisheries for their survival for centuries.

13 Negative impact on the community.  
14 Council was concerned that the potential negative impact on  
15 the community caused by such things as dust and noise.

16 Water supply is another concern. Will  
17 the company's usage of water lower or contaminate the water  
18 table? Could this intensive blasting open up seams that  
19 might either divert the water supply from the surrounding  
20 communities or allow salt water or other contaminants to  
21 enter the water supply?

22 A good and dependable water supply is a  
23 necessity for a community.

24 Definition of "significant". Council  
25 was extremely opposed to the term "significant" to refer

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1 only to impacts that extend beyond local or regional  
2 effects. Certainly, if someone's well goes dry, the whales  
3 are scared away, or the lobster fishery in the immediate  
4 area is negatively impacted, that would be very significant  
5 to our local community and way of life.

6 Council recognizes that this project  
7 could provide additional jobs for our area and additional  
8 tax revenues, although the amount is difficult to determine.

9 However, if jobs in other sectors of our economy are  
10 threatened or lost, and the quality of life in surrounding  
11 communities is negatively impacted, water issues, noise,  
12 dust, et cetera, so as to make them less desirable places to  
13 live, work, raise families, or retire, then have we gained  
14 or lost?

15 Council's concerns about the  
16 uncertainties as to the potential negative effects of this  
17 project lead us to support our citizens who do not wish to  
18 see this proceed.

19 It is not for me, as the Warden, or for  
20 Council to determine whether or not the White's Point Quarry  
21 and Marine Terminal Project should go forward. It is,  
22 however, our responsibility as elected officials to bring  
23 the concerns of our residents and Council forward, and to  
24 make sure that they are adequately addressed.

25 In closing, I would like to thank the

1 members of the joint review panel for this opportunity to  
2 make this presentation.

3 Thank you.

4 THE CHAIRPERSON: Thank you, Mr. Thurber.  
5 Mr. Kinsella?

6 **PRESENTATION BY THE TOWN OF ANNAPOLIS ROYAL - MAYOR JOHN**  
7 **KINSELLA**

8 MAYOR JOHN KINSELLA: Good afternoon.  
9 Again, my name is John Kinsella. I'm the Mayor of the Town  
10 of Annapolis Royal. I've served as the Mayor for the past  
11 six years, served on the Council for 15 years. It's been my  
12 pleasure to do so, by the way.

13 I'm going to be quoting from a letter  
14 that I wrote to Debra Myles, the Panel Manager, on May 19th,  
15 2006.

16 "Regarding the comment on the  
17 Environmental Impact Statement, this is  
18 a huge project that would result in a  
19 quarry of approximately 150 hectares,  
20 about halfway out on Digby Neck.

21 The project would be to quarry, crush,  
22 and ship basalt exclusively for export.

23 The operation will run 24 hours a day,  
24 46 weeks a year, give or take.

25 The aggregate industry is as large as

1 the oil industry, and growing. Basalt  
2 makes very good aggregate, and there is  
3 high-grade basalt from Brier Island to  
4 Cape Split.  
5 The Town has the following concerns  
6 about the project. This community is  
7 very opposed to the project. Regarding  
8 gaps in the Environmental Impact  
9 Statement, there are some very large  
10 gaps in the Environmental Impact  
11 Statement, including the following.  
12 The operation will probably endanger the  
13 fishing industry and the right whale  
14 population. It will have a tremendous  
15 impact on the community. With big  
16 lights that will be required, the site  
17 will look like a city when they're  
18 turned on. The operation will produce  
19 34 jobs, but will endanger that many, if  
20 not more, along the neck; in particular  
21 in terms of tourism and fishing.  
22 When you lose a small family fishing  
23 community, you lose your coastal  
24 community.  
25 There is only a half page dedicated to



1 cumulative eco-system impacts, which is  
2 not enough of consideration of these  
3 issues that has been made.

4 We have concerns over the future. The  
5 owner owns three times as much land as  
6 the proposed quarry, and are still  
7 trying to purchase more land. If this  
8 project goes forward without major  
9 alteration, it will open the door for a  
10 lot more.

11 In 2006, residents of Victoria Beach  
12 believed that a separate proposal for  
13 that area has been abandoned, but the  
14 reality is the Department of Environment  
15 and Labour asked for additional  
16 information which was not provided, so  
17 that that application is now on hold.  
18 There is the possibility that the  
19 proponents of that project and the  
20 Provincial Government may be awaiting  
21 the outcome of this process.

22 There was also another application in  
23 Belleisle, at present.

24 Value added: This is not value-added  
25 activity. There will be no royalties,

1 since the quarry will produce aggregate  
2 only. If there's one thing you learn in  
3 economics, if you have something that  
4 can haul out of the ground, you should  
5 do everything possible to have it a  
6 finished product so that you can sell it  
7 to market, instead of selling raw  
8 material.

9 Visual impact: Basalt quarrying will  
10 leave a permanent mark on the landscape,  
11 despite what the Proponents will tell  
12 you, and there is one on North Mountain  
13 already.

14 Since the whole area is a prime tourism  
15 destination area, has any consideration  
16 been given to that?

17 You've already heard about noise  
18 pollution. We're very concerned about  
19 that, in a tranquil area.

20 Impact on other areas: While this  
21 project would take place on Digby Neck,  
22 the Town is concerned about precedents  
23 set in one or more municipal units that  
24 could have repercussions for other  
25 municipal units such as ours.

1 The impact on the tourism industry: Any  
2 negative impacts on Digby Neck will  
3 affect the successful whale-watching  
4 operations that offer another draw for  
5 tourists thinking about southwest Nova  
6 Scotia. This will have an impact our  
7 established bed and breakfast community,  
8 who offer accommodations in Annapolis  
9 Royal for whale watchers, and on the  
10 other many tourism attractions and  
11 services in the Town and the surrounding  
12 area.

13 Impact on water sources: Basalt  
14 deposits in the North Mountain are  
15 important to surface and groundwater  
16 recharge in the Annapolis Valley. The  
17 Town's own water supply comes from North  
18 Mountain. We have a joint water supply  
19 between the Town and the County of  
20 Annapolis. What impact will the project  
21 ultimately have on the water source in  
22 this area? This has not been clearly  
23 addressed.

24 Adequacy of provincial regulations: We  
25 continue to doubt the adequacy of

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(WARDEN PETER NEWTON)

1 provincial regulations to deal with  
2 managing basalt quarrying for global  
3 markets."

4 When I heard a question asked earlier,  
5 if all of the right whales and other whales were driven away  
6 from this area, what will the industry do, as far as whale  
7 watching and bird watching? It will disappear.

8 THE CHAIRPERSON: Thank you, Mr.  
9 Kinsella. Mr. Newton?

10 **PRESENTATION BY THE MUNICIPALITY OF THE COUNTY OF ANNAPOLIS**  
11 **- WARDEN PETER NEWTON**

12 WARDEN PETER NEWTON: Good afternoon.  
13 Before I start my presentation, I just want to respond to  
14 part of the discussion about out-migration for young people.

15 I spent the first week of this month,  
16 the first ten days of this month, actually, in Alberta, and  
17 there's a community with 100 kilometres south of Fort  
18 McMurray that doesn't have a tradesman available to do any  
19 work in the community. They have no young people, because  
20 they're all working in Fort McMurray.

21 As far south as Calgary or further,  
22 there aren't enough people to be employed in places like  
23 McDonald's and Tim Horton's and Wendy's, to facilitate  
24 operating drive-thrus. So it's not unique to rural Nova  
25 Scotia. It's happening, it's at a very high-peak in this

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1 country, but it's not unusual to this area alone. It's  
2 happening all across the country.

3 Now to my presentation. On behalf of  
4 the Municipality of Annapolis County, I appreciate the  
5 opportunity to address the Joint Review Panel for White  
6 Point Quarry and Marine Terminal Project. My name is Peter  
7 Newton, and as Warden, I am the Chair and spokesperson for  
8 our Council.

9 I understand the Panel is conducting  
10 these hearings to encourage public input, and to ensure a  
11 thorough examination of all matters relevant to its mandate.

12 The County of Annapolis is an interested party, and wishes  
13 to ensure that the Panel fully addresses the concerns of the  
14 public and the implications that this proposed project has  
15 on all of us in this region.

16 First, I will provide some background  
17 about Annapolis County.

18 An overview, Annapolis County has a rich  
19 history and beautiful, natural environment, and offers and  
20 enviable quality of life. The Habitation at Port Royal is  
21 the site of the first permanent European settlement in  
22 Canada, 1605. Historic Towns of Annapolis Royal,  
23 Bridgetown, and Middleton, are the focal points of the  
24 western, central, and eastern portions of the county.

25 Together, the towns and more than 100

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1 communities within the County's jurisdiction offer range of  
2 lifestyle choices and community amenities.

3                   The Municipality of Annapolis County has  
4 a population of about 18,500 people, and adding the Towns of  
5 Annapolis Royal, Bridgetown, Middleton, this brings the  
6 population to about 22,000.

7                   Annapolis County encompasses 3,200  
8 square kilometres of western Nova Scotia adjacent to the Bay  
9 of Fundy.

10                   The Annapolis River bisects the county,  
11 running east to west, emptying into the Annapolis Basin.  
12 More than 500,000 acres of the 830,000 acres of land in the  
13 County, are forested; particularly along the North and South  
14 Mountain ranges.

15                   Most of the 50,000 acres of agricultural  
16 land within the county is spread out over the Annapolis  
17 Valley floor.

18                   Fishing, forestry and agriculture remain  
19 important elements of the rural economy. We are  
20 particularly concerned about the implications of the White  
21 Point Quarry and Marine Terminal Project respecting the  
22 fisheries in Digby and Annapolis Counties. Our communities  
23 are very similar. We certainly hope that the Joint Review  
24 Panel will thoroughly review and address this area.

25                   Tourism, retail trade, transportation,

1 and storage, and the service sector historically have been  
2 relatively stable. However, tourism has declined during the  
3 past two years, but will benefit from additional planned  
4 investment and diversification across the industry.

5 We encourage the Joint Review Panel to  
6 be mindful of potential impacts of this proposed project on  
7 tourism among other socio-economic implications relevant to  
8 the review.

9 Immigration to this region is a related  
10 issue; specifically in that we view visitors as potential  
11 lifestyle purchasers or investors, people who may relocate  
12 to this region for its quality of life and new opportunities  
13 in non-traditional economic sectors.

14 In 2003, the voluntary planning task  
15 force on non-resident ownership of land in Nova Scotia  
16 identified Annapolis and Digby Counties as among the areas  
17 of highest instance of non-resident ownership of coastal and  
18 waterfront land.

19 For the most part, this has contributed  
20 to growth and residential development and other economic  
21 activities associated with seasonal and semi-permanent  
22 residents. The important of this is often overlooked in the  
23 context of discussions about rural population, decline,  
24 based on perceptions about Statistics Canada's population  
25 data, particularly if it is not related to data on numbers

1 and types of dwellings.

2                   Our Municipalities recognize there are  
3 structural factors that affect and result in variation and  
4 growth. Diversification and economic performance of rural  
5 economics in Canada. GDP per capita in rural Nova Scotia is  
6 70 percent of that in Halifax. Although it is only one  
7 measure of prosperity, it is important for the  
8 Municipalities and our regional development agency to work  
9 to narrow the GDP per capita gap.

10                   The new economy and the enabling effects  
11 of information technology present opportunities for this  
12 rural area to lever the competitive advantage associated  
13 with our quality of life to attract new companies, home-  
14 based businesses, and residents.

15                   Issues for the Joint Review Panel to  
16 address. The Council of the Municipality of Annapolis  
17 County has tried to take a look at Whites Point Quarry and  
18 Marine Terminal Project from the perspective of the public.

19 Some of the questions generated from this perspective are:

20                   Why is this happening here, and what  
21 impacts will it have?

22                   What factors and conditions have led to  
23 a project of this magnitude being proposed here, rather than  
24 where the economic demand exists?

25                   What authority and roles do the Federal,



1 Provincial and Municipal Governments have respecting the  
2 proposed project?

3 What responsibilities do the Federal,  
4 Provincial and Municipal Governments have relative to their  
5 respective roles and authority?

6 Our Council hopes the Review Panel will  
7 address these and other questions in a manner that will  
8 provide the proper local, regional, provincial, national,  
9 and international context for the White Point Quarry and  
10 Marine Terminal Project.

11 We also seek unambiguous definition of  
12 the role and accountability of each of the Federal and  
13 Provincial Governments. They should clearly define the  
14 public interest respecting this proposed project and what  
15 present and future actions they will take in the public  
16 interest.

17 Not long ago, the Supreme Court of Nova  
18 Scotia addressed the jurisdictions Municipalities have over  
19 pits and quarries and related activities in a case involving  
20 our Municipality.

21 The Court determined that while Nova  
22 Scotia Municipal Government Act provides municipalities with  
23 the authority to adopt land-use policies and regulations,  
24 pits and quarry activities and operations are not included  
25 in the definition of "land use".

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1 This includes excavating material,  
2 including blasting, crushing and storing aggregates on site,  
3 and related transportation activities. This means we have  
4 no say in those issues.

5 Land area is a key determinant of  
6 provincial classification of pits and quarries. There may  
7 be some correlation and relationship to annual, average, and  
8 peak day production rates, proximity to sensitive, natural  
9 environments and product transportation modes, routes, and  
10 frequency, with such factors themselves should be addressed  
11 in classify and regulating undertakings.

12 Having provided some background  
13 respecting the areas of concern to the Council of the  
14 Municipality of Annapolis County, I wish to leave you with  
15 some specific questions. We trust the Joint Review Panel on  
16 White Point Quarry and Marine Terminal Project will address.

17 Firstly, implications of the White Point  
18 Quarry and Marine Terminal process respecting the future pit  
19 and quarry activity of North Mountain basalt. What is the  
20 size of the market the Proponents intend to serve? If the  
21 project goes ahead, are others likely to follow? Are there  
22 other North Mountain resources, e.g. zeolites, near United  
23 States markets may want?

24 Will the marine terminal have capacity  
25 beyond the production rates at White Point Quarry, and if

1 so, is it likely that that could lead to an increase in  
2 excavation, production and trucking from other existing pits  
3 and quarries to this region?

4 Generally, what is the context of this  
5 project within the market

6 Secondly, absence of clear statements of  
7 provincial interest respecting land-use policies for pits,  
8 quarries, and similar or related activities, will the Joint  
9 Review Panel's report address this subject?

10 In the future, will the public know the  
11 position of the Government of Nova Scotia, how it has  
12 defined the public interest, what factors have been  
13 considered, and what trade-offs have been made?

14 Will the Joint Review Panel make  
15 recommendations to the Government of Nova Scotia respecting  
16 public policy in this area?

17 Will the Joint Review Panel review other  
18 jurisdictions and address the relationship of provincial  
19 regulation of pits and quarries to municipal land-use  
20 planning and regulation?

21 The third, the need for Provincial and  
22 Federal Governments to address socio-economic implications  
23 of the Whites Point Quarry and Marine Terminal Project  
24 activities and operations in terms of the North American  
25 Free Trade Agreement (NAFTA).

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1                   What factors or conditions are  
2 preventing or limiting the ability of the United States'  
3 market to address demand for supplies closer to home?

4                   What procedural or other safeguards are  
5 there in place to protect potential exporting areas that  
6 have different levels and standards of regulation than on  
7 importing areas?

8                   Are we required under NAFTA to extract  
9 and export resources to areas that would not allow them in  
10 their own area, the NIMBY syndrome, not in my backyard but  
11 somebody else's?

12                   And what rules or rulings are relevant  
13 to this situation today?

14                   On behalf of the Council of the  
15 Municipality of Annapolis County, I thank the Joint Review  
16 Panel for this opportunity to speak.

17                   We have been reluctant to take a  
18 position on a proposed project that is located outside of  
19 our municipality.

20                   However, we believe this Project has  
21 water implications that you should address.

22                   While we value and pursue economic  
23 community development, it must be sustainable and it must  
24 not negatively impact on our environment, quality of life  
25 and other sectors of our economy.

COUNTY OF ANNAPOLIS-DISTRICT OF DIGBY-TOWN OF ANNAP. ROYAL  
(QUESTIONS FROM THE PANEL)

1                   We do not support development at any  
2 cost.

3                   Thank you.

4                   THE CHAIRPERSON: Thank you Mr. Newton.

5 **PRESENTATION BY THE MUNICIPALITY OF THE DISTRICT OF DIGBY,**  
6 **THE TOWN OF ANNAPOLIS ROYAL AND THE MUNICIPALITY OF THE**  
7 **COUNTY OF ANNAPOLIS - QUESTIONS FROM THE PANEL**

8                   Dr. JILL GRANT: First a few questions  
9 for Mr. Thurber. Can you give us an idea... One of the  
10 things that came out of the Environmental Impact Statement  
11 is the lack of a land use plan in Digby.

12                   Can you give us an idea of why the  
13 County hasn't expressed its intent through a land use plan  
14 for this area?

15                   WARDEN JAMES THURBER: I can't speak of  
16 past history other than the last eight or nine years, and in  
17 the last eight or nine years, we have in some areas done  
18 some land use planning, however it has not been done in this  
19 area.

20                   I guess as far as this case is  
21 concerned, as Warden Newton mentioned, we have been led to  
22 believe that even with some land use planning, we would have  
23 very little to say when it comes to pits and quarry  
24 operations.

25                   Dr. JILL GRANT: Thank you. Another

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1 element that's in the Environmental Impact Statement is the  
2 suggestion that this Project will result in property taxes  
3 in the vicinity of \$400,000 a year.

4 Does that number come from the County,  
5 from the municipality of Digby or is there... Do you have  
6 any reason to give us confidence that that figure is right  
7 or...

8 WARDEN JAMES THURBER: No way that I can  
9 substantiate at all that that's a proper number. We had  
10 heard that number, we've tried to do some investigations  
11 through the Province, and they say there are so many  
12 variables that it could range from \$130,000 or less, all  
13 according to different factors, how mobile the buildings or  
14 equipment are, whether the loading docking facility...

15 Apparently there is an appeal taking  
16 place with some of the other ones that exist, and if that  
17 appeal is successful, than possibly those facilities may not  
18 even be taxable, which could make the figure \$130,000 high,  
19 so...

20 Dr. JILL GRANT: Okay.

21 WARDEN JAMES THURBER: Through our  
22 investigations with the Province, it would have to be a  
23 fairly large solid foundation operation to come anywhere  
24 near that number.

25 Dr. JILL GRANT: I wonder whether the

COUNTY OF ANNAPOLIS-DISTRICT OF DIGBY-TOWN OF ANNAP. ROYAL  
(QUESTIONS FROM THE PANEL)

1 Municipality of Digby, the District of Digby, has any  
2 concerns about the truck traffic that will be generated in  
3 the construction phase of this Project?

4 Any concern about that on the roads or  
5 on anything else?

6 WARDEN JAMES THURBER: I probably should  
7 have stated before I started answering the questions that  
8 maybe some of the comments may not necessarily be the  
9 position of council because they may be articles that  
10 haven't been discussed. They could be my opinion or my  
11 feeling.

12 Our Council does promote growth of  
13 industry in the area, and if there's lot more fish coming,  
14 there's a lot more trucks that have to log them, we're not  
15 going to say we don't support that, so I can't...

16 My best guess would be that the Council  
17 would not have a lot of concern over trucking.

18 Dr. JILL GRANT: I think that you had  
19 suggested something about concerns around noise. Can you  
20 elaborate on the kinds of concerns that you might have about  
21 noise from the Project?

22 WARDEN JAMES THURBER: I guess our  
23 concern would be that there could be continuous noise from  
24 the Project, which could disturb the quality of life of  
25 residents within the area of operation.

1 I guess if blasting is something that  
2 could affect marine life, then I guess we would have a  
3 question or concern in that area.

4 Dr. JILL GRANT: My final question for  
5 you is about your perception of how the Project has  
6 affected social relations in the District, especially  
7 between those who are in favour of it or who are opposed to  
8 the Project?

9 WARDEN JAMES THURBER: It has caused some  
10 deep feelings amongst good community people, on both sides  
11 of the issue, who I feel all have or for the most part have  
12 a concern for the good and the future of the area.

13 I'll be glad when something is settled,  
14 because there are people who have had to use a lot of their  
15 valuable time to deal with this issue, and I am hopeful that  
16 when this is decided, whichever way it would go, that there  
17 will be a way to mend and build that community and get this  
18 community spirit back and go on for the good of the  
19 communities and the municipalities.

20 Dr. GUNTER MUECKE: And could I just come  
21 back in terms of financial benefits to the municipality?  
22 You mentioned that it may be as low as \$130,000, and  
23 possibly lower than that.

24 Have there been any attempts to quantify  
25 the costs to the municipality that would arise as a result



1 of this Project?

2 WARDEN JAMES THURBER: Not really.  
3 Without knowing just what would take place, I'm not sure.  
4 Like this is one of our concerns.

5 If something does happen to the water  
6 supply of the community, we're probably going to have to go  
7 in and find a way to supply water to that community, so that  
8 could certainly cost the municipality many dollars.

9 If people move from the community  
10 because of the Project, it could lead to tax dollars that  
11 could be lost.

12 So without the Project actually being in  
13 place and knowing what the consequences might be, those  
14 would be two areas that I guess we can think about right  
15 now.

16 Dr. GUNTER MUECKE: Thank you.

17 THE CHAIRPERSON: Warden Newton, I have a  
18 question for you. You mentioned that land use planning and  
19 the establishment and operation of quarries and pits and so  
20 forth are disconnected.

21 Does that disconnection occur in  
22 legislation? Is that a clearly enunciated policy?

23 WARDEN PETER NEWTON: Yes. The **Municipal**  
24 **Government Act** gives us this ability to do land use planning  
25 and so on, but the provincial legislation holds the

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1 responsibility for pits and quarries with them, and they do  
2 the environmental permitting and everything else, so we  
3 don't.

4 And quite often, we find out after the  
5 fact that we are going to have a pit or a quarry in our  
6 community.

7 THE CHAIRPERSON: Interesting. Thank  
8 you.

9 Mr. Buxton?

10 **PRESENTATION BY THE MUNICIPALITY OF THE DISTRICT OF DIGBY,**  
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13 Mr. PAUL BUXTON: Yes, I'll try to be  
14 brief Mr. Chair, I realize we're running late.

15 Warden Thurber, just for sort of an  
16 orientation, you live I think on Brier Islands or Long  
17 Island, I'm not sure which?

18 WARDEN JAMES THURBER: I live on Long  
19 Islands.

20 Mr. PAUL BUXTON: Okay.

21 WARDEN JAMES THURBER: I'm looking at  
22 Brier Island.

23 Mr. PAUL BUXTON: Right, and you are a  
24 lobster fisherman as I understand it?

25 WARDEN JAMES THURBER: Semi-retired.

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1                   Mr. PAUL BUXTON: Thank you. I wonder if  
2 you could tell me how you came up with the percentage? You  
3 said that you believe that the majority of the people of the  
4 Municipality of Digby were against the Project. How did you  
5 determine that?

6                   WARDEN JAMES THURBER: We didn't do any  
7 polls. We just went by what we were hearing publically and  
8 what we weren't hearing, and we just assumed. We have no  
9 concrete evidence to that fact.

10                  Mr. PAUL BUXTON: Yes, thank you. I  
11 wonder if you could tell me how many of the meetings that  
12 were held, Community Liaison Meetings, public meetings, et  
13 cetera, or other meetings that you've attended to try to get  
14 answers to some of your questions?

15                  WARDEN JAMES THURBER: I believe I  
16 attended the meeting in Sandy Cove when the Panel were there  
17 before. Council did have representation on the Liaison  
18 Committee that was set up originally.

19                   I don't know if that still exists or  
20 not, but...

21                   Beyond that, I can't recall that there  
22 would have been any that I would have attended.

23                  Mr. PAUL BUXTON: Thank you. Just with  
24 respect to taxes, since the issue came up and... I think  
25 Dr. Grant asked the question as to where that \$400,000 came

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1 from, and really the determination is whether the plant is  
2 mobile or not.

3 Many, many quarries and pits in the  
4 Province of Nova Scotia bring in mobile plants, and  
5 essentially because they are mobile, they are not taxed.  
6 Essentially, when they are fixed, they become taxed.

7 So you have to ask the right questions  
8 of the Assessment Department to come up with a right  
9 answer.

10 Thank you, I just have a couple of  
11 questions for Mayor Kinsella, if I may.

12 MAYOR JOHN KINSELLA: Yes.

13 Mr. PAUL BUXTON: You stated in your  
14 presentation to the Panel and you stated again today that  
15 this is a 24 hours per day operation, and I'm wondering  
16 where you learned that it was a 24-hours a day operation  
17 Mayor?

18 MAYOR JOHN KINSELLA: We gathered  
19 information that was provided by Bilcon, on the Website, the  
20 public information that was provided, and also input that we  
21 got from members of the community.

22 Mr. PAUL BUXTON: I can specifically say  
23 Mayor Kinsella that Bilcon has never, ever said in any  
24 document that we are running 24 hours a day, and we have  
25 been very clear on that.

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1                   MAYOR JOHN KINSELLA: I'm sorry, I did  
2 say that I obtained the information from various sources,  
3 including yours. I didn't say that you had said that.  
4 Thank you.

5                   Dr. JILL GRANT: I'd like to follow up on  
6 this if I can with you Mr. Buxton, because in reading the  
7 EIS, the Panel understands that there will be times when the  
8 ship will be coming in at night, so there may be times when  
9 the quarry is indeed operating through the night as the ship  
10 is loading, is that not correct?

11                  Mr. PAUL BUXTON: No, the quarry will not  
12 operate at night. The ship loader may operate at night, but  
13 the quarry will not operate at night. I mean, there's a  
14 huge difference between the two, and I think that to  
15 continuously say: "This is a 24 hours a day operation, year  
16 round", is a misrepresentation.

17                  On another matter, you talked about  
18 value added products and finished product, and I'm wondering  
19 why you would not consider this product a finished product  
20 and not a value-added product?

21                  MAYOR JOHN KINSELLA: Well, I guess my  
22 perspective would be that the community gets to lose twice  
23 on this. Number one, they get to get a huge section of  
24 North Mountain torn down, then it gets...

25                  Mr. PAUL BUXTON: That's not my question

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COUNTY OF ANNAPOLIS-DISTRICT OF DIGBY-TOWN OF ANNAP. ROYAL  
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1 Mayor Kinsella.

2 MAYOR JOHN KINSELLA: You asked me a  
3 question Sir.

4 THE CHAIRPERSON: Just a minute Mr.  
5 Buxton, let him answer please.

6 MAYOR JOHN KINSELLA: As I said, we get  
7 the opportunity to lose twice on this. Number one, we get  
8 to lose a section of North Mountain, then number two it gets  
9 shipped off to New Jersey where it goes into production,  
10 where it is changed, and all the smoke stacks that produce  
11 air pollution get to drift up to Nova Scotia, so we get an  
12 opportunity to lose twice on that.

13 THE CHAIRPERSON: Mr. Buxton?

14 Mr. PAUL BUXTON: Maybe I should answer  
15 my own question. The fact is that this is a value-added  
16 product, and it is a finished product.

17 Nothing further happens to this product  
18 when it gets to Nova Scotia (sic), except to be created into  
19 concrete. You can't make concrete here and ship concrete to  
20 anywhere else.

21 MAYOR JOHN KINSELLA: So other places  
22 don't manufacture concrete? What I'm suggesting is if we  
23 wanted to, we could manufacture concrete here, and I think  
24 that that is what does happen in other places.

25 They take the basalt out of the ground

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1 and they manufacture concrete. That would be a value-added  
2 product, just as when you tear down trees, if you build  
3 furniture from those trees, that's a value-added product,  
4 and that's what I would like to see happen with our natural  
5 resources here in Nova Scotia, and that's what I believe is  
6 economic development.

7 That's one of the tools that we use for  
8 economic development, and that is to produce a value-added  
9 product.

10 Mr. PAUL BUXTON: Well Mayor Kinsella, if  
11 you can produce concrete for shipment overseas, I suggest  
12 you patent it.

13 Could I ask you with how you came up  
14 with the level of opposition in the town of Annapolis Royal  
15 to this Project?

16 MAYOR JOHN KINSELLA: Certainly, we  
17 received correspondence on the issue. As well, individual  
18 councillors were buttonholed on it, and the town in 2004  
19 made a decision to write to the Provincial Government asking  
20 for an environmental assessment and review.

21 Mr. PAUL BUXTON: But you did a  
22 headcount, number count, something or another, and asked  
23 taxpayers of the town what their opinion was?

24 MAYOR JOHN KINSELLA: No Sir, we didn't  
25 use suspicious things like the information that was provided

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1 by you folks, for polling.

2 Mr. PAUL BUXTON: I'm really referring to  
3 the fact that you know, I'm a taxpayer of the town, my wife  
4 is a taxpayer of the town, my daughter is a taxpayer of the  
5 town, and we were not consulted.

6 MAYOR JOHN KINSELLA: Thank you very  
7 much, it's good to hear your point of view.

8 THE CHAIRPERSON: Gentlemen. Gentlemen.  
9 Question please.

10 Mr. PAUL BUXTON: Yes please, I have a  
11 question about the Town's water supply. You said that the  
12 town's water supply came from the North Mountain.

13 What location on the North Mountain does  
14 the Town's water supply come from?

15 MAYOR JOHN KINSELLA: It's located in  
16 Granville Ferry. We have a joint water supply with  
17 Granville Ferry, and the Town shares that and it's shipped  
18 across the causeway.

19 Mr. PAUL BUXTON: So the Town is now  
20 using the entire drilled well system in Granville Ferry, and  
21 no water from the south mountain?

22 MAYOR JOHN KINSELLA: That's correct.

23 Mr. PAUL BUXTON: Thank you Mr. Chair, I  
24 have no questions of Warden Newton.

25 Dr. GUNTER MUECKE: This is directed at

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1 all three of you I guess.

2 Has Bilcon at any time presented to your  
3 council? Have you asked Bilcon to present to your council  
4 or has Bilcon offered to present to your council?

5 WARDEN JAMES THURBER: Yes, Bilcon has  
6 made a presentation to our council.

7 MAYOR JOHN KINSELLA: No, they haven't.  
8 Oh, I would make one other comment. I guess as a municipal  
9 leader, I do recall... This is very brief.

10 In the summer of 1969, I had the  
11 opportunity to see the Cuyahoga River on fire. That's the  
12 city that I was born and raised in, Cleveland, Ohio, and I  
13 thought about that today when I thought about being a  
14 municipal leader and speaking out so that environmental  
15 disasters don't happen, and that people don't for whatever  
16 reason decide to lay waste to our environment.

17 WARDEN JAMES NEWTON: No on all three  
18 accounts. We haven't had a presentation, didn't ask for one  
19 and it wasn't suggested that we could have one.

20 One other point that I would like to  
21 make while I have the opportunity is that as we all know,  
22 the Bay of Fundy has the highest tides throughout the world,  
23 for the most part of the world.

24 With those tides are very strong  
25 currents, which carry anything and everything from the Digby

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1 gut up through the Bay of Fundy, right up to Windsor, so  
2 whatever happens in the area here in the Bay of Fundy is  
3 going to impact on the waters all the way up through the Bay  
4 of Fundy.

5 THE CHAIRPERSON: Thank you. Mr. Buxton,  
6 do you want to follow up? Did you...

7 Mr. PAUL BUXTON: No, thank you Mr.  
8 Chair.

9 THE CHAIRPERSON: Any questions from the  
10 audience? Yes.

11 **PRESENTATION BY THE MUNICIPALITY OF THE DISTRICT OF DIGBY,**  
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14 Mr. BRIAN DYER: Mr. Chair, thank you  
15 for...

16 THE CHAIRPERSON: Please identify  
17 yourself.

18 Mr. BRIAN DYER: Brian Dyer, once more.  
19 In particular, my question is directed at Mayor Kinsella,  
20 because this is a unique opportunity to meet with our first  
21 elected representatives. There have been no other elected  
22 representatives here so far.

23 Also, I believe you are an educator, and  
24 it's in that context that I would like you to answer the  
25 following question.

1                   What is your confidence level that...  
2 After our learned Panel have presented to the Minister of  
3 the Environment of Nova Scotia their findings, what is your  
4 confidence level that it will be accepted and be reviewed in  
5 an impartial fashion given that that Minister is within the  
6 area of influence of the North Mountain?

7                   That's part of his riding, and he hasn't  
8 come to even sit in for one of these sessions, and we are  
9 now halfway through this operation.

10                  And also, in the same context, you have  
11 had I believe dealings with the Provincial Government on  
12 almost a parallel situation in the recent future, in the  
13 recent past, and your confidence level should be also  
14 tempered with your educational experience because there have  
15 been a number of international studies on literacy in the  
16 last couple of months that have come out and it has been  
17 declared that Canada in particular, but I think mainly all  
18 the Western World, but 46 percent of adults over the age of  
19 18 are functionally illiterate, and we can...

20                  THE CHAIRPERSON: Are we getting to a  
21 question?

22                  Mr. BRIAN DYER: We are indeed. It's all  
23 part of---

24                  THE CHAIRPERSON: Soon.

25                  Mr. BRIAN DYER: ---the question.

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1 THE CHAIRPERSON: Soon.

2 Mr. BRIAN DYER: It is all part of the  
3 parameter because we come to the other important aspect, to  
4 the literacy question that when you're talking about the  
5 general population, 46 percent being functionally  
6 illiterate, that does not exclude the provincial  
7 legislature, and there are further implications too, but  
8 with all of the provisos and mitigating and monitoring that  
9 is having to be put into this thing...

10 THE CHAIRPERSON: You are verging on a  
11 statement, and this is not a forum for statement. Now  
12 please get to the question or I'll ask you to move away  
13 please. Please.

14 Mr. BRIAN DYER: Well, the question is  
15 what is your confidence level that this learned body's  
16 provisions, when put before our current Department of  
17 Environment, will be met with an impartial review? Thank  
18 you.

19 MAYOR JOHN KINSELLA: Thank you very much  
20 for the question. I am always optimistic. Even when  
21 there's no good reason to be optimistic.

22 I please God that the recommendations  
23 that you make are supported by the Provincial Government.

24 THE CHAIRPERSON: Thank you. Mr.  
25 Morsches.

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1                   Mr. BOB MORSCHEs: My name is Bob  
2 Morsches from Sandy Cove. In one of my investigations about  
3 quarries, I went up about eight kilometres up towards  
4 Culloden, and there's a Mariners Aggregate Limited quarry  
5 there, and it's approximately I guess about maybe two  
6 hectares, a very small one.

7                   There's a gentleman that lives within  
8 one kilometre of that, and even though the blasting is  
9 organized he said, when it snows, rains, et cetera, the  
10 blasting material comes over on his property, has killed  
11 three of his beagles and he also has damaged ears and he's  
12 a...

13                  THE CHAIRPERSON: Are you going to ask a  
14 question Mr. Morsches?

15                  Mr. BOB MORSCHEs: Yes, I also would like  
16 to ask a question.

17                  THE CHAIRPERSON: Soon.

18                  Mr. BOB MORSCHEs: His whole site is just  
19 full of dust and soot. The question is how are you going to  
20 prevent that from happening during inclement weather?

21                  THE CHAIRPERSON: This is a question  
22 directed to Mr. Buxton?

23                  Mr. BOB MORSCHEs: Yes Doctor.

24                  Mr. PAUL BUXTON: I'll try and be brief  
25 Mr. Chair. Simply by putting into place best practices. If

1 this sort of incident is taking place with blasting, the  
2 blasting is incorrectly done, it's as simple as that.

3 THE CHAIRPERSON: Thank you Mr. Buxton.  
4 Any additional questions from the floor? If not, then  
5 gentlemen thank you very much for taking the time.

6 And once again, let me apologize for  
7 delaying your presentations.

8 We will meet here at 6:30.

9 --- Recess at 5:26 p.m.

10 --- Upon Resuming at 6:29 p.m.

11 THE CHAIRPERSON: Okay. We would like to  
12 get underway, please. Okay, the first presenter would be...  
13 That looks like Michael Hayden it must be, is it? Yes.

14 Mr. MICHAEL HAYDEN: My name is Michael  
15 Hayden.

16 THE CHAIRPERSON: Good. Thank you very  
17 much. And please proceed, Mr. Hayden.

18 **PRESENTATION BY Mr. MICHAEL HAYDEN**

19 Mr. MICHAEL HAYDEN: In recognition of  
20 the Chair, Dr. Robert C. Fournier, and other distinguished  
21 Panel Members, Drs. Jill Grant and Gunter Muecke.

22 I am a non-technical layman. I know  
23 little of engineering, mining, blasting, geology, hydrology  
24 or ecology. My presentation is based solely upon my  
25 personal research in this matter.

1                   When I first heard about the quarry on  
2 Digby Neck at Whites Cove, I was quite surprised at the  
3 resistance and challenge it was receiving. That groundswell  
4 seems to be turning into a roar.

5                   The Proponent, Bilcon of Nova Scotia  
6 Corporation, is a private family-owned business. Its parent  
7 company, Clayton Block and Sand manufactures concrete  
8 products in New Jersey. Bilcon needs a source of raw  
9 aggregate materials that is not subject to market  
10 fluctuations or market disruptions.

11                   Their development of the Whites Point  
12 Quarry could satisfy this need of theirs for the next 50  
13 years. Thus the fundamental rationale for the development  
14 of this quarry is to supply a stable fixed market with the  
15 raw material necessary for their manufacturing processes.

16                   The importance of achieving market  
17 stability cannot be overstated. Clayton Concrete Block and  
18 Sand presently purchase aggregate on the open market. In  
19 order to ensure dependable, uninterrupted supply, not  
20 subject to market inconsistencies, Clayton Concrete Block  
21 and Sand, through Bilcon, intends to develop and control  
22 their own supply of aggregate exclusively for Clayton  
23 Concrete Block and Sand of New Jersey.

24                   The Proponent is proposing to construct  
25 and operate a basalt quarry processing facility and marine

1 terminal on Digby Neck, Digby County, Nova Scotia where  
2 activities are scheduled to take place on 150 hectares of  
3 land. Production is expected to reach two-plus million tons  
4 of aggregate per year. The quarry is expected to expand its  
5 operational footprint by four hectares a year, expanding its  
6 platform of operation to a total of 250 hectares.

7                   At this size, we cannot consider the  
8 operation a moderate quarry operation. It would, indeed, be  
9 a mega-quarry. In terms of the tons of aggregate to be  
10 mined each year, Whites Point Quarry would join the top ten  
11 aggregate producers in all of Canada, quite an enormous  
12 undertaking on a small spit of land projecting into the Bay  
13 of Fundy.

14                   A short venture into the Clayton Group  
15 of Companies indicates that they are not small players in  
16 the American concrete market. According to the Fairfield  
17 Group, the TPC100 showing the industry's top revenue  
18 producers in concrete products, Ralph Clayton's and Sons  
19 rate is number 60, with an estimated yearly revenue of  
20 75-million. Clayton Block Company comes in as number 75,  
21 with an estimated yearly revenue of \$50-million.

22                   It might serve us well to illustrate the  
23 enormity of this Project of 250 hectares, with a few  
24 illustrations. 250 hectares of land is the equivalent of  
25 2,500,000 square metres. That may be considered as (1) the



1 equivalent of 290 regulation-size football fields, (2) the  
2 equivalent of five West Edmonton Malls, the largest shopping  
3 and entertainment center in the entire world, or (3) the  
4 equivalent of 240 city blocks.

5                   And we are considering allowing such a  
6 monstrous Project on a spit of land barely one mile wide.  
7 There must be something wrong with this picture.

8                   It seemed worthwhile to look at what  
9 made this particular aggregate so attractive as a source of  
10 raw material. Why have the Clayton Group persisted for so  
11 many years in having this permit approved? Mainly because  
12 basalt rock, a deposit of which lies in the North Mountain,  
13 stretching from Westport to Cape Split, Nova Scotia, is  
14 considered as a Class A aggregate, one of the most desirable  
15 components in producing high-quality concrete products.

16                   In fact, some U.S. States will offer a  
17 premium of \$2 a ton when Class A aggregate is used in a  
18 contract that calls for a minimum specification of Class B  
19 aggregate. There are multiple profit spinoffs available  
20 from this quality of rock.

21                   This would indeed indicate that the rock  
22 has a value. This, in spite of the fact that approximately  
23 ten years ago, for some unclear reason, the Government of  
24 the Province of Nova Scotia removed aggregate as a  
25 classified mineral, and therefore had no value. This meant

1 that no royalties could be collected as with other minerals.

2 In a presentation to the Society of  
3 Mining Engineers, April 2004, at Minneapolis, St. Paul,  
4 Minnesota, on the economics of Class A aggregate, it stated  
5 that essentially the equation boils down to the current  
6 price of Class A aggregate delivered to the plant site.  
7 Today, that value is \$14 a ton, and of course that's 2004  
8 figures.

9 In using this as our benchmark price,  
10 considering the extraction of 100-million tons of basalt  
11 rock from the Whites Point Quarry, a delivered value could  
12 be determined as \$1,400,000,000.

13 We also hear of rip rap, which is a  
14 permanent erosion-resistant groundcover of large, loose  
15 angular stone used to protect soil from erosive forces.  
16 Earth Products of Georgia lists riprap in tennis ball to  
17 football size pieces at \$45 a ton. Considered as riprap,  
18 our quarry now takes on a value of \$4 billion.

19 But the true value of our basalt rock  
20 lies in its geology. Because of the formation of a basalt  
21 deposit, it splits very easily into slabs with a consistent  
22 thickness. This would now value our quarry rock in excess  
23 of \$100-plus a ton, with a total value of \$10-billion. In  
24 fact, Earth Products lists mountain stone at \$150 a ton, so  
25 we could say \$15-billion.

1                   The proposed \$1 million payroll will  
2 probably mean a few truck driver and night watchmen's jobs  
3 to be supplied from the local labour pool. From what  
4 village on Digby Neck do you find heavy equipment operators,  
5 blasting technicians, or people with quarry, engineering or  
6 management experience? It seems we could be left to savour  
7 only in our dreams the promise of well-paying jobs.

8                   And our Provincial Government is  
9 considering an application for a permit to have this  
10 resource removed at no charge. One of the kinder  
11 definitions Webster offers for the word "stupid" suggests  
12 that the quickness to learn, but not necessarily the  
13 capacity for learning; is below average. The synonyms it  
14 offers are not quite so kind.

15                   I am opposed to the issuance of a permit  
16 to Bilcon of Nova Scotia to mine basalt aggregate at Whites  
17 Point, Nova Scotia, and the creation of a marine facility to  
18 export this resource.

19                   I live in Digby, Nova Scotia. I spent  
20 part of my growing-up years here. I am now retired. I have  
21 also lived in several cities across Canada which has served  
22 to enrich me with an understanding of the beauty of the area  
23 and the lifestyle it offers. Perhaps limited cultural  
24 resources, and certainly no endless line of box stores to  
25 shop at, but you know, you can still hear the frogs on a

1 summer's night. I did not hear these frogs in Calgary,  
2 Alberta.

3                   The summer season sees a swelling of  
4 residents, many from areas outside our borders. They seem  
5 to appreciate the pristine and unhurried atmosphere that the  
6 area provides. While the Digby area, like so many other  
7 areas of our Province, no longer enjoys the same economic  
8 benefits from our natural resources as it did 50 years ago,  
9 it still offers natural resources that attract tourists and  
10 seasonal residents year after year.

11                   The Province of Nova Scotia is a land of  
12 resources. While we usually think of these resources in  
13 terms of mineral, forest and marine wealth, we have a myriad  
14 of other resources such as a breathtaking coastline, coupled  
15 with pristine woodland and agricultural land mass. The air  
16 in Nova Scotia is not choked with the pollutants of an  
17 industrialized economy.

18                   These are some of the reasons a property  
19 which may command a value of \$40,000 in the local real  
20 estate market may command a value of \$200,000, \$240,000 when  
21 offered to the American and European markets. This is a  
22 value that is often underplayed, or even considered as we  
23 speak of our natural resources.

24                   I live in Nova Scotia by choice. I love  
25 to go outdoors on a spring morning, and breathe in the

1 smells of the pristine wilderness, along with the natural  
2 smell of the ocean and beaches, and that includes the  
3 mudflats. It is in stark contrast with the overwhelming  
4 industrial smell I was confronted with when I lived in St.  
5 John, New Brunswick.

6                   To me this is, as well, a part of our  
7 natural resources which have an economic value. I would not  
8 trade this with the smell of settling dust from a quarry,  
9 let alone the worry of industrial runoff poisoning the  
10 aquifer and the possible devastation of our marine  
11 ecosystem. In my estimation, there is still too many  
12 unknowns in our environmental evaluation based on past  
13 experience.

14                   I have no axe to grind with Bilcon of  
15 Nova Scotia. They are an arm of an American company who's  
16 requested a permit to mine and export basalt aggregate,  
17 which they have every right to do, especially since we, as a  
18 Province, openly invite them to do so. While Bilcon faces  
19 costs in the application process, I still question the  
20 reasoning behind us offering our non-renewable resources  
21 free of charge.

22                   Certainly true, there are several other  
23 quarries in the region, however, the product they produce  
24 goes to feed our own provincial infrastructure, not the  
25 infrastructure of another country.

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1                   This Project involves the mining of many  
2 million tons of basalt rock worth millions and millions of  
3 dollars. An argument offered by the Proponent is that they  
4 will be providing a few local jobs in what they may view as  
5 an economically depressed area of our Province.

6                   Somehow it does not seem an equitable  
7 trade. The 35 or so jobs offered would be able one-half the  
8 employee base of the local Sobeys Store in Digby. A few  
9 jobs in return for a \$1 billion plus worth of aggregate. I  
10 view it more as a plunder and pillage of our pristine  
11 coastline which is certainly not a renewable resource.

12                   Some local residents view the situation  
13 as a confrontation between their lifestyle versus an  
14 industrial takeover of their communities by a foreign  
15 company. Many of those who rely on the marine environment  
16 for their livelihood express some well-founded concerns.  
17 Tourist operators feel such a Project offers only a negative  
18 impact on their business, while others view an operation in  
19 size of this magnitude to be nothing more than a blight on  
20 our environment.

21                   I can certainly sympathize with all  
22 these views. I have another concern as to the implications  
23 and approval of this Project may present. Having a simple  
24 layman's understanding of NAFTA and Chapter 11, the  
25 ramifications of an approval of this Project really scares

1 me. The fact that we, as Canadians, are becoming once again  
2 a part of a core-peripheral economy scares me even more.

3           Of course, there's nothing new about  
4 core-peripheral economics. We, as Canadians, experienced it  
5 for 200 years as a Colony of the British Empire. Does that  
6 give me the full 15 minutes? I tried not to talk too fast.

7           Of course, there's nothing new about  
8 core-peripheral economics. We, as Canadians, experienced it  
9 for 200 years as a Colony of the British Empire. We sat  
10 idly by and watched our natural resources being plundered  
11 for the good of the Motherland; in this case, England. 50  
12 or so years ago, we said, excuse us, we'd like our  
13 sovereignty back.

14           I remember in the late 40s when England  
15 becoming involved with the nearly emerging EU announced they  
16 would no longer be importing apples from Nova Scotia.  
17 Instead of finding new markets, our Government decided the  
18 solution was to pay farmers for every apple tree they cut  
19 down. This would solve the problem, or at best, make it  
20 disappear.

21           I can remember as a young boy driving  
22 through the Annapolis Valley with tears in my eyes seeing  
23 sterile after sterile field of apple tree stubs where the  
24 previous years stood beautiful, glorious orchards. I will  
25 never forget that feeling of emptiness.

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1                   For those of us who are old enough, well  
2 enough remember the catastrophic failure of the Industrial  
3 Estates venture. ACOA's not produced any long-term  
4 benefits. It seems in our Province we still follow the  
5 dictum, jobs at any price, even though history has shown  
6 this approach to be unsustainable.

7                   It was in grade ten that Mr. Humphrey,  
8 our social economics teacher, told us that Canada had such a  
9 wealth of resources that it would last another 100 to 200  
10 years, regardless of how we squandered them. It is but 50  
11 years since he made that statement, only to find that we do  
12 have limited resources. To date, we have watched our fur  
13 trade disappear, our woodlands are becoming depleted, fish  
14 stocks are extinct, and agriculture is but a memory of past  
15 history.

16                   The Application by Bilcon of Nova Scotia  
17 for the operation of a quarry and a marine terminal at  
18 Whites Point, Nova Scotia may seem like small potatoes in  
19 the overall scheme of things, but its implications are  
20 enormous.

21                   I love the Province of Nova Scotia in  
22 which I reside as a citizen. I am quite dismayed that our  
23 industrial economy operates under the influence of  
24 multi-national corporations. Real estate is being gobbled  
25 up by foreign ownership. My biggest dismay lies in the



1 attitude of our Government that we still have infinite  
2 resources that can be squandered away through a permit  
3 application, or any other type of deal that opposes the best  
4 interests of Nova Scotia and its citizens.

5                   It's time to stop the assault of our  
6 natural resources for corporate profits. Ecosystems are  
7 collapsing in many areas of our planet, because of economic  
8 globalization. It is now time to begin to reversing the  
9 trend of corporate assaults on our resources.

10                   I would like to conclude with three  
11 short observations.

12                   One, I find it extremely interesting  
13 that no corporate member of the Clayton companies plans to  
14 attend these hearings; also, that the Proponent has no  
15 experience whatsoever in the rock quarry business, as stated  
16 by Paul Buxton of Bilcon.

17                   Two, I find it incomprehensible that the  
18 Province of Nova Scotia have no apparent definitive  
19 regulations on rock quarries, which may explain, in part,  
20 the unfolding of the Westray disaster; also, the apparent  
21 fact that Nova Scotia municipalities have done little to  
22 nothing in establishing coastal zoning policies.

23                   Three, on the positive side, Nova  
24 Scotians appear to be awakening from their apathetic state  
25 and declaring enough to enough. We will no longer tolerate

1 the give-in policies of our Provincial Government.  
2 Otherwise, we will have little to pass onto our children,  
3 let alone our children's children.

4                   And a one-paragraph overview, in my  
5 perspective, I see an American corporation seemingly aided  
6 and abetted by the Department of Natural Resources of the  
7 Province of Nova Scotia, who demonstrate no concern in the  
8 decimation, devastation and destruction of one and one half  
9 kilometres of pristine mountain coastline along our Fundy  
10 shoreline, all for the sake of American corporate product  
11 profits.

12                   In a democracy, the purpose of the  
13 Government is to reflect the will of its citizens, and to  
14 have their dictates reflect their oath to serve and protect  
15 the citizens under their jurisdiction. In a socialist  
16 state, the purpose reflects the will of the state with its  
17 citizens left to follow the will of the Government. It  
18 seems we are at a very, very serious crossroad.

19                   Thank you.

20                   THE CHAIRPERSON: Thank you, Mr. Hayden.

21 **PRESENTATION BY Mr. MICHAEL HAYDEN - QUESTIONS FROM THE**  
22 **PANEL**

23                   Dr. GUNTER MUECKE: MR. Hayden, I have  
24 asked this of previous presenters, and I would like to ask  
25 you, too. In view of the fact that the economy of this

1 region is fragile, how do you see a sustainable future for  
2 Digby Neck and Islands?

3 MR. MICHAEL HAYDEN: That is an extremely  
4 interesting question. It is not just the economy in Digby  
5 Neck and Islands that is fragile. Everything is fragile  
6 there, including the ecosystem, et cetera, et cetera, et  
7 cetera.

8 In looking at long-term sustainability,  
9 I don't know. I would not have to... I read quite a thick  
10 report about problems in communities in Nova Scotia, and I  
11 would... But I can understand the problems... I would not  
12 have to deal with them, and I do not have any answers, as to  
13 the sustainability.

14 Things keep chugging along, for some  
15 reason; trees keep growing, we keep cutting them down; fish  
16 come and fish go; we're doing a wonderful job of depleting  
17 our natural resources. I don't know. It seems to be most  
18 sustainable as a tourist area, if we look at the number of  
19 people that maintain summer homes from outside of the  
20 Province, who come faithfully year after year, and  
21 appreciate so much.

22 We look at Nova Scotia, in general, and  
23 we see... Chester would be a perfect example. I mean, real  
24 estate has skyrocketed out of sight, because this is a prime  
25 location for offshore people, be it the Americans or

Mr. MICHAEL HAYDEN  
(QUESTIONS FROM THE PROPONENT)

1 Europeans, to buy into this type of culture that we offer.

2 So it may have more to do with that.

3 You know, no one has a crystal ball to know what tomorrow  
4 will bring. I tend to not try to be, or try not to be  
5 fatalistic, but I don't trust modern economics to be the  
6 solution to our problems. They're much longer term, and  
7 they will require long-term solutions, and what those  
8 solutions are I wish I could tell you, but I cannot.

9 THE CHAIRPERSON: Mr. Buxton?

10 **PRESENTATION BY Mr. MICHAEL HAYDEN - QUESTIONS FROM THE**  
11 **PROPONENT**

12 Mr. PAUL BUXTON: Thank you, Mr. Chair.  
13 I have no direct questions; just a couple of quick comments.  
14 One is that Mr. Hayden might want to check his math with  
15 respect to the area of the quarry. It's not 250 hectares,  
16 and I would suggest that the values of the aggregate, as we  
17 have given them to the Panel, I think they've already gone  
18 across as an undertaking are nearer to the mark. I think  
19 the values that Mr. Hayden suggests are very, very  
20 excessive. Thank you.

21 THE CHAIRPERSON: Any questions from the  
22 audience? Yes, please, Sister Barbara.

23 **PRESENTATION BY Mr. MICHAEL HAYDEN - QUESTIONS FROM THE**  
24 **PUBLIC**

25 SISTER BARBARA: Thank you Doctor. I

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1 just have one question.

2 THE CHAIRPERSON: Would you identify  
3 yourself for...

4 SISTER BARBARA: Oh, sorry. My name is  
5 Sister Barbara, and I live in Rossway, Digby Neck.

6 I have in my hand here the current  
7 newsletter from Bilcon. I received it in the mail on  
8 Monday, and it's under "Quarry's Environmental Impact". I  
9 just wonder, point two, it states:

10 "The White Point Quarry is not a  
11 'mega-quarry', but is in fact a fairly  
12 average size quarry provincially and  
13 nationally."

14 I would like to know what the definition  
15 is of a mega-quarry. Thank you.

16 Mr. PAUL BUXTON: So would I, Mr. Chair.  
17 I'm not sure what a mega-quarry is. There are certainly  
18 three quarries in HRM which are not, I don't think, quite  
19 two million tons a year, but very close. A million and  
20 three-quarters, possibly two million. Mountain Marietta is  
21 two million plus. It's three million my colleague advises  
22 me.

23 Certainly the new quarry, which has been  
24 permitted in Newfoundland in the very recent past, I believe  
25 is six million, Ochre is six million. I don't have the

1 figures for you, but I would think that there are certainly  
2 four or five in Nova Scotia of this size, two or three in  
3 Newfoundland, certainly half a dozen at least in British  
4 Columbia. I would hazard a guess there may be 100 in Canada  
5 of this size.

6 I think when you're talking mega, I  
7 think that perhaps Ochre is perhaps getting close to it.  
8 Cancun is eight million, ten million.

9 MR. JOHN WALL: 12.

10 MR. PAUL BUXTON: 12-million, which is in  
11 the resort of Cancun. I would call that a mega-quarry.  
12 That is a big quarry. Thank you. I don't have a definition  
13 for you.

14 THE CHAIRPERSON: It sounded from the  
15 sizes they were talking about that somewhere it's up, it's  
16 around ten-million, based on their opinion. Somewhere in  
17 that range, I would guess.

18 MR. PAUL BUXTON: Okay.

19 SISTER BARBARA: Well, given the size of  
20 this quarry, would there be enough basalt rock to keep them  
21 going for 50 years?

22 MR. PAUL BUXTON: Yes, MR. Chair.

23 SISTER BARBARA: Thank you.

24 THE CHAIRPERSON: Any additional  
25 questions from the audience? No? Okay, then. Thank you

1 very much, MR. Hayden.

2 The next presenter is Betty McAlpine.

3 Is Betty McAlpine here? It appears not. No. Once, twice,  
4 thrice. Okay. After that, it's Jan Hermiston. Ms.

5 Hermiston, make sure this is six to eight inches away.

6 **PRESENTATION BY Ms. JAN HERMISTON**

7 Ms. JAN HERMISTON: Thank you.

8 THE CHAIRPERSON: Then identify yourself  
9 for the...

10 Ms. JAN HERMISTON: Sure. I'm Jan  
11 Hermiston.

12 First, I would like to thank everyone  
13 here for their presence and attention. Some are being paid  
14 to sit through this. They have jobs that pay them to  
15 organize this kind of thing; sit and listen and take notes.

16 Some are here because they care about  
17 our land, and this community, and they are convinced that  
18 some jobs will never compensate adequately for the damage  
19 that will be done in establishing a quarry, and shipping  
20 aggregate for 50 years.

21 Some are here because they really want  
22 to take the aggregate from the Digby Neck and they think  
23 that paying out money in the form of jobs... Sorry, in the  
24 form of wages will be acceptable compensation. Some are  
25 here because they want quarry jobs.

1                   If there are others in attendance who  
2 have other reasons for being here, I apologize for not  
3 including you.

4                   Whether we agree with the quarry for the  
5 jobs here, for the roads in the U.S., or whether we disagree  
6 with it, we are all connected. We are a community here  
7 today in this room, and when these hearings are finished we  
8 will remain connected through the memories we have, and as  
9 the next steps in this process unfold.

10                  My connection to Digby Neck only goes  
11 back to 1991. That's when I first visited my brother,  
12 Michael, who bought land and moved there in 1990. Why did  
13 he buy land there, back then? To some people, it must have  
14 looked bleak, with a bit of fishing and some spectacular  
15 whale sightings, but he recognized the promise of the area,  
16 and not for its mining or fishing.

17                  Michael realized the richness of this  
18 area, the pristine land with limited farming, and the  
19 inherent wilderness. He used to teach at an elementary  
20 school in Ontario. For the annual school trip, the children  
21 would take the train to Digby, cross over on the ferry, then  
22 go down to Brier Island to watch the whales.

23                  When I first visited his little camp  
24 there in '91, I realized I was experiencing a shift in  
25 culture. At the time, I was living in a small city in



1 Central Canada so I noticed many differences. The sights  
2 here included lobster crates and small fishing boats, piles  
3 of buoys, miles and miles of unfenced land, trees and a huge  
4 sky, not many people around, only a few small businesses,  
5 and no luxury homes.

6 To an outsider, it seemed quaint, quiet,  
7 not complicated. People worked or they didn't work. There  
8 didn't seem to be a whole lot going on .

9 After visiting a few times, I knew that  
10 this area had what I valued; a pace of life slower than in  
11 the city, space, the sounds of nature, crashing waves, winds  
12 swooshing in pine needles and fluttering through poplar  
13 leaves, swirling grasses in open fields, not much traffic,  
14 and a community that pulls together when there's an illness,  
15 a death, a crisis or happy times and celebration.

16 Now I live in the country at the far end  
17 of the Annapolis Valley. From a little beach just a 20-  
18 minute walk from my home, I can see Blomidon jutting into  
19 the Minas Basin.

20 From my upstairs window, I can watch the  
21 tides cover up and then reveal the rusty red soil of the  
22 Avon River.

23 I feel connected to this area by the  
24 North Mountain as it extends from Blomidon down to Brief  
25 Island, so the thought of a quarry starting up is troubling.

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1                   If a quarry gets started up on the Digby  
2 Neck, will there be others further along the North Mountain?

3                   This is a real concern, and if the  
4 precedent is set, then the glory of the coast, the North  
5 Mountain and the Annapolis Valley will deteriorate.

6                   My words show clearly that I value the  
7 land and its beauty. The land provides shelter to many  
8 living things, both flora and fauna.

9                   It carries drinking water. It holds the  
10 bodies of those who have passed, or their ashes. It  
11 provides food.

12                  It is a legacy that we received from our  
13 forebears, and we pass to our children.

14                  When the quarry was first proposed, the  
15 environmental situation was less of a concern for  
16 politicians and many people. Since then, news reports and  
17 newspapers usually include some mention of climate change,  
18 greenhouse gas emissions and information about energy  
19 conservation.

20                  Politicians are noticing that people  
21 really are concerned, and our decisions have an impact,  
22 whether it's choosing to use a travel mug or buying your  
23 coffee in a throw-away cup, or whether it's voting in favour  
24 of an open pit mine and consenting to the great amount of  
25 pollution, that's air, water and land pollution, that will

1 result from the shipping of basalt in big, ocean-going  
2 vessels.

3                   When I contacted people who are  
4 temporary residents or who have visited Digby Neck and  
5 Islands, I received several responses. Because of time  
6 constraints, I will focus on the contributions of just two  
7 respondents, since others' comments are similar.

8                   First, Richard Stern is a property owner  
9 and regular visitor to Digby Neck and Islands. He's a  
10 surgeon, a published photographer, and an avid birder.

11                   When I informed him that I would be  
12 making a presentation here, he contributed the following  
13 comments:

14                   "My own feeling is that a quiet,  
15 pleasant, unspoiled, beautiful area of  
16 countryside and stretch of ocean would  
17 be transformed into a noisy industrial  
18 wasteland, with virtually no benefit to  
19 Nova Scotia or Nova Scotians in terms of  
20 long-term jobs, economic benefits, et  
21 cetera. Furthermore, it would open the  
22 door to similar developments that would  
23 rape the land all the way up to Scott's  
24 Bay. In this day and age where there's  
25 an emphasis on energy conservation,

1 protection of the environment, et  
2 cetera, and where the Bay of Fundy was  
3 nominated as being one of the seven  
4 wonders of Canada and received some  
5 67,000 votes, the entire development  
6 seems to be inappropriate and wrong, and  
7 the government would gain the support  
8 and thanks of most Nova Scotians if they  
9 had the guts to stand up and stop it."

10 There are a few points in Richard's  
11 comments that I would like to address. First, the jobs.

12 Unemployment is a big issue on the Digby  
13 Neck. The possibility of jobs is really like the carrot at  
14 the end of the stick.

15 That seems to be the only reason that  
16 some people are in favour of the quarry.

17 I have heard different numbers of how  
18 many jobs will be offered to local people. My guess is  
19 that, other than for the initial construction and machine  
20 operator jobs, the experts will be brought in from away.

21 How many certified electricians,  
22 engineers, blasting experts are there in this area? It  
23 looks to me like they will be brought in from away, just as  
24 quarry manager John Wall from Clayton Concrete of New Jersey  
25 was brought in to manage some of the developments regarding

1 establishing the quarry.

2 Surely a local person could have been  
3 hired to do this.

4 I suggest that this is a clear sign  
5 about the employment practices that will follow. It is not  
6 easy being an outside, even if you hold the promise of  
7 offering jobs to guys who want to work.

8 I hope John Wall and his family have  
9 been well received in the community. I acknowledge the  
10 tension and the division that the proposed quarry has  
11 created in this community.

12 Second, Richard mentions his scepticism  
13 about the economic benefits.

14 As far as I can tell, there will be no  
15 royalties paid to the Government of Nova Scotia or Canada.  
16 How fair is that? It isn't fair

17 Imagine a Canadian company wanting to  
18 establish a mine in the US and not having to pay royalties  
19 on any of the resource mined. Unthinkable.

20 Thirdly, Richard identifies that a  
21 precedent would be set. If one quarry is approved, then the  
22 floodgates will be open for future quarries.

23 The visual ugliness of quarries and the  
24 social problems of towns that are based on mining are two  
25 negative factors.

1                   If you know anyone who's gone out west  
2 to Fort McMurray for the jobs that pay well, you will hear  
3 about the rampant drinking and drug abuse.

4                   We can see what happens to the value of  
5 a big paycheque. The wages do not turn into pleasant  
6 communities with the necessary infrastructure, quality  
7 schools, medical services and other facilities that make  
8 people want to stay close to where they work.

9                   A friend I know who's a welder flies up  
10 to Fort McMurray for the contracts and counts the days until  
11 he can return to his home near Kentville.

12                  I understand that mining town mentality  
13 is rough. People don't want to live near the mine where  
14 they work.

15                  The noise and other forms of pollution  
16 are deterrents, so they commute greater distances.

17                  Even here in Nova Scotia, we are  
18 connected to those communities by the stories we hear of  
19 that unpleasant way of life.

20                  Fourth, Richard points to energy  
21 conservation and protection of the environment as the wave  
22 of the present and future.

23                  Much has happened in the last five  
24 years, including increasing awareness of climate change and  
25 rising sea levels. With the high tides in the Bay of Fundy

1 and the unknowns regarding the rise in sea level, the  
2 problems with building a marine terminal are many.

3                   With the unpredictability of the water,  
4 the fog and the fact that there would not be a set schedule  
5 for ships transporting the basalt as well as additional  
6 barges, the local fishing boats and whale-watching boats  
7 will be faced with the additional hazard of large ships  
8 passing through.

9                   The blasting required for an open pit  
10 mine will be substantial, I know, but no explosive is to be  
11 knowingly detonated within 500 metres of any marine mammal.

12                   This is not going to be possible to  
13 monitor, and so what would happen if Bilcon did, by  
14 accident, blast and some whales were within 500 metres?  
15 What is the fine? Who administers the fine?

16                   Which government department receives the  
17 payment? What do they do with the money?

18                   Maybe the government would organize a  
19 hearing to discuss the problems caused when marine mammals  
20 are within 500 metres of the blasting.

21                   You see, everything is connected, and  
22 sometimes the circle we create keeps everything going  
23 around, but there are no solutions and no progressive  
24 decisions are made. No positive actions are taken.

25                   In this case, the circle diverts our

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1 attention from the source of the problem, which would be the  
2 quarry. By preventing an environmental catastrophe, we can  
3 save a lot of human energy.

4 Groundwater pollution is going to be a  
5 problem. At my home, I have a dug well. Water quality is a  
6 constant concern.

7 I can imagine how the water quality  
8 would deteriorate with a huge open-pit mine in the area.

9 As I mentioned when I started speaking,  
10 we are all connected. My brother, Michael, who's a  
11 waterfront property owner on Long Island, contributed the  
12 following six points.

13 "(1) With the world growing faster and  
14 busier, we need to honour and protect  
15 the areas that are less developed and  
16 damaged by human greed.

17 (2) The financial benefits to a small  
18 number of quarry executives is being  
19 facilitated by the substantial changes  
20 in the lives of locals.

21 (3) It is another pattern of US  
22 interests being served by the  
23 compromising of Canadian resources.

24 (4) With the growing mainstream  
25 awareness of climate change, any actions



1                   which facilitate or increase the use of  
2                   cars is ridiculous.

3                   (5) Unless really clear restrictions are  
4                   put on quarry growth, once one starts,  
5                   it will grow in an uncontrolled manner.

6                   (6) The approach of the company hasn't  
7                   been community supportive and has been  
8                   contriving and secretive and subversive.

9                   For example, no discussion prior to  
10                  buying the land."

11                  So what of our neighbours to the south,  
12                  who want the quality basalt to build their roads? Why do  
13                  they want the basalt from Nova Scotia?

14                  I suggest that there are rigid  
15                  environmental laws in the US that deter them from trying to  
16                  mine their own aggregate.

17                  It would cost far too much in legal  
18                  fees, consultant fees, the cost of the land and the cost of  
19                  a legal fight to get a new open-pit mine started there.

20                  But we are connected in many ways to the  
21                  United States. They are huge consumers of oil, of gas, of  
22                  many of our natural resources, but where do we draw the  
23                  line? Do we have to share our riches?

24                  For example, water. If our neighbours  
25                  in the US don't have enough drinking water, do we have to

1 sell Canadian water to them?

2                   Maybe we can show them how to create  
3 conditions so they can have their own drinking water.

4                   They want to build more roads. We know  
5 that building more roads increases the volume of traffic.

6                   More people drive because they can, and  
7 the roads exist. We know that we should be driving less,  
8 driving smaller, more energy efficient vehicles.

9                   Can we help Americans to understand  
10 this? Should we help Americans to understand this?

11                   How responsible are if we provide them  
12 the means to build more roads?

13                   There are many problems with this quarry  
14 proposal. One problem is that it would be part of the  
15 global economy, international trade.

16                   Massive pollution is caused by shipping  
17 things around the world. Most things are no longer made in  
18 Canada, computers, TVs, stereos, clothing, appliances. We  
19 ship stuff here from around the world. Of course there's  
20 more pollution.

21                   If this quarry is approved, we will be  
22 making another decision that will contribute even more to  
23 the pollution caused by transportation.

24                   As I see it, the main problem of this  
25 quarry proposal is that the people who make decisions do not

1 recognize that we are all connected, connected to the  
2 neighbours and visitors who will have to deal with the  
3 pollution and the negative impacts of the quarry.

4 Connected to the men who will work there  
5 and who will be able to buy for their families a swimming  
6 pool or big TV or new truck.

7 We are connected to the marine mammals  
8 and wildlife, connected to visitors and tourists who know  
9 this area is a gift and who embrace it gently and with much  
10 respect.

11 To close, I would like to thank you for  
12 listening.

13 My last point relates to something I  
14 learned recently about economists. They're trained to  
15 ignore, delete and obliterate any comment or suggestion that  
16 relates to emotion when determining the economic value of a  
17 project or business development.

18 I would suggest that perspectives are  
19 changing. Emotions have value, great value.

20 I think we must respect the environment  
21 and the appreciation that we feel for the beauty of nature  
22 and the harmony of ecosystems.

23 I am not here to stop people from  
24 getting jobs. Having meaningful employment is important.

25 I would like to add my voice to the

1 suggestion that the Digby Neck and Islands be made into a  
2 national park that would boost tourism, enhance Nova  
3 Scotia's reputation, provide jobs, respect the environment  
4 and respect people now, and the generations to come.

5 By having a national park, we will stay  
6 connected to the land, the water and the environment in a  
7 positive way, and we will make connections with the  
8 thousands of visitors who will come to enjoy this special  
9 area and we will continue to make meaningful and heart-felt  
10 connections with the fine people who call this area home.

11 THE CHAIRPERSON: Questions?

12 **PRESENTATION BY Ms. JAN HERMISTON - QUESTIONS FROM THE PANEL**

13 Dr. JILL GRANT: You made a point in your  
14 presentation about the rift that the project has caused  
15 within the community, and I'm wondering what efforts you  
16 think might need to be taken to heal that rift between those  
17 who oppose and those who favour the project.

18 Ms. JAN HERMISTON: I think once a  
19 decision has been made people will sort it out.

20 I'm trained as a counsellor, and I think  
21 people will need to talk about it.

22 THE CHAIRPERSON: Mr. Buxton?

23 Mr. PAUL BUXTON: No questions, Mr.  
24 Chair, but just one quick comment.

25 The Proponent, Bilcon, does not own the

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1 land. Thank you.

2 THE CHAIRPERSON: Any additional  
3 questions, comments from the audience? No.

4 Thank you, Ms. Hermiston. Okay.

5 --- Pause

6 THE CHAIRPERSON: The next presentation  
7 is the Paradise Women's Institute. And I believe that's  
8 Phyllis Nixon and Kim Grimard.

9 Please come forward.

10 **PRESENTATION BY THE PARADISE ANNAPOLIS COUNTY WOMEN'S**  
11 **INSTITUTE - Ms. PHYLLIS NIXON**

12 Ms. PHYLLIS NIXON: I'm Phyllis Nixon,  
13 and I am President of the Paradise Annapolis County Women's  
14 Institute.

15 Ms. KIM GRIMARD: And I'm Kim Grimard,  
16 Vice-President of Paradise Women's Institute, Annapolis  
17 County.

18 THE CHAIRPERSON: You'll be making a  
19 presentation?

20 Ms. PHYLLIS NIXON: Thank you.

21 THE CHAIRPERSON: Please go forward.

22 Ms. PHYLLIS NIXON: Our Institute is a  
23 branch of the Women's Institutes of Nova Scotia. We're  
24 affiliated with our national organization, the Federated  
25 Women's Institutes of Canada, and our national body,

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1 Associated Countrywomen of the World.

2 Our Institute's motto is "For Home and  
3 Country", meaning the communities in which we live.

4 We are here to express our views about  
5 the Bilcon of Nova Scotia Corporation's quarry and marine  
6 terminal project, and to offer our support to those in  
7 opposition to the construction and operation of this  
8 proposed project.

9 It is our understanding that this Joint  
10 Federal-Provincial Review Panel's mandate is to review the  
11 Environmental Impact Statement issued by the Bilcon of Nova  
12 Scotia Corporation, to make an assessment of the statement,  
13 to conduct public hearings with respect to the same, and to  
14 submit its recommendations to the Federal and Provincial  
15 Environment Ministers.

16 As this hearing concerns the  
17 environmental impact of this project, we will present our  
18 consideration of the environmental impact such a project as  
19 a quarry and marine terminal will have on the environment at  
20 Whites Point and the surrounding area.

21 We define environmental impact to mean  
22 an environmental effect on the land, the waters, the people,  
23 the industries, the animal and bird wildlife and anything  
24 that makes for healthy environment for the residents and the  
25 area in which they live.

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1 Ms. KIM GRIMARD: We will begin by  
2 speaking about the physical environment effect.

3 The material to be quarried is basalt,  
4 the material of which the North Mountain is composed, and  
5 which Bilcon of Nova Scotia Corporation will blast away and  
6 ship via its marine terminal to its foreign destination,  
7 Clayton Concrete Block and Sand in the state of New Jersey,  
8 USA.

9 This basalt, this Nova Scotia basalt,  
10 will be used by this foreign company in the manufacture of  
11 concrete and concrete block.

12 The intended shipment of the crushed  
13 basalt is anticipated to be approximately 40,000 metric  
14 tonnes a week as projected in Bilcon's Environmental Impact  
15 Statement dated March 31st, 2006.

16 One metric tonne equals 2,200 pounds,  
17 which means that 88 million pounds of basalt will be shipped  
18 out of Nova Scotia in a week. Multiply this by 44 weeks of  
19 the year, as set out in the statement, and this translates  
20 to 1,760,000 tonnes, or 3,872,000 pounds of basalt being  
21 shipped out of Nova Scotia in less than a year.

22 With a projected lifespan of 50 years  
23 for this quarry, one can only imagine the devastation and  
24 destruction, by degrees, created by this massive removal of  
25 basalt and the mountainside itself from this part of the

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1 North Mountain range.

2                                   Bilcon's statement and intention in  
3 Table 2, Part 1 under Physical Environment that the impact  
4 on the basalt rock will be "insignificant, negative" is  
5 quite unbelievable.

6                                   Another consideration is for the water  
7 supply.

8                                   The quantity and quality of the water  
9 supply in the Whites Point project location is of concern  
10 also.

11                                  Bilcon acknowledges in its Environmental  
12 Impact Statement on page 16 that quantity and quality of  
13 groundwater is important. They note on this page that the  
14 quarry will not need de-watering or pumping and that there  
15 will be no groundwater withdrawal or draw down.

16                                  It is our understanding that the crushed  
17 basalt, the 880,000 pounds a week, will need to be washed  
18 before being transferred to the waiting containers.

19                                  We have not read where Bilcon gives an  
20 estimate of how much water it will require to wash the  
21 crushed basalt. Until this is known, the on-site surface  
22 water drainage quality and on site surface water drainage  
23 wetlands can hardly be classified as "neutral".

24                                  Scientists and environmentalists world-  
25 wide are warning that climate change and global warming will

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1 be causing water levels to rise, especially at sea frontage  
2 sites, and also will cause a depletion of fresh water table  
3 levels.

4                   Should this happen, it will have a  
5 significant impact on the water supply of people living in  
6 the area.

7                   The large amount of water to be used for  
8 the quarry washing process will speed the diminishment of  
9 water quantity.

10                   Bilcon's Environment Impact Statement  
11 states that there will be compensation for loss of well  
12 water to nearby residents due to quarrying operations. Will  
13 Bilcon pay fully for the cost of new wells?

14                   If the water table becomes too low, what  
15 good will compensation be, as there will be no water to be  
16 had?

17                   Another concern is that the area  
18 surrounding the project is described as having "several  
19 intermittent water courses".

20                   There is no mention in the Bilcon  
21 Environmental Impact Statement of the effect that blasting  
22 and removal of the side of the mountain will have on these  
23 water courses.

24                   Another aspect of concern is for air  
25 quality. Air quality is a very important aspect of the

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1 environment and can have a serious negative impact on the  
2 health and quality of life of the people, the workers and  
3 the wildlife in the area if great care is not taken by the  
4 proper regulatory agencies.

5                   Bilcon's assertion that dust will be  
6 controlled to meet the standards set out in the Nova Scotia  
7 Department of Environment and Labour Pit and Quarry  
8 Guidelines does not specify how it will control the dust  
9 effectively.

10                   Are the Guidelines in the Pit and Quarry  
11 Regulations sufficient to regulate dust emissions from a  
12 project of this size?

13                   The statement which says that Bilcon  
14 will enclose processing equipment "wherever practical" is  
15 worrisome.

16                   The statement that the basalt crushing  
17 facility is located approximately 1,000 metres from the  
18 nearest residence only mentions the location, not methods of  
19 dust control or dust diminishment at the crushing facility.

20                   The statement that quarry roads will be  
21 sprayed "as required" is not reassuring.

22                   Will the proposed heavy operational  
23 mobile equipment equipped with diesel engines stated as  
24 approved by the US Environmental Protection Agency Tier 3  
25 Emissions Standards meet the approved standards set by our

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1 Nova Scotia Government Department in charge of these  
2 regulations?

3 Will the regulatory agencies, meaning  
4 the Nova Scotia Department of Environment and Labour, be  
5 conducting monitoring procedures or just "as requested", as  
6 set out in the Bilcon of Nova Scotia Corporation's  
7 Environmental Impact Statement?

8 So many questions, so few clear and  
9 concise assurances.

10 A very serious subject is the noise  
11 factor. The noise generated by the quarry construction and  
12 operation, the blasting, and by the ship loading operation  
13 will prove detrimental to the health and quality of life for  
14 the residents of the area and for the animal wildlife, bird  
15 wildlife and marine wildlife.

16 Bilcon asserts that the noise levels  
17 produced will adhere to Nova Scotia Pit and Quarry  
18 Guidelines and that they "must not exceed" these.

19 But are these Guidelines sufficient to  
20 maintain the quality of health and lifestyle the residents  
21 here deserve?

22 The Bilcon statement states that the  
23 crushing plant will be enclosed "wherever practical". And  
24 wherever practical is not reassuring.

25 A major concern is for the fisheries.

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1 The environmental impact on the fishing industry and fish  
2 habitat by this proposed quarry and marine terminal project  
3 is incalculable.

4 The noise generated, the disruption of  
5 traditional waterway paths that constitute fish habitat, the  
6 potential leakage from the basalt quarry washed water in the  
7 retention ponds and the potential sediment discharge pose a  
8 considerable threat to the well-being of the fishing  
9 industry and fish habitat in this area.

10 The constant entry and exit of large  
11 quarry containers to the Whites Point site will also affect  
12 this long-standing fish habitat. Once gone, the fish seldom  
13 return.

14 We worry also whether the ballast water  
15 guidelines will be sufficient for a safe operation of the  
16 marine facility.

17 Invasive species brought in by the  
18 quarry's shipping containers could bode a problem to the  
19 area also.

20 The negative impact on the lobster  
21 fishery is a huge concern. Lobster is fished seasonally in  
22 the near shore and is the most lucrative species landed on  
23 Digby Neck and the Islands.

24 The lobster fishery in this area will be  
25 seriously affected when the sea floor is disturbed, as it

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1 will be by the construction and permanent presence of the  
2 marine terminal at the site and by the quarry blasting that  
3 carries vibrations into the sea area surrounding the  
4 facility.

5                   If the lobsters leave this area, the  
6 harm to the economy of the fishermen will be devastating.

7                   Navigation by the lobster boats to avoid  
8 the shipping lane of the quarry carriers coming and going  
9 constantly will also have a significant adverse effect, not  
10 an "insignificant negative effect" as stated in Bilcon's  
11 Environmental Impact Statement.

12                   Compensation for damages to fishing gear  
13 caused by ship movements raises another question.  
14 Compensation does not replace fish stocks, nor sustain a  
15 livelihood.

16                   The discussion of the fisheries leads to  
17 our next subject, marine mammals.

18                   The potential negative impact created by  
19 the quarry and marine terminal project on marine mammals  
20 should generate a lot of concern. At least 16 species of  
21 marine mammals, for example whales, dolphins, porpoises and  
22 seals, frequent the waters of the Bay of Fundy and offshore  
23 Digby Neck.

24                   These mammals include the endangered  
25 North Atlantic right whale and the blue whale.

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1 Collisions with the large basalt  
2 carriers and the blasting will cause major problems for  
3 these marine mammals.

4 Bilcon's assertion that the North  
5 Atlantic right whale sightings will be communicated by  
6 unnamed persons to the ship's Captain so that collisions can  
7 be avoided raises the question of who will inform the whales  
8 that the ships are coming.

9 Bilcon claims that blasting will not be  
10 carried out if the above-noted marine mammals are within 170  
11 metres of the point of detonation for seals and within 500  
12 metres of the detonation for whales, porpoises and dolphins.

13 Will someone inform the sea mammals when  
14 they're approaching or in their restricted areas?

15 Another industry to be affected  
16 negatively is tourism. Whale watching is an important  
17 tourism industry, and if the whale habitat is disrupted  
18 sufficiently to discourage the whales from coming to this  
19 area, this important industry will be lost.

20 In addition, bird watching is also a  
21 valuable asset to our tourism industry. The disturbance and  
22 destruction of bird habitats in the area will have an  
23 adverse effect on this industry.

24 The term "ecotourism" is used to  
25 describe these types of attractions and, together with the

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1 physical beauty of the surroundings in this area, create an  
2 increasing economic potential.

3 Of special concern is the subject of  
4 employment and the economy.

5 Upon completion of the construction  
6 phase of the proposed Bilcon of Nova Scotia Corporation's  
7 quarry and marine terminal, Bilcon states that 34 permanent  
8 staff will be maintained.

9 It is our understanding that many of  
10 these positions will require highly technical operatives.

11 Will Nova Scotian workers be hired for  
12 these jobs, or will they be filled by Clayton Concrete Block  
13 and Sand of New Jersey, USA?

14 Bilcon's Environmental Impact Statement  
15 says that staff will be hired locally "wherever possible".  
16 Wherever possible is also used to assure us that supplies  
17 will be procured in the local area and that Bilcon  
18 "generally" will support local businesses.

19 Wherever possible, generally. Not  
20 encouraging words.

21 Now a note of caution about land values.

22 Adjacent land owners should be concerned about Bilcon's  
23 claim that they will compensate property owners for any loss  
24 in property values "accordingly", whatever that may mean.

25 Will purchase of their unsellable(sic)

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1 properties be compensated accordingly? We don't know.

2 Property holders should make sure they  
3 know the definition of this phrase, "according", and how it  
4 affects them.

5 Ms. PHYLLIS NIXON: We want to discuss  
6 now the Nova Scotia Department of Environment and Labour  
7 Regulations.

8 Concern about the effectiveness of our  
9 Nova Scotia Department of the Environment and Labour  
10 Regulations guidelines and restrictions are in the forefront  
11 regarding Bilcon's application for a permit to operate a  
12 quarry and marine terminal of this size.

13 It is our understanding that the **Nova**  
14 **Scotia Minerals Act** does not define rock, sand and aggregate  
15 as minerals, and as basalt is defined as an aggregate, there  
16 will be no royalties paid to the Province of Nova Scotia for  
17 the depletion of this natural resource.

18 It appears that all profits from this  
19 project will flow directly to a foreign company in a foreign  
20 country, and very little to the owners, the people of Nova  
21 Scotia.

22 It is our understanding that Bilcon's  
23 application for a permit for this quarry comes under the  
24 Nova Scotia **Pit and Quarries Act** jurisdiction, and the  
25 marine terminal under the Federal jurisdiction of the



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1 Canadian Environmental Assessment Agency.

2 Will the regulations of these regulatory  
3 bodies be stringent enough, restrictive enough and  
4 sufficient to protect our environment and to make quarry  
5 owners accountable for any negative impact to the  
6 environment?

7 We've also heard concerns expressed  
8 about the implementation and maintenance of monitoring  
9 regulations, which leads into our next subject, the  
10 reclamation proposal by Bilcon.

11 It is stated by Bilcon of Nova Scotia  
12 Corporation that it will present a reclamation plan to the  
13 Nova Scotia Department of Environment and Labour for  
14 approval, that this plan, when approved, will be costed and  
15 Bilcon will pay the cost of the reclamation plan to that  
16 Department prior to construction.

17 Then, if Bilcon does not carry out the  
18 reclamation program, the Government has the funds in hand to  
19 carry the plan out.

20 We say when a mountain is gone, it  
21 cannot be reclaimed. How can a corporation and a government  
22 agency place, in advance, a monetary value of the negative  
23 environmental impact to our land over a 50-year span?

24 Who will ensure and guarantee that the  
25 monitoring and investment position of that reclamation fund

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1 be administered with careful investing procedures by being  
2 put into a special fund set aside for that purpose and not  
3 into future government capital expenditure accounts?

4                   Would there ever be enough monies to  
5 bring this area back to what it was?

6                   We hope these questions become questions  
7 of no concern to the taxpayers of Nova Scotia, as we hope  
8 there will be no quarry and no marine terminal to place the  
9 people of Digby Neck and the people of Nova Scotia in a  
10 position to have to worry about them and suffer their dire  
11 consequences.

12                   A most chilling phrase in the Bilcon of  
13 Nova Scotia Corporation's Environmental Impact Statement is  
14 "that provided all the management initiatives are followed,  
15 there will be no significant negative effect."

16                   The words "provided" and "no  
17 significant" and other words throughout the Statement such  
18 as "possibly, may, wherever practical, maybe, generally, if"  
19 et cetera make us very wary.

20                   And now our conclusion.

21                   We have looked at the benefits and loss  
22 variables that will affect the viability of this quarry and  
23 marine terminal project, and we feel that the application  
24 for a permit for a basalt quarry and marine terminal should  
25 be denied, as we think the detrimental impact on this area

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1 and on this land that belongs to Nova Scotians far outweigh  
2 the benefits of the few jobs and tax dollars, and will not  
3 make up for the loss of jobs in the fishing industry, the  
4 tourism industry, the harm to our physical environment, to  
5 our animal wildlife, bird life, and to our marine life.

6 It will not make up for the  
7 deterioration in the lifestyle and traditional heritage that  
8 the residents enjoy, or to the peace and quality of life  
9 reflected in this area today.

10 The environmental impact, aesthetically  
11 and physically, should be of top priority for our Provincial  
12 and Federal Environment Ministers, as the environment is a  
13 top public policy issue now and into the future.

14 The Departments were formed for the  
15 purpose of preserving positive environments for the citizens  
16 of Canada. We are the citizens who want the politicians and  
17 bureaucrats to be, and expect them to be, reliable and  
18 conscientious stewards of our lands.

19 We have continuously spoken of this land  
20 as our land, Nova Scotian land. Not just lands in a place  
21 called Digby Neck.

22 Our concerns about the environmental  
23 aspects of the Whites Point, Digby Neck, Nova Scotia site  
24 and surrounding area and the impact on all of its residents  
25 focuses as much on them as if it was happening to us.

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1                   No community lives in isolation.  
2   Whatever affects the community's well-being affects us all.

3                   Will the voice of the people be heard?

4                   Many have made protest against this  
5   proposed quarry and marine terminal.  Genuine concerns have  
6   been expressed about the environmental impact of such a  
7   project, and of the negative impact on the land and waters.

8                   Our governmental procedures are based on  
9   the democratic system.  Our politicians are elected to  
10  represent the people of Canada and to listen to what its  
11  citizens have to say about what is best for their  
12  communities.

13                  Will the voice of the people be heard?

14                  If this application is approved, what  
15  will prevent other foreign or domestic companies from  
16  decimating the North Mountain range, which extends from  
17  Digby Neck eastward for hundreds of miles.

18                  The market in the US for basalt is huge.

19   Will the whole North Mountain be up for grabs?

20                  Is the social impact of this quarry  
21  beneficial to the community, to the quality of life here, to  
22  the beauty of the land, to the heritage and tradition of  
23  this area?  We think not.

24                  Will we be hearing the echo of empty  
25  words, empty promises?  Will our voices be heard?  Are you

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1 listening?

2 Thank you.

3 THE CHAIRPERSON: Thank you, ladies.

4 **PRESENTATION BY THE PARADISE ANNAPOLIS COUNTY WOMEN'S**  
5 **INSTITUTE - QUESTIONS FROM THE PANEL**

6 Could one of you tell me something about  
7 the Paradise Women's Institute?

8 Ms. PHYLLIS NIXON: Yes, we can. I can.

9 We're a rural women's organization, and  
10 our concern is always about our community and where we live,  
11 and we are a service organization for rural women.

12 And as I told you earlier, we're  
13 affiliated with an international and a national  
14 organization, the same as we are.

15 THE CHAIRPERSON: Where are you located?

16 Are you located on the Neck, in Digby ---

17 Ms. PHYLLIS NIXON: No.

18 THE CHAIRPERSON: --- in Annapolis Royal?  
19 Where?

20 Ms. PHYLLIS NIXON: Five minutes from  
21 Bridgetown going east.

22 THE CHAIRPERSON: I see. And is this the  
23 kind of thing you often do, take an active role in community  
24 affairs?

25 Ms. PHYLLIS NIXON: We certainly do, and

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1 environment is one of our big concerns. And in the 1970s,  
2 we had a Sammy Seagull clean-up campaign. Paradise itself  
3 is one of the founders of the "Adopt A Highway" program.

4 Our provincial organization just did the  
5 buy local campaign, which has been very successful in  
6 persuading people to buy local for not only the environment,  
7 but the farmers and businesses in the local area.

8 So yes, we have a long history.

9 THE CHAIRPERSON: How large is your  
10 membership?

11 Ms. PHYLLIS NIXON: Ours is 20 women.

12 THE CHAIRPERSON: Thank you.

13 Dr. GUNTER MUECKE: You have expressed  
14 concern about Federal and Provincial agencies ---

15 Ms. PHYLLIS NIXON: Yes.

16 Dr. GUNTER MUECKE: --- in your  
17 presentation. And so I was wondering, is it the adequacy of  
18 regulations that you are mainly concerned about, or the  
19 administration of regulations that are in place, or both?

20 Ms. PHYLLIS NIXON: Both. Three things,  
21 the adequacy, the administration and the enforcement.

22 Dr. GUNTER MUECKE: Okay. Have you had  
23 any experience in the past, concrete experience that you  
24 have been involved in, that leads you to questioning the  
25 adequacy and efficiency of these departments?

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(QUESTIONS FROM THE PANEL)

1                   Ms. PHYLLIS NIXON: Only what a citizen  
2 reads in the paper and that is reported by various groups  
3 that have been negatively impacted, groups that haven't been  
4 carried through whatever's considered for them.

5                   My question or my comments about this  
6 reclamation fund for future generations, one just has to  
7 look at the Halifax Harbour Clean-Up and the monies that  
8 have been put in there for multi years. Monies are gone.  
9 Clean-up is still not done.

10                  Dr. GUNTER MUECKE: Thank you.

11                  Dr. JILL GRANT: I'd just like to pick  
12 your brains as experts on rural life and rural families, and  
13 ask you if you could give us a better sense of what it means  
14 when you talk about the rural way of life.

15                  What's that mean to us who are from the  
16 city?

17                  Ms. KIM GRIMARD: I am originally from  
18 the City of Dartmouth. I've lived in Ottawa, and I've been  
19 in Paradise, Annapolis County, for 12 years.

20                  An example came to us, in particular, of  
21 the quarry project whereby we have a local fish and chip  
22 stand in Paradise called Pearls in Paradise. They serve the  
23 best fish and chips anywhere. Tourists come from all over  
24 for it, and it's a great hot spot.

25                  And it's one of our little gems, and we

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1 find that that fish comes from this area that is going to be  
2 quarried and with the marine terminal project.

3 It just shows us how something perhaps  
4 several kilometres away from us that one might think has no  
5 impact on us impacts us greatly.

6 And being in the middle of the farmland  
7 for Nova Scotia, we understand how attached people are to  
8 their land because it is their livelihood, which is  
9 overlooked in the city because we normally go to offices in  
10 the city and everything is concrete, et cetera.

11 But here, we are very inter-connected,  
12 so it does matter greatly. Our neighbours are not just the  
13 people who live across the street.

14 THE CHAIRPERSON: Mr. Buxton?

15 Mr. PAUL BUXTON: Thank you, Mr. Chair.

16 I have no questions.

17 THE CHAIRPERSON: Questions? Yes, Sister  
18 Barbara.

19 **PRESENTATION BY THE PARADISE ANNAPOLIS COUNTY WOMEN'S**  
20 **INSTITUTE - QUESTIONS FROM THE PUBLIC**

21 SISTER BARBARA: Thank you, Mr. Chair.

22 Sister Barbara from Rossway.

23 Thank you for your presentation. I just  
24 have another question from this brochure from Bilcon.

25 I just wondered if they could explain to



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(QUESTIONS FROM THE PUBLIC)

1 me, it says:

2 "There will be no significant negative  
3 environmental effects under Bilcon's  
4 advanced technology approach."

5 And I've not heard of that, "advanced  
6 technology approach". Maybe someone could explain it to me.

7 Mr. PAUL BUXTON: I think the reference  
8 there, Mr. Chair, is (a) to a state-of-the-art operation  
9 and, secondly, to the extensive amount of work that has been  
10 done by qualified scientists and engineers.

11 SISTER BARBARA: Thank you.

12 THE CHAIRPERSON: Anyone else?

13 Dr. JILL GRANT: If I might ask one other  
14 question.

15 One of the proposals in this project is  
16 that the employment strategy focus on hiring women. And I  
17 wonder whether, in your experience, you would see this as an  
18 appropriate strategy given the need of rural women to look  
19 for work.

20 Is this an appropriate, and a strategy  
21 that makes sense?

22 Ms. PHYLLIS NIXON: Since we don't think  
23 there should be a quarry in the first place, we don't  
24 consider that a strategy of importance.

25 Ms. KIM GRIMARD: May I add a comment to

1 that?

2 Oftentimes we find that minorities or  
3 women are put out in a statement like that to make people  
4 think that it's an attractive situation, that it could help  
5 women come out of whatever situation they're in.

6 However, it's not a sustainable  
7 industry, so we really have to look for hiring women in  
8 situations that are sustainable for the economy, for the  
9 environment and for our communities.

10 THE CHAIRPERSON: Thank you, Ms. Nixon,  
11 Ms. Grimard. Thank you very much.

12 We now move to Clytie Foster.

13 --- Pause

14 **PRESENTATION BY CLYTIE FOSTER**

15 Ms. CLYTIE FOSTER: Thank you, members of  
16 the Panel, ladies and gentlemen. Good evening.

17 Thank you for this opportunity...

18 THE CHAIRPERSON: Excuse me.

19 Ms. CLYTIE FOSTER: Yes?

20 THE CHAIRPERSON: Could you identify  
21 yourself?

22 Ms. CLYTIE FOSTER: Yes. I was just  
23 coming to that.

24 And I will tell you my name is Clytie  
25 Foster. It's C-l-y-t-i-e. It is a name. I have great

1 difficulty with it, so I won't be surprised or hurt if you  
2 mispronounce or misspell it or forget it.

3 I live in Bear River, a few kilometres  
4 from here. I was born and brought up on Digby Neck, in our  
5 family home there. It's in Rossway, at the upper end of  
6 Digby Neck.

7 I was the eighth child in a family of  
8 10. Three of us are still living. I will be 81 years old  
9 next month. I am proud to be a Digby Necker.

10 I would like to tell you some of what  
11 living in Digby Neck was like, what it meant to me then,  
12 what it means to me now.

13 I have loved Digby Neck since my  
14 earliest memories of living there. I have loved that narrow  
15 strip of land with its two islands lying between beautiful  
16 St. Mary's Bay and the awesomely majestic Bay of Fundy.

17 I was always so aware of their waters  
18 surrounding me.

19 The love of Digby Neck and the sea is in  
20 my blood, my very being. To walk the beaches there at  
21 Seawall or Gulliver's is, to me, a spiritual experience. My  
22 heart is full of gratitude to the great Creator for those  
23 beautiful places.

24 My childhood was a happy one. By most  
25 standards, we were poor. Our small farm was our mainstay,

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1 but it could not fully support such a large family.

2 My dad often took any job that came  
3 along. He mostly relied on getting some work on the road  
4 through the summer, but that depended on whether his  
5 political party was in power at the time.

6 The term "political patronage" was not  
7 known back then. We only knew it meant hard times when dad  
8 was denied work on the road.

9 In the summers, my mother worked at The  
10 Pines, that same hotel you see below us today, or at other  
11 hotels in town. My older sisters took care of us younger  
12 ones.

13 Yes, we were poor in material things,  
14 but we were rich, we were millionaires in those things that  
15 really matter, a good home with loving parents and family, a  
16 strong sense of security, a trust in our community and the  
17 belief that Digby Neck would always be our safe haven, no  
18 matter how far away we might roam.

19 I have lived away from Digby Neck for  
20 most of my married life, but during those years I have come  
21 back many times to visit, and I've always been deeply  
22 thankful that Digby Neck was still the beautiful, unspoiled  
23 place I knew as a child.

24 15 years ago, my husband and I returned  
25 to this area to live out our retirement years. I have deep

1 roots in Digby Neck. I can claim Loyalist among my  
2 ancestors.

3                   For any of you who may not know, they  
4 were the brave people who, after the end of the American  
5 Revolution in 1776, left their homes and lands behind them  
6 and made the difficult journey to Nova Scotia and other  
7 parts of Canada in order to stay true to their own ideals  
8 and beliefs.

9                   I can, as well, count four family homes  
10 still standing in Rossway, my father's house where I was  
11 born, still a family home on the main road, his father's  
12 house down Tympani Lane, my mother's childhood home in  
13 Gulliver's Cove and her grandparents' home that is now known  
14 as Bethany Place.

15                   It is especially meaningful to me that  
16 my grandfather, David Peters, was born in Westport on Brief  
17 Island and lived as a fisherman-farmer in Gulliver's Cove.

18                   There are many families on Digby Neck  
19 today who are descended from Loyalists or from the Acadians  
20 who settled even earlier in Nova Scotia. They, too, have  
21 deep roots there, some that go even into Whites Cove.

22                   When we were growing up, we could  
23 usually tell where a person lived just by hearing his or her  
24 last name. That's how true Digby Neckers have remained to  
25 their birthplaces.

1                   With such a heritage behind us, how can  
2 we do otherwise than raise our voices in protest against  
3 this quarry on behalf of our ancestors? They struggled to  
4 establish their homes on Digby Neck. They helped to make it  
5 what it is today.

6                   Those previous generations passed it on  
7 to us basically intact and as beautiful as when they lived  
8 there. We should pass it on to future generations  
9 undamaged, not a wounded strip of land with holes in its  
10 sides.

11                   Stop this quarry, and let our ancestors  
12 rest in peace, especially those who were so rudely awakened.

13                   When our children were young, we brought  
14 them with us to Digby Neck to visit their grandparents and  
15 other relatives. I was happy and proud to show them the  
16 beautiful place where I was born.

17                   They came to love Digby Neck and the  
18 Islands, to appreciate that it was their heritage also.  
19 They loved to go down to Brier Island.

20                   We would wait for the brightest blue sky  
21 day, the sunniest day, to set forth, always keeping in mind  
22 there could be fog at Western Light. We called it our  
23 island stay.

24                   We would drive down the Neck, cross over  
25 on the ferries, and finally arrive at Western Light, that

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1 tall red and white lighthouse at the far tip of Brier  
2 Island.

3                   We would picnic there on a grassy spot  
4 near those massive rock ledges that stand guard against that  
5 vast ocean beyond, then we would walk the cliff tops to  
6 where the gulls nested. Their crying and scolding would  
7 turn us back, even as we gazed in delight at those sun-  
8 silvered bodies wheeling and swooping in that amazingly blue  
9 sky.

10                   The smell of wildflowers, dry grasses  
11 and sea was absolutely wonderful. Where could you find a  
12 more soul-satisfying place?

13                   May Brier always remain that magical,  
14 unspoiled haven.

15                   Now our grandchildren come to Digby  
16 Neck, and they, too, have learned to love it. A trip down  
17 the Neck to Brier is the highlight of their visit, as it is  
18 always a great joy to me.

19                   It is my hope and prayer that future  
20 generations will still be able to enjoy this unique place  
21 called Digby Neck, that they will come back time and again  
22 and will find that it has stayed very much the same, that  
23 its beauty and serenity and all that make it so special have  
24 not been destroyed by corporate greed posing as progress.

25                   When I first heard in 2002 that a permit

1 had been issued for a quarry in Whites Cove, a quarry that  
2 could well grow far beyond its original boundaries of 3.9  
3 hectares, I thought it must be a joke. It couldn't be true.

4           Didn't we have laws to protect our  
5 coastlines from such assaults? How could foreign interests  
6 be allowed to come into our country and blast our precious,  
7 irreplaceable Fundy rock into gravel for roads in New  
8 Jersey? Preposterous.

9           Surely this would never be allowed to  
10 happen but, as you all know, that unthinkable deed was done,  
11 and here we are today, fighting to save our coastline,  
12 fighting to save Digby Neck.

13           Realization that it was not a joke, but  
14 stark reality, made me feel sick inside and fearful for the  
15 future of Digby Neck. Then I felt anger rising within me,  
16 an anger that has continued to smoulder and burn ever since.

17           It will not be quenched until this  
18 quarry has been stopped dead in its tracks.

19           It seems that the trump card for the  
20 Proponent is the offer of 34 jobs. I understand that this  
21 could be welcome news to those who need jobs, but I would  
22 ask those people to consider at what cost these jobs could  
23 come.

24           Every aspect of life on Digby Neck could  
25 be affected, its unspoiled beauty, the waters and the marine



1 life in them that surround it, the livelihood of its people,  
2 the water that they drink, the very air they breathe, the  
3 peace and quiet will be shattered.

4 I will not deal with these issues  
5 further, as others have already done so. I will say short-  
6 term gain will be long-term loss. You will be selling your  
7 birthright for a crust of bread and a bowl of soup. Don't  
8 do it.

9 It has been said that we seniors, with  
10 our secure pensions, are not being realistic, that we live  
11 in the past, that we don't want change.

12 I tell you that I do value my past, my  
13 heritage, but I am very much concerned about the here and  
14 now of Digby Neck and its future.

15 I do not want the kind of change this  
16 quarry will bring. With age comes wisdom, so they say, and  
17 I will heartily agree with that.

18 I believe we seniors can see more  
19 clearly what is really worthwhile in this life. We can  
20 separate the gold from the dross.

21 Digby Neck is a small, out-of-the way  
22 place, but it is a part of Nova Scotia, though sometimes a  
23 neglected part. It should be cherished and protected by all  
24 Nova Scotians.

25 What happens here and now regarding this

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1 quarry could very well affect the future of all of Nova  
2 Scotia. Like a blight, this quarry, it could keep  
3 spreading.

4                   Nova Scotia is currently being  
5 advertised on Boston TV channels in prime time as a great  
6 tourist destination. They are extolling its natural beauty,  
7 the great Bay of Fundy, its whales, the thrilling ride on  
8 the CAT to a beautiful, unspoiled place.

9                   I say it is money wasted if this quarry  
10 is allowed to proceed.

11                   The Government of Nova Scotia would be  
12 far wiser if they speedily enacted legislation to protect  
13 our shores from future foreign opportunists or for anyone  
14 who might consider following in the footsteps of this  
15 Proponent.

16                   I appeal to all of you, and especially  
17 to the members of the Panel, to do all in your power to stop  
18 this Goliath at our door.

19                   I will end my presentation on another  
20 personal note.

21                   I went to school in the one-room  
22 schoolhouse in Rossway that is now the community hall. I  
23 wish to thank those far-sighted local people who saved that  
24 old building. They are to be highly commended.

25                   For some time now, caring people of

1 Gulliver's Cove and Rossway have been restoring the local  
2 historic All-Saints Anglican Church. It is a lovely little  
3 church sitting there on its hillside looking down at St.  
4 Mary's Bay, a beautiful view from there.

5 I know. I looked out from those windows  
6 as a child, more enthralled by the view than the sermon.

7 This work is being done mostly with  
8 their own hands and money. These ordinary people are fine  
9 examples of Digby Neckers saving their past for the present  
10 and for the future.

11 I attended this one-room schoolhouse  
12 through Grade 10, the highest grade offered. I was  
13 fortunate that I was able to finish my high school education  
14 in Digby Academy.

15 That old schoolhouse in Rossway gave us  
16 a varied education, many life lessons, certainly, and good  
17 book learning if you had the desire to learn.

18 It was usual then to memorize poems and  
19 the names of the authors. I still remember some of them, in  
20 whole or in part. I am leaving with you the beginning lines  
21 of one of these poems. They seem most appropriate at this  
22 crucial time.

23 The poem is titled "Love of Country" and  
24 was written by Sir Walter Scott. Though the lines refer to  
25 a man, they apply equally to everyone.

1 "Breathes there the man with soul so  
2 dead, who never to himself has said,  
3 'This is my own, my native land'.  
4 Thank you.

5 THE CHAIRPERSON: Thank you, Ms. Foster.

6 **PRESENTATION BY Ms. CLYTIE FOSTER - QUESTIONS FROM THE PANEL**

7 Dr. GUNTER MUECKE: Ms. Foster, in your  
8 lifetime living on the Neck and coming back, there must have  
9 been some changes, I assume.

10 Which of the changes did you like and  
11 which ones offended you?

12 Ms. CLYTIE FOSTER: Well, there were new  
13 homes, of course. There were newer homes. I don't mind  
14 that.

15 But I was always very thankful that the  
16 shoreline and the beaches where I went as a child, they were  
17 still the same. They were still the same, and it was so  
18 wonderful to come back and find them so.

19 And, really, I don't know what... Yes.

20 What does offend me is that there are  
21 some old homes that are allowed to fall in disrepair, and  
22 they are eyesores down the Neck and something should be done  
23 about those. I believe that.

24 But mostly, that is still a beautiful  
25 place as I remember it as a child. It's hardly changed at

1 all.

2 Dr. JILL GRANT: I wonder whether, Ms.  
3 Foster, you participated at all in the consultation on  
4 traditional knowledge about this area.

5 Did you participate?

6 Ms. CLYTIE FOSTER: No, I did not.

7 Dr. JILL GRANT: Do you have any  
8 experience with Whites Cove that would have been relevant to  
9 a traditional community consultation about the history of  
10 the place, anything you can contribute?

11 Ms. CLYTIE FOSTER: No. The first time I  
12 went into Whites Cove was one November day, it must be maybe  
13 three years ago in a group from the Sustainable Society for  
14 Digby Neck. I went with them.

15 And it was a beautiful, beautiful day,  
16 really. It was windy. It was cold. It was grey, but it  
17 was beautiful at Whites Cove. Just amazing, with the Fundy  
18 crashing in on those shores, and at that time none of the  
19 desecration there had taken place. It was still intact.

20 The only thing there were the orange  
21 markers where we could see that there would be something  
22 happening. It was a wonderful place, beautiful place.

23 That's the first time I had been there.

24 Dr. JILL GRANT: Thank you. One other  
25 question.

1                   We've heard from a lot of people who  
2 have made this area their home at retirement, and some of  
3 them have come here from places other than here, but you  
4 came home.

5                   Ms. CLYTIE FOSTER: Yes.

6                   Dr. JILL GRANT: And I'd like to hear a  
7 little bit more about why you and your husband decided to  
8 come back to this place.

9                   Ms. CLYTIE FOSTER: Well, we've lived in  
10 England. We've lived in the States, and in the States  
11 mostly.

12                   But we wanted to come back, and we had  
13 retained our citizenships. He retained his British  
14 citizenship and I my Canadian.

15                   And even though our family is still in  
16 the States, we wanted to come home because I wanted to be  
17 home. And he felt more comfortable being here, more as if  
18 he were still a British citizen.

19                   THE CHAIRPERSON: Mr. Buxton?

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

22                   THE CHAIRPERSON: Questions from the  
23 audience? No?

24                   Then thank you, Ms. Foster.

25                   Ms. CLYTIE FOSTER: Thank you very much.

1 THE CHAIRPERSON: The next presentation  
2 is by Chris Hudson, representing the Fundy Fixed Gear  
3 Council.

4 --- Pause

5 **PRESENTATION BY FUNDY FIXED GEAR COUNCIL - Mr. CHRIS HUDSON**

6 Mr. CHRIS HUDSON: Good evening. My  
7 name's Chris Hudson. I'm the President of the Bay of Fundy  
8 and Shore Fishermen's Association and the co-Chair of the  
9 Fundy Fixed Gear Council.

10 And I'm here tonight to represent the  
11 Association and Council, and to present our objections to  
12 the construction and operation of the proposed basalt quarry  
13 at White Point.

14 As some of you may already know, and for  
15 those of you who don't, I'm a lobster fisherman in this area  
16 and have been now for the last 18 years, as well as my  
17 father was a lobster fisherman, and my grandfather as well.

18 So our generations go back through this fishery as I can  
19 remember, anyway, as a child and to this day.

20 Our association, we have voiced our  
21 concerns over numerous issues dealing with the quarry prior  
22 to tonight, back when you had the Panel at the high school,  
23 and I asked questions at that time that I requested  
24 answered, and we have never received answers to those  
25 questions, we have never received paperwork, the Association

1 has not.

2                   We have not been invited to have any  
3 says on issues that we had brought up, especially concerning  
4 compensation to the fishermen.

5                   As fishermen, our livelihood depends on  
6 the fragile ecosystem and the Bay of Fundy being kept  
7 healthy, and we want to protect and maintain it so it  
8 continues to be a source of jobs and a way of life into the  
9 future.

10                   It's not a question of will we be  
11 affected, it's a matter that we will, and it's going to hurt  
12 a bit, not a bit but a lot, that we are the ones that will  
13 be affected the most of anybody by this quarry, the  
14 fishermen up and down the coast.

15                   There's no way around it, we will be  
16 affected. It's impossible not to. But we have been the  
17 least consulted bunch right straight through this whole  
18 process.

19                   Through Bilcon, we have heard nothing  
20 and you know, it's amazing that we are the ones being put  
21 out this much and...

22                   Even in the recent mailing that came out  
23 this week on the Project put out by Bilcon, they said that  
24 the natural inland waters will not be affected, but there  
25 was never one mention about the marine habitat, no mention



1 about the fishermen, and it's awful peculiar to me that  
2 there would be no mention of the marine ecosystem and the  
3 fishermen that will be affected.

4                   Why it was not mentioned, I don't know,  
5 maybe because it's one of the bad spots with this whole  
6 thing as far as I can see.

7                   We are definitely going to be affected.  
8 There is no way around this.

9                   Anyway, we feel that the issues we put  
10 forth have not been answered to our satisfaction and there  
11 has been no concrete resolution of these issues, issues that  
12 are in our favour.

13                   If the quarry is proven to be hazardous  
14 to the fishing grounds, will the quarry be shut down? Not  
15 likely. It will be the fishing grounds and the fishermen  
16 who lose.

17                   Studies done by DFO show clearly that  
18 there are affects in the fishing areas where blasting took  
19 place. It affects both the swimming bladder and the feeding  
20 pattern of fish. If the fish are affected, so will the  
21 lobsters be affected.

22                   They may not have swim bladders, but  
23 they follow the fish, which is their fish. If there are no  
24 fish in the area, there will be no lobsters.

25                   The lobsters in the Bay of Fundy is a

1 migrating stock, and they leave in the fall, they come in  
2 the spring. They usually start up into the Bay of Fundy the  
3 1st of April, and they continue their migration along  
4 through until the end of August, at which time the waters  
5 cool down and they come back down the Bay.

6                   The lobsters, they only start their  
7 migration when water temperatures start to come around and  
8 the days get longer. When the lobsters do come, they follow  
9 the feed. It's a pattern I've seen for the 18 years I've  
10 been on the water. You see the same pattern. I seen the  
11 pattern right until this year, which has been affected  
12 somewhat because this year, we had colder water temperature,  
13 so the feed was late coming.

14                   Once the feed started to arrive, which  
15 is about three weeks late, so come the lobsters just right  
16 behind them.

17                   With that in mind, the pattern of the  
18 feed, it's definitely going to be changed. The feed follows  
19 the shoreline and it comes up into the Bay of Fundy. It  
20 doesn't come up in the middle of the Bay, it comes to the  
21 shoreline, it follows the shoreline up until it hits the  
22 Bay, Scott's Bay, which is the major runout for the  
23 herrings, where they go to lay their eggs.

24                   If this is affected by [inaudible] being  
25 out in the Bay, what is going to happen is the lobsters will

1 cease to come.

2                   Is the blasting going to affect the  
3 herring? When they blast, if stock is coming up the Bay,  
4 what is going to happen?

5                   A school of herring that you see in the  
6 water, you drop a rock in the water, what happens? The fish  
7 scurry off in all directions. So what is going to happen  
8 when the blasting takes place?

9                   I mean, all these questions, just on  
10 this part alone, about the feed and the lobsters and what's  
11 going to affect on the lobsters... Especially inshore with  
12 the smaller lobsters, that's where they're breeding.

13                   The stock of lobsters, it's on the  
14 inshore grounds. We have no answers. There have been no  
15 representation in any format that I have seen online,  
16 looking at any of the studies that were listed, so there's  
17 major concerns by the lobster fishermen, when it comes to  
18 especially that part, the migration.

19                   The navigational plan put forth for the  
20 huge ships so their gear will not be destroyed is a schedule  
21 of arrivals and departures. Accidents will happen and there  
22 will be lost, destroyed and damaged gear.

23                   The plans and outline of action that  
24 have been produced are not adequate. What happens if this  
25 does occur? How do they plan to protect our gear?

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1                   How can they replace the lost catch and  
2 the moneys from days missed fishing?

3                   As mentioned online, in our  
4 presentations, there is to be a trap fund set up. What  
5 exactly is a trap fund? There's no mention. There's no  
6 mention of the funds, how much money will be in the trap  
7 fund.

8                   There is mention of there being an  
9 organization with one fisherman sitting on it, to look after  
10 these issues. What organization is this?

11                   Once again, no paperwork, just words on  
12 a computer screen. There's nothing there.

13                   For these big ships to come in... I  
14 mean how can then possibly come in through tens of thousands  
15 of traps and not mow everybody's gear down? I mean how are  
16 they going to do this?

17                   Each trained traps fisherman nowadays  
18 fish troll traps, and they range anywhere from \$1,500 to  
19 \$3,500 per troll.

20                   If they are lost, especially on the  
21 first day of the fishing season or the first week or two  
22 weeks especially, per day that one troll can produce up to  
23 \$1,500, that's per day.

24                   So if traps are lost and there is a  
25 supposed trap fund and the fishermen get compensated for the

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1 loss gear, what about the lost days for that gear? How long  
2 does it take for that fisherman to be compensated?

3                   The longer he is kept from being  
4 compensated, the longer his gear is not producing for him.  
5 Fishermen run boats nowadays in the vicinity of half a  
6 million dollars. You can't afford to be having lost gear or  
7 missing gear.

8                   But there is absolutely no mention. I  
9 mean they have arrival and departure times, but what's that  
10 going to do for fishermen, are we supposed to go out, pick  
11 up all of our gear, load it, put them off somewhere where  
12 there's no lobsters and wait until the boat comes and leaves  
13 and then put our gear back?

14                   In our minds, it's... We will be  
15 affected. That's what I mean when I say we will definitely  
16 be affected. There is no way around it, absolutely none.

17                   Right now, there is a shipping lane up  
18 the Bay of Fundy that was off Mid-Bay, and they changed it I  
19 think from the four, five miles off, that comes up off the  
20 Islands.

21                   That's a preset destination, the  
22 fishermen that venture out into these lanes, we know when we  
23 put our gear there that it's our chance. We're running our  
24 risk.

25                   If we lose our gear, then that's pretty

1 much a risk we take. We expect nobody to compensate us in  
2 them instances, but inshore grounds are grounds that have  
3 been fished for over 100 years.

4 This is the tradition, the way of life  
5 of many, many fishermen, and so you know, for these vessels  
6 to come in through out gear, this is a whole brand new  
7 thing.

8 I mean, they're intruding on our life,  
9 on our livelihood. So this is their... It's up to them to  
10 tell us what they're going to do, and that's not just to say  
11 that there's going to be a trap fund and that's it.

12 There's no mention of monies that are  
13 going to be in there. You're talking possibly millions of  
14 dollars per year of loss in traps. There's no way you can  
15 bring a huge vessel into gear that's there from the end of  
16 November, November 27th usually, until the end of May.

17 The area, straight in it from mid-Bay  
18 right and across there, it's plugged solid full of traps,  
19 spring and fall both. It's an unavoidable confrontation and  
20 situation. There is no way around this.

21 So the plans for emergencies such as oil  
22 spills from the ships or contaminants from the blasting  
23 leached into the Bay and compromising our fishing grounds  
24 are mere plans and do not in any way provide us with the  
25 answers we need.

1                   These emergencies will happen and will  
2 be taken care of, but the effects will remain long after.

3                   There is possibility of bilge water  
4 being pumped out into the Bay of Fundy from the ships  
5 carrying the basalt.

6                   The bilge water could contain foreign  
7 organisms that may harm or destroy our ecosystem and close  
8 our fishing grounds.

9                   This is not supposed to happen, but it  
10 can and most likely will at some point and when it does, it  
11 will be too late.

12                   It takes years for an area to return to  
13 normal, if it ever does.

14                   You have situations in the Great Lakes  
15 for instance, the zebra mussels, and their other fisheries  
16 they conduct in the Great Lakes for a while, and they're now  
17 facing severe downtrends in their fisheries for their fish  
18 because of an invasion of new species that has taken over  
19 their habitat.

20                   The zebra mussels is spread throughout  
21 the Great Lakes, as everybody knows, and if that many  
22 vessels come and go, it's unavoidable, something is going  
23 to happen.

24                   And when it does happen, once again, as  
25 I asked at the high school that night, what kind of

1 compensation package is in place for fishermen if our  
2 livelihood is greatly affected?

3                   There's no mention of dollar values or  
4 anything in any of the stuff online that tells us that we  
5 will be protected.

6                   Because I mean you have got to keep in  
7 mind they are invading our livelihoods. We are the ones to  
8 be affected the most, but yet there is nothing.

9                   This affects more than just the lobster  
10 fishermen, it affects the whole fishing industry, which is a  
11 large number of people, far larger than the 35 people the  
12 quarry plans to employ in the future.

13                   Any threat to the fishing industry in  
14 this area is a threat to thousands. 35 people employed at  
15 \$14 to \$20 per hour and approximately \$400,000 per year in  
16 tax revenues that the Province is expecting is minuscule  
17 compared to the money that will be lost if the quarry goes  
18 into operation, and the environment impact is negative and  
19 even catastrophic.

20                   One licence in this District alone sells  
21 for an average of \$800,000 at this time. The number of  
22 licences in the immediate of the quarry that could be  
23 affected, to be very conservative, and this is just within a  
24 30-mile radius of Whites Point, is over 100.

25                   That's 300 jobs, 300 to 400 jobs on

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1 vessels alone, just in a 30-mile radius. That does not  
2 cover from Digby Neck to the head of the Bay or down the New  
3 Brunswick shore or the rest of district 34 that goes below  
4 Meteghan, around to Halifax.

5                   So there are over 1,000 licences that  
6 operate within the two neighbouring districts for lobster  
7 alone. This figure does not include the long line, hand  
8 line, dragger sector or scallop fleet, all of which could be  
9 adversely and tragically affected.

10                   The number of people affected for 100  
11 licences, one tenth of the total, is at the minimum of 300  
12 fishermen. This does not include the buyers, truckers,  
13 processors, packagers and retail commercial sectors.

14                   This area could not survive if the  
15 fishing industry were to take a direct hit of any magnitude  
16 such as contaminants making their way into the water from  
17 the quarry or blasting that changes the feeding of the  
18 lobster or the change in the migration patterns of the fish  
19 due to silt or contaminants ruining their feed.

20                   Scientists clearly are worried about the  
21 effects of contaminants on the whales in the area, and there  
22 could be fatal collisions from the whales with these huge  
23 ships coming and going.

24                   If these contaminant can be swept into  
25 the Mid-Bay area as they fear it can harm the whale's

1 feeding areas, what will they do to the lobsters and fish  
2 much closer to shore?

3 They are much smaller and much more  
4 likely to succumb to pollution.

5 If contaminants are swept into the Mid-  
6 Bay, we are looking at a much bigger problem, and more  
7 licence holders will have to deal with this with possible  
8 financial ruin. Mid-Bay starts another lobster district and  
9 lucrative fishing ground.

10 In the past, the link to PEI, the salmon  
11 farms, et cetera, have all been planned for and noted as  
12 being great, but all have had a noticeable effect on the  
13 surrounding environment to the detriment of the fishermen,  
14 and promised clean-ups and compensation never seem to have  
15 been carried out as stated.

16 To directly comment on that, that's what  
17 has happened here in the Annapolis Basin back about 10 years  
18 ago.

19 The Regional Aquaculture, the  
20 Development Advisory Committee was formed, and one of the  
21 big things that the fishermen pushed for in the Basin was to  
22 keep it from being spread out over the whole Basin, and so  
23 we had it contained within a couple of sites, and we just  
24 had them promise if the sites would be abandoned, that they  
25 would be cleaned up and everything removed.

1                   There's one site out of three that went  
2 forward and has been successful, and we have two that were  
3 not.

4                   One of the sites stayed out in all the  
5 Basin, and all the moorings were left there and they didn't  
6 disappear until they finally shaved off on the bottom, the  
7 big buoys that came up from the moorings.

8                   They finally shaved off and went away so  
9 the moorings are still on the bottom of the Basin.

10                  The second one is now comprised of two  
11 cages which are crinkled and all in a big ball, and the  
12 balloons, and the big buoys are there, and it's an eyesore  
13 to everybody who lives on the Basin on that side.

14                  But there's never been one attempt made  
15 to clean it up.

16                  Nobody has been made or held accountable  
17 to clean up the mess afterwards.

18                  Another example is the Confederation  
19 Bridge in PEI. They always say it won't affect the lobster.  
20 Well it's awful peculiar that after the Confederation  
21 Bridge was built, the sediment built up from the tides going  
22 across the [inaudible] going across the Northumberland  
23 Straight, and they're just admitting now, in the last 12  
24 months, that there's been a lot of siltation built up.

25                  And our fishery has all but collapsed in

1 the Northumberland Straight. It's the most devastated  
2 lobster district there is in the Maritimes right now.

3                   So our concerns are real and genuine  
4 concerns. We're not here today just to go with the flow and  
5 say we don't want the quarry. These are legitimate  
6 concerns, and it's got a potential effect, it's a sure  
7 thing.

8                   The fishery has been here for over 100  
9 years, and we are going to be affected, there is no if, ands  
10 or buts, it's going to happen, and we're the ones...

11                   And it's never mentioned. There's no  
12 articles in the paper on lobster fishermen that are going to  
13 be affected up and down the coast from this, there's no  
14 mention in their mail-out that came out in the paper, so you  
15 know, our questions...

16                   Well, there are questions, and we have  
17 no adequate answers at all. We definitely do not have the  
18 answers to make us feel at ease or make us even think that  
19 we could want this.

20 **PRESENTATION BY THE FUNDY FIXED GEAR COUNCIL - QUESTIONS**  
21 **FROM THE PANEL**

22                   THE CHAIRPERSON: Thank you Mr. Hudson.  
23 Mr. Hudson, maybe you already said this, I don't know, but  
24 you were talking about the lobsters and the feed. They were  
25 following the feed you said.

1 Mr. CHRIS HUDSON: Yes.

2 THE CHAIRPERSON: What is the feed?

3 Mr. CHRIS HUDSON: The feed is the  
4 herring. The herring stocks.

5 THE CHAIRPERSON: They eat the herring?  
6 The lobsters eat the herrings or they eat the row of  
7 herring?

8 Mr. CHRIS HUDSON: Both. They all feed  
9 from the herring. You'll see the herring... At night time,  
10 herring rises to the top of the water, and in the daytime  
11 the herring is on the bottom.

12 THE CHAIRPERSON: So that's how the  
13 lobster gets a hold of it, because it's on the bottom?

14 Mr. CHRIS HUDSON: Yes, it's down on the  
15 bottom as well as you have natural mortality of the big  
16 herring stocks moving up and down.

17 But there is... The lobster is... A  
18 lot of people make the mistake of thinking otherwise, but a  
19 lobster is no different than a fish. They'll feed the same  
20 as a fish, they act the same as a fish with the tides, the  
21 run of the tides, the strong tides, and... They're no  
22 different than a fish.

23 THE CHAIRPERSON: But you're saying that  
24 the herring migrate, and they migrate in close to shore, up  
25 the coast?

1 Mr. CHRIS HUDSON: Yes, they do.

2 THE CHAIRPERSON: And then the lobster  
3 tracks them, is that it?

4 Mr. CHRIS HUDSON: Yes.

5 THE CHAIRPERSON: With a two or three-  
6 week lag? Not even two or three weeks, it's a matter of  
7 three or four days.

8 THE CHAIRPERSON: I see.

9 Mr. CHRIS HUDSON: Yeah. It's a very  
10 short time span, the lobsters arrive right behind it, and  
11 it's a repeated pattern we've seen. I've seen it for 18  
12 years.

13 THE CHAIRPERSON: Sure.

14 Mr. CHRIS HUDSON: And it still continues  
15 to this day.

16 THE CHAIRPERSON: Thank you.

17 Mr. CHRIS HUDSON: Yes.

18 Dr. GUNTER MUECKE: Just for a bit of  
19 clarification. Your council, how many licences does it  
20 represent? In your organization, how many...

21 Mr. CHRIS HUDSON: The Council represents  
22 over 200 fishermen.

23 Dr. GUNTER MUECKE: 200?

24 Mr. CHRIS HUDSON: That's in excess of  
25 probably 400 and some licences. Each fisherman holds

1 usually a minimum of two licences, a lobster license and as  
2 well groundfish licences.

3 Dr. GUNTER MUECKE: Okay.

4 Mr. CHRIS HUDSON: But it's 200  
5 individual, a little over 200 individuals that our Council  
6 represents, and a lot of them are... Well they're all...  
7 All but maybe 15 of them are lobster fishermen.

8 Dr. GUNTER MUECKE: And have you got any  
9 feeling, let's say, of how many of them would be actively or  
10 occasionally fishing in the area of Whites Cove?

11 Mr. CHRIS HUDSON: In the area of Whites  
12 Cove, there would be approximately... In that area, there  
13 would be approximately 15 to 20 boats right in that  
14 vicinity, like within the three-mile radius of that area, 15  
15 to 20 boats that would circumference that.

16 Dr. GUNTER MUECKE: Okay.

17 Mr. CHRIS HUDSON: But also below there,  
18 down in the Islands and the Meteghan boats, they fish out in  
19 the Bay of Fundy and they approach us coming in, out that  
20 four-mile range down below, there's dozens and dozens of  
21 boats there as well that these vessels would have to travel  
22 through.

23 Coming back to lobster traps. We heard  
24 from one of the lobster fisherman before, and he was  
25 mentioning that for the traps, of course you have to have

1 tags, right?

2 Mr. CHRIS HUDSON: Yes.

3 Dr. GUNTER MUECKE: And so if you lose  
4 them, you only have a certain number of replacement tags,  
5 right?

6 Mr. CHRIS HUDSON: Yes, you do. In  
7 District 34, they're allowed 25 in the 1st of February.

8 Dr. GUNTER MUECKE: Okay.

9 Mr. CHRIS HUDSON: They're allowed 25,  
10 and then they're allowed under 25 the 1st of April.

11 Dr. GUNTER MUECKE: And he couldn't  
12 answer my question, but perhaps you could. How long would  
13 it take DFO to replace those tags? Let's say you ran out  
14 because you're losing traps.

15 Mr. CHRIS HUDSON: Okay. I can answer  
16 that for you. With DFO, you could probably get another set  
17 of tags the very next day, but to get a full place of  
18 replacement tags, you have to hire an at sea observer to go  
19 aboard the vessel at a cost of a little over \$300 for a  
20 maximum of a 15-hour day.

21 It's a little over \$300, and that  
22 observer has to be onboard the vessel, and that's if the  
23 observer company has someone available at that time, and  
24 they put that person aboard and they go around with the  
25 Captain in the boat and they re-tag all the gear that is



1 left in the water, and then the extra traps have to go on  
2 the new traps. It has to be tagged with an observer  
3 present.

4 Dr. GUNTER MUECKE: So if you go get the  
5 replacement tags, in order to get them you need that  
6 inspection to make sure that you actually only have...

7 Mr. CHRIS HUDSON: Yes.

8 Dr. GUNTER MUECKE: You have to re-tag  
9 the whole bunch?

10 Mr. CHRIS HUDSON: Yes, it has to be re-  
11 tagged, and your conditions that you receive from DFO state  
12 your new tag numbers and everything to keep everything  
13 legal.

14 Dr. GUNTER MUECKE: My last question is a  
15 general one.

16 Mr. CHRIS HUDSON: Yes.

17 Dr. GUNTER MUECKE: In a case like this,  
18 do you feel that DFO represents the interests of the  
19 fishermen sufficiently?

20 Mr. CHRIS HUDSON: Well, we hope so.  
21 That's what... The DFO is funded by the taxpayers  
22 obviously. That is their duty and job to uphold our  
23 interests and represent us, as well as look after us and  
24 make sure that our fishery is kept healthy for not just us,  
25 but for generations to come down the road.

1                   It is the one healthy fishery that we  
2 have, and without that, everything would collapse. It is  
3 the last fishery that works, so we hope DFO is working for  
4 us, that's always our hope.

5                   Dr. GUNTER MUECKE: I guess it was more  
6 are they doing a good job at it?

7                   Mr. CHRIS HUDSON: They're doing a good  
8 job as far as their funding allows them to. They are  
9 severally understaffed and underfunded to carry out their  
10 jobs properly.

11                   They built new vessels back in the last  
12 five years that were up to \$7 million, but each branch or  
13 office is only permitted so many hours per year, and it's a  
14 small amount of hours, under 20 hours per year, to have that  
15 vessel replaced because of fuel cost and overtime, if  
16 anybody's fishery officer in on the water before 8:00 in the  
17 morning or after 5:00, it's overtime, and they can't afford  
18 it, so they do the best they can with what they have been  
19 given, but they definitely need to be...

20                   They definitely need an upgrade. They  
21 definitely need more funding from Government, there's no  
22 doubt about it.

23                   Most of the fishery runs pretty clean,  
24 but there are trouble spots.

25                   Dr. GUNTER MUECKE: Thank you.

1 Dr. JILL GRANT: Mr. Hudson, could you  
2 clarify for us, we have got the Lobster Council from  
3 District 34 coming in. Could you clarify for us what is the  
4 nature of these different organizations?

5 Is yours a voluntary association of  
6 fishermen, or what exactly is it?

7 Mr. CHRIS HUDSON: Yes, our group is...  
8 The Bay of Fundy Inshore Fishermen Association is a...  
9 We're a volunteer, non-profit organization, and then we have  
10 the Fundy Fixed Gear Council, which is set up to deal with  
11 issues pertained to mostly the ground fishery, the sector  
12 part of the area, for all of Digby County to the head of the  
13 Bay, into New Brunswick, to the border of New Brunswick I  
14 should say.

15 It's our duty to manage a piece of the  
16 quota that DFO puts out to us, but yes, it's 100 percent  
17 volunteer work.

18 And the District 34 Advisory Committee,  
19 which is the committee set up down in Yarmouth to represent  
20 the lobster industry down there is also on a volunteer  
21 basis, but they're set up trying to take over the reins from  
22 DFO to run the fishery.

23 It's a real battle to try to do so, the  
24 Government doesn't always want to relinquish control usually  
25 of a lucrative fishery.

1 Dr. JILL GRANT: How would you  
2 characterize the solidarity of your members on this  
3 question?

4 Mr. CHRIS HUDSON: On the quarry you  
5 mean?

6 Dr. JILL GRANT: On the quarry, yes.

7 Mr. CHRIS HUDSON: They're all very  
8 concerned about it. Everybody is concerned about the same  
9 thing, you know? How much effect is it going to have on us,  
10 you know?

11 We can't afford an invasive species  
12 coming in and possibly taking over for the lobster or  
13 hurting any part of the larval stages of lobster or the  
14 small lobsters, which breed solely inshore.

15 You do not see small lobsters in a  
16 larval stage or even up to three years old, which is a  
17 lobster only about five inches long, but you will not see  
18 them outside of two miles.

19 They're pretty much solely and very  
20 inshore, inclose animals, until they... The bigger the  
21 lobster gets, the further they migrate, the deeper the water  
22 they stay in.

23 So they're all very concerned about  
24 this.

25 THE CHAIRPERSON: Mr. Buxton?

1 **PRESENTATION BY THE FUNDY FIXED GEAR COUNCIL - QUESTIONS**  
2 **FROM THE PROPONENT**

3 Mr. PAUL BUXTON: Thank you Mr. Chair.

4 Mr. Hudson, the name that we have down  
5 is the Fundy Fixed Gear Council, but you did remind me of  
6 the other name, which is the Bay of Fundy Inshore  
7 Fishermen's Association, which you represent.

8 Mr. CHRIS HUDSON: Yes.

9 Mr. PAUL BUXTON: Is that the  
10 organization that Bruce Thériault sits on?

11 Mr. CHRIS HUDSON: Yes, it is.

12 Mr. PAUL BUXTON: And I think he is the  
13 Vice-President, is he not?

14 Mr. CHRIS HUDSON: No, he's not.

15 Mr. PAUL BUXTON: Okay. Has he been in  
16 the past or is he some sort of official?

17 Mr. CHRIS HUDSON: He's... Bruce  
18 Thériault sits on our... He's a port rep. He's just a port  
19 rep. for one of the local wharves.

20 Mr. PAUL BUXTON: Okay.

21 Mr. CHRIS HUDSON: Each wharf that we  
22 have in our jurisdiction has a port rep. that we contact  
23 just to inform him about what has been done through the  
24 Association.

25 Mr. PAUL BUXTON: Yes, thank you. Bruce

1 Thériault did in fact come to meetings to discuss the issues  
2 of vessel interactions with us, and we were advised that  
3 when we tried to get the small group together again to  
4 discuss it, and these were the inshore fishermen certainly,  
5 I was advised that in any event, he held some position with  
6 the Bay of Fundy Inshore Fishermen Association.

7                   We wrote to the Association I'm sure on  
8 at least two occasions, and asked if we could come and sit  
9 and discuss these sorts of issues, and we received nothing  
10 back from the Association.

11                   Were you aware that we had made contact  
12 with that body?

13                   Mr. CHRIS HUDSON: No, I wasn't. At one  
14 point after we had the meeting at the high school... We  
15 were invited at the high school by a gentleman to meet, he  
16 wanted to set something up, but we haven't... Nothing  
17 since, no.

18                   Mr. PAUL BUXTON: Well, I guess that's  
19 rather odd because not only did we want to meet, but we were  
20 required to consult with the various groups, and you know,  
21 we've had the same sort of reaction from a number of groups  
22 that we have written to, that they did not wish to consult  
23 with us.

24                   Certainly, we have always wanted to  
25 consult with your groups, and we have not been able to, and

1 so I would say you know where we are, we've known each other  
2 for a long time, in fact I think going back to the '90s and  
3 long before that.

4 Mr. CHRIS HUDSON: Yes.

5 Mr. PAUL BUXTON: So certainly, we would  
6 very much like to meet with your groups and since we have  
7 not been afforded the opportunity yet, we would very much  
8 like to.

9 I don't have any specific questions,  
10 thank you Mr. Chair.

11 THE CHAIRPERSON: Thank you Mr. Buxton.  
12 Questions from the audience?

13 Mr. CHRIS HUDSON: Could I ask Mr. Buxton  
14 a couple of questions myself? You trap fund mentioned  
15 online, in your presentation online, what is that comprised  
16 of? What is the dollar value there? How do you plan on  
17 setting this up? Who will be going through? What would be  
18 the time-limit on fishermen being compensated?

19 Mr. PAUL BUXTON: I think we spent sort  
20 of a fair amount of time on that this afternoon. What we  
21 consulted initially, those people that were identified to us  
22 as fishing directly in the Cove, sort of inshore, we are  
23 certainly aware that people set trap lines right out and  
24 into the fishing lanes, and that was the principal reason  
25 that we wanted to meet with your organization.

1 I understand that the fishermen who are  
2 generally very close inshore don't use the troll lines or  
3 trap lines inshore, but they do offshore, and we were very  
4 well aware of that in our discussions with individual  
5 fishermen, and I think that's why we wanted to meet with  
6 your group to discuss, you know, how we would set about  
7 establishing a fishing lane, what it meant to you, how  
8 difficult it would be for you with your traps, and we're  
9 still interested in pursuing those discussions.

10 Mr. CHRIS HUDSON: So to ask you the  
11 question again, your trap fund is comprised of what? What's  
12 the dollar figure Bilcon has set aside to compensate  
13 fishermen for their loss of gear and everything? All there  
14 is, is mention of it, mention, I mean, mention of a fund,  
15 means nothing to me to see it on a computer screen.

16 Mr. PAUL BUXTON: I don't think it's  
17 really gone that far. I think that this is something that  
18 needs discussion and further input from fishermen on. I  
19 don't think we've said "X" dollars would be put aside.

20 What we did say was once something had  
21 been established that it would be a, we saw a committee of  
22 fishermen representing all fishermen, so that we could deal  
23 with a committee representing fishermen and not individuals,  
24 and they would make a determination as to whether a claim  
25 was valid or invalid, and we could deal with the fishermen



1 in that kind of way, rather than trying to deal with every  
2 single individual fisherman.

3 THE CHAIRPERSON: Mr. Hudson, this is  
4 more like a negotiation, and...

5 Mr. CHRIS HUDSON: No, I'm just trying to  
6 get some answers that I don't have.

7 THE CHAIRPERSON: I know, but I don't  
8 think this is the place for it now.

9 Mr. CHRIS HUDSON: All right.

10 THE CHAIRPERSON: What I mean is that Mr.  
11 Buxton has offered to meet with you, or with you and your  
12 colleagues, and I think that would be the next step in all  
13 this, okay?

14 Mr. CHRIS HUDSON: Okay. I just figure  
15 it was fair that he got to ask me some questions, so I  
16 thought maybe I should ---

17 THE CHAIRPERSON: Well, we've got a whole  
18 bunch of people out here...

19 Mr. CHRIS HUDSON: --- have an equal  
20 opportunity to ask things, as well.

21 THE CHAIRPERSON: Thank you, Mr. Hudson.

22 Mr. CHRIS HUDSON: Thank you.

23 THE CHAIRPERSON: Were there questions  
24 from the audience? Sorry, we got all sidetracked here.  
25 Yes. Mr. Hudson, could you come back for a moment? I'm

1 sorry.

2 I was thanking you before I'd asked the  
3 audience if they had a question for you. So yes, there is a  
4 question.

5 **PRESENTATION BY THE FUNDY FIXED GEAR COUNCIL - QUESTIONS**  
6 **FROM THE PUBLIC**

7 Mr. TERRY FARNSWORTH: Terry Farnsworth,  
8 vice-president of the same association, Bay of Fundy In-  
9 Shore, and a member of Council Executive, which I should  
10 also mention that we have affiliating with on the Fixed Gear  
11 Council the Maritime Fishermen Union.

12 THE CHAIRPERSON: Ask Mr. Hudson a  
13 question?

14 Mr. TERRY FARNSWORTH: I'm going to ask  
15 Mr. ---

16 THE CHAIRPERSON: Buxton.

17 Mr. TERRY FARNSWORTH: --- Buxton, sorry.  
18 We've heard a little bit about...

19 THE CHAIRPERSON: You're not going to  
20 carry on the same conversation that was just...

21 Mr. TERRY FARNSWORTH: I'm going to ask a  
22 question to this gentleman.

23 We've heard a bit about the compensation  
24 projectory for upcoming events. My curiosity is the  
25 question about what about the silt and the other things that

1 are going to affect and restrict our fishing area.

2 THE CHAIRPERSON: Maybe a brief response,  
3 Mr. Buxton, but as I said to Mr. Hudson, this is more in the  
4 form of a negotiation. The reason for these hearings is to  
5 inform us; to give us information to make a decision on.  
6 And this kind of information is useful up to a point, but  
7 essentially it becomes a negotiation between partners.

8 Mr. TERRY FARNSWORTH: I'm not  
9 negotiating. I'm just asking a question. But I'll resign.  
10 I'm sorry.

11 THE CHAIRPERSON: Mr. Buxton, do you have  
12 anything to offer here, or?

13 Mr. PAUL BUXTON: At this time, I think  
14 we really haven't talked about issues like silt into the  
15 water because, you know, there are regulations that cover  
16 that specific activity. You know, we are not allowed to put  
17 silt in the water under Provincial regulations, let alone  
18 Federal regulations. So our intent is not to put silt in  
19 the water. If it happens, then I think it would have to be  
20 assessed as to whether there is any damage, et cetera.

21 THE CHAIRPERSON: Mr. Stanton?

22 Mr. KEMP STANTON: Yes. I'd just like to  
23 clear up the point of what does your Council consider in-  
24 shore fisherman, and do you cross over? Do you represent  
25 off-shore fishermen and in-shore, or... Like, the weir

1 that's next to the site, would that be in-shore fishermen,  
2 or would that be something totally different?

3 Mr. CHRIS HUDSON: It'd definitely be in-  
4 shore fishermen. An in-shore fisherman is pretty much  
5 anybody who's in any of the confines of the Bay of Fundy,  
6 the off-shore, what we would consider off-shore fisheries,  
7 the off-shore fishery, which is National Sea and stuff.

8 But pretty much what we consider an in-  
9 shore fisherman is the weir fisherman, the hand-liner, the  
10 long-liner.

11 THE CHAIRPERSON: So if you're fishing in  
12 the Bay of Fundy, you're an in-shore fisherman?

13 Mr. CHRIS HUDSON: Yes. We're classified  
14 as in-shore fishermen by the Government, Ottawa, everybody.  
15 That's our classification is the in-shore fishery, yes.

16 THE CHAIRPERSON: Okay. Thank you.

17 Mr. CHRIS HUDSON: If I may, just one  
18 question of Mr. Buxton. Just, I'll make it quick. You also  
19 may find it to, a little bit of knowledge in it for  
20 yourself.,

21 When you talk about the compensation, if  
22 there is a tragedy with the fishery itself, from an invasive  
23 species, or something happens to the lobster fishery that is  
24 linked to this, or there is a big downturn in the fishery,  
25 what kind of insurance is there, or is there insurance? Is

1 there a huge compensation package fund which could run into  
2 hundreds of millions of dollars, as the lobster fishery in  
3 sou'west Nova in 34 is worth 390 million directly into the  
4 economy.

5                                   What kind of insurance package, or is  
6 there something in place? Like, I mean, we have... I have  
7 not seen any mention of that on line in your presentations  
8 or anything like that. I mean, what is there to cover a  
9 possible catastrophe from an invasive species or a major  
10 disruption in the lobster fishery?

11                                   Mr. PAUL BUXTON: There is none that I'm  
12 aware of, Mr. Chair. But I wonder if you would just indulge  
13 me for a moment.

14                                   I have a letter here from Mr. Farnsworth  
15 to ourselves.

16                                   "I have received your invitation which  
17 was issued to the Bay of Fundy In-Shore  
18 Fishermen's Association to attend an  
19 informal open house at the Bilcon office  
20 on June the 8th at seven p.m.

21                                   I understand the purpose of the informal  
22 open house is to expand the scope of  
23 Bilcon's public liaison with community  
24 groups and exchange information about  
25 our concerns and your project.

1 Please be advised that our association's  
2 understanding is that a Panel review has  
3 been established to address our concerns  
4 about the potential environmental  
5 impacts of your proposed project. We do  
6 not wish to have any type of informal  
7 discussions, nor do we wish liaison.  
8 The Panel is public and documented and  
9 that is the way we feel our association  
10 is best served. We did not appreciate  
11 the manner in which CLC meetings were  
12 conducted in the past, and we do not  
13 wish to do the same sort of thing in a  
14 different fashion.

15 Thank you for your invitation; however,  
16 we feel we must decline.

17 Sincerely yours, Terry Farnsworth  
18 Vice-President/Bay of Fundy In-Shore  
19 Fishermen's Association."

20 Mr. CHRIS HUDSON: Yes. I'm not, I  
21 wasn't aware of that response, but if I was then my  
22 signature would've been there at the bottom of that along  
23 with his.

24 We do not wish to have consultations  
25 with Bilcon. We are fully, one hundred percent, against

1 this project going in, so we do not feel the need to meet  
2 with and try to pick through a supposed trap fund or  
3 compensation package or lane for fishermen that has to stay  
4 out of so we don't lose our gear. It's going to be a major  
5 destruction in our livelihood, and there is no way around  
6 it. It's inevitable. It's unavoidable. We are not  
7 interested in negotiating.

8 Dr. JILL GRANT: Mr. Hudson, in your  
9 response to the question that Mr. Stanton asked you about  
10 the in-shore fishery, you mentioned about a weir just off of  
11 Whites Cove. We noted in the Environmental Impact  
12 Assessment that there's relatively little discussion about  
13 the herring fishery, and you've mentioned that there's  
14 herring going along there, and now you've mentioned that  
15 there is weir.

16 Is it your understanding that there is  
17 weir fishing going on for herring every year, or has it  
18 stopped several years ago, as indicated in the EIS?

19 Mr. CHRIS HUDSON: No, the Bay of Fundy,  
20 there's currently operational weirs on the Bay of Fundy  
21 side, around Whites Point and above Whites Point. It's been  
22 an ongoing fishery now for as long as I can remember being a  
23 fisherman. There's always been weir operations. There is  
24 not the magnitude of weir operations going on, on the coast  
25 of the Bay of Fundy like there used to be back years ago,

1 for sure.

2 But there are still active weir  
3 fishermen on the Bay of Fundy along the coast, in the near  
4 vicinity of White Point for sure, yes.

5 THE CHAIRPERSON: Mr. Marcocchio? Is  
6 that, do you want...

7 Mr. BRUNO MARCOCCHIO: Yes. I'm Bruno  
8 Marcocchio, with the Sierra Club of Canada.

9 I think you've made it clear that the  
10 position of the in-shore fishers is that mitigation isn't an  
11 option here; that you feel there's a risk to your  
12 livelihood, and that this project is inherently incompatible  
13 with your enterprises. And I think you've made that quite  
14 clear.

15 You've mentioned, however, that you were  
16 dissatisfied with the performance of the CLC in the past,  
17 and that you didn't want to be a part of a repetition of  
18 that. Would you mind outlining some of the problems with  
19 that CLC and why your group might not be interested in a  
20 process like that?

21 Mr. CHRIS HUDSON: CLC? Could you...

22 Mr. BRUNO MARCOCCHIO: The Citizens  
23 Liaison Committee that was referred to in the letter that  
24 was set up by Bilcon several years ago. I don't think  
25 they've had a meeting for three years now. And we've heard



1 a little bit of discussion about a dissatisfaction with both  
2 the membership and the representation on there. I thought,  
3 I just wondered whether you had any thoughts on it.

4 Mr. CHRIS HUDSON: I haven't dealt with  
5 that too much. Terry obviously has had more info on the CLC  
6 than I have. I had not dealt with that part of it.

7 Mr. BRUNO MARCOCCHIO: Thank you very  
8 much.

9 Mr. CHRIS HUDSON: Terry might, should be  
10 able to answer your question on that, though.

11 Mr. TERRY FARNSWORTH: As you know or  
12 don't know, in the past 11 years I've had to attend an awful  
13 lot of meetings of the issues that are threatening our  
14 cultures in fisheries globally, top down, and I have found  
15 it very overwhelming, I must say, to work my way through  
16 learning to be a vice-president of our association and  
17 define my roles and duties.

18 For the most part, the fishermen of our  
19 community have elected me in the beginning of structuring  
20 our association and learning to chair meetings and all the  
21 other elements, and I remember walking into the store in  
22 Centreville with some of the questions I heard fishermen  
23 asking, and so I went in the store, the same store that's on  
24 the newsletter there, the picture of, and I went in there  
25 because I always enjoyed going in there. You know, they

1 talked nice to me and offered me coffees and everything.

2                   And I started to kind of do a little  
3 fishing as to what the Liaison Committee was about and how  
4 it was structured and those kinds of things, because in my  
5 mind I had my own scope of how we established ourselves at  
6 the many, many things that are accumulating our livelihood  
7 and our place in which we live.

8                   And I mentioned a question as to who  
9 chairs the meetings, and all these other things, and asked  
10 the question to Ms. Nesbitt about the concerns the lobster  
11 fishermen had about ballast water and all the rest of it.

12                   Well, don't you know, like bang, she got  
13 very upset. She thought that I was questioning her  
14 integrity and her education and that she was ensuring me  
15 that she would never let anything harm the community.

16                   I attended one meeting in the  
17 Gulliver's. I don't know if this gentleman remembers or  
18 not. And I was asking who was monitoring or policing the  
19 activities as to whether or not the ballast water is  
20 released outside of Canadian waters, and he held up a  
21 handful of papers and he said, "They're just guiding  
22 principles".

23                   Well, you've got to understand how I  
24 feel as a fisherman, a hand-liner with a few hooks and a  
25 lid, with sou'police management, many, many workshops,

1 tireless meetings, and away from home. In order to go hand-  
2 lining, I have to call a monitoring company. I have to call  
3 observer company. I get numbers this long to go fishing,  
4 and this number to come in.

5 Everything in my livelihood, as my  
6 culture, as a traditional fisheries we once knew, is combed  
7 over and worked over to the state where our communities are  
8 no longer the communities we once knew.

9 And my sense that was coming from this  
10 Liaison Committee, that was neither supposed to be for or  
11 against, seemed awful strange to me that she would get that  
12 upset of question, a simple question. And I was betrayed as  
13 the enemy.

14 And I sadly left that store and I  
15 haven't been back since. And I have the feeling that  
16 negotiations have not worked very well with our Provincial  
17 Government, the Federal Government, or otherwise. So the  
18 whole community has questioned this Liaison Committee, and  
19 all the reassurances, everything is going to be okay.

20 That's why we have a Panel here, and I'm  
21 sure everybody listening here, for the most part, knows  
22 where I'm coming from as to why I, whether I feel confident  
23 that I accept or trust or believe that everything's going to  
24 be okay.

25 THE CHAIRPERSON: Thank you, Mr.

1 Farnsworth. Mr. Buxton, do you want to ask any questions to  
2 Mr. Farnsworth, since he's made a statement, perhaps?

3 Mr. PAUL BUXTON: I don't think so, Mr.  
4 Chair.

5 THE CHAIRPERSON: All right.

6 Mr. PAUL BUXTON: The Chair of the CLC, I  
7 understand, is making a presentation, so I think that that  
8 would be a good opportunity for the Panel to ask the Chair  
9 of the CLC how she thinks things went.

10 THE CHAIRPERSON: All right. Thank you.

11 Are there any additional questions from the audience?

12 Thank you, Mr. Farnsworth. Thank you, Mr. Hudson.

13 We're coming to the last presentation.

14 That's Laura Hussey. Is she here? Yes. Representing CPAWS  
15 Nova Scotia.

16 I understand that this is a half-hour  
17 presentation, so we're going to take five minutes to stretch  
18 our legs and so forth, and then we'll be right back to it,  
19 okay?

20 We'll be more alert for you.

21 --- Recess at 8:47 p.m.

22 --- Upon resuming at 8:53 p.m.

23 THE CHAIRPERSON: Okay, we're about ready  
24 to resume.

25 As I mentioned ago, this presenter is

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(Ms. LAURA HUSSEY)

1 Laura Hussey, who is with CPAWS Nova Scotia.

2 **PRESENTATION BY CANADIAN PARKS AND WILDERNESS SOCIETY - NOVA**  
3 **SCOTIA - LAURA HUSSEY**

4 Ms. LAURA HUSSEY: Hello, and thank you  
5 to the Panel and to members of the Canadian Environmental  
6 Assessment Agency, and to the Proponent.

7 My name is Laura Hussey, H-u-s-s-e-y,  
8 and I am the Marine Coordinator for the Nova Scotia Chapter  
9 of the Canadian Parks and Wilderness Society, or CPAWS.

10 CPAWS is a non-profit organization that  
11 works to ensure that nature comes first in the management of  
12 parks and protected areas, that additional protected areas  
13 are created, and that land and sea are managed to retain  
14 Canada's bio-diversity and wilderness.

15 The Society achieves this through a  
16 combination of research, education, and advocacy, and  
17 through working co-operatively with other conservation-  
18 oriented groups, with Governments, First Nations, and  
19 communities.

20 The interest of CPAWS in the area of the  
21 proposed Whites Point Quarry Project stems from the thesis  
22 work completed in 2004 by Master student Victoria Sheppard  
23 at Dalhousie University. This research identified the Digby  
24 Neck and Islands area as the best existing opportunity in  
25 the Bay of Fundy for the creation of a national marine

1 conservation area, or NMCA.

2 An NMCA is a type of marine-protected  
3 area that is managed by Parks Canada; in many ways, the  
4 marine counterpart to the land-based National Parks system,  
5 though there are some differences in the ways the two types  
6 of parks are managed.

7 For example, NMCAs are not necessarily  
8 intended to protect green areas in a pristine and wholly-  
9 unaltered state, but rather are managed for sustainable use  
10 with smaller areas of higher protection.

11 Activities such as fishing and tourism  
12 can still take place within the boundaries of an NMCA.  
13 Quarrying, however, cannot.

14 Like National Parks, the cultural  
15 history of an area can also be an important aspect of an  
16 NMCA.

17 The NMCA program sets out 29 marine  
18 regions in Canadian waters and aims to establish a  
19 representative protected area in each. The Bay of Fundy is  
20 one such region. No NMCAs have yet been established  
21 anywhere in the Maritimes, leaving much of a marine  
22 environment, including many ecologically-significant areas,  
23 without protection.

24 The Bay of Fundy in particular is an  
25 important region. It is a natural wonder, with its



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1 birds, as well as an important year-round feeding area for  
2 sea birds. Parks Canada has called it an area of  
3 outstanding biological value, noting large numbers of marine  
4 mammals, rare and unique coastal plants, and its importance  
5 as bird habitat, among other features.

6 Off shore from the Neck, in the Bay of  
7 Fundy, is an important whale sanctuary created to help  
8 protect the highly-endangered North Atlantic right whales  
9 that migrate annually to the Bay.

10 The ecological value of the Digby Neck  
11 area is well documented. Moreover, Ms. Sheppard's research  
12 that I mentioned earlier found this area to be the only  
13 place in the Bay of Fundy region to have many of the right  
14 social conditions to explore the creation of a marine  
15 conservation area.

16 She found there to be some support among  
17 local residents in the area for conservation efforts that  
18 would protect their coastal and marine resources, and also  
19 found that there were a number of existing organizations  
20 here that could facilitate local involvement in a process to  
21 determine possible protection measures.

22 The establishment of a marine  
23 conservation area could also be compatible with and even  
24 beneficial to the existing local fishing and tourism  
25 industries.



1                   There are many social and ecological  
2 features that make this region a good candidate for  
3 conservation measures.

4                   This natural value of the Digby Neck  
5 coastline must be carefully considered, as this the context  
6 within which this project will be set.

7                   It is necessary to evaluate what the  
8 potential impacts of large-scale industrial development  
9 might be on this ecologically-important, yet vulnerable and  
10 unpredictable marine and coastal eco-system, and whether  
11 this is an appropriate area for such an undertaking as a  
12 proposed project.

13                   We should also keep in mind that Canada  
14 has committed, through international conventions and  
15 agreements, to creating a network of marine-protected areas  
16 in Canada by the year 2012. Without a network of MPAs in  
17 place or even planned, and without any provincial or  
18 regional coastal policies in place, large coastal  
19 developments such as this need to be very carefully  
20 scrutinized within a larger context of conservation  
21 planning.

22                   Continued large-scale development, in  
23 the absence of the safety net that can be provided by a  
24 strong network of protected areas and other conservation  
25 measures, can only lead to eventual ecological disaster.

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1                   The beginnings of this disaster are  
2 already upon us, as evidenced by fisheries collapse, the  
3 growing numbers of species at risk, degraded and  
4 disappearing habitats, decreasing air and water quality, and  
5 other tell-tale signs of ecological deterioration.

6                   To sum up, CPAWS would recommend to the  
7 Panel that any environmental impacts that may result in this  
8 project must be considered to be of greater-than-usual  
9 significance, due to the fact that this is an area of  
10 outstanding natural value, on a regional, provincial, and  
11 even national and even international scale.

12                   This is especially true, given the high  
13 levels of uncertainty surrounding many of the project's  
14 potential impacts, such as the effects of blasting and noise  
15 on marine mammals on other species, impacts of the project  
16 on migratory birds and other birds that inhabit the area,  
17 and impacts on rare plants, to name just a few.

18                   There is little protection in place in  
19 this region, despite the consensus of various researchers  
20 that it is an ecologically-significant area.

21                   Until such time as appropriate  
22 conservation measures are in place that reflect the natural  
23 value of this area, great caution must be exercised in  
24 considering any further development.

25                   Thank you.

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(QUESTIONS FROM THE PANEL)

1 THE CHAIRPERSON: We were under the  
2 impression it was a longer presentation.

3 --- Laughter

4 Ms. LAURA HUSSEY: No, it's not. That's  
5 it.

6 **PRESENTATION BY CANADIAN PARKS AND WILDERNESS SOCIETY OF**  
7 **NOVA SCOTIA - QUESTIONS FROM THE PANEL**

8 Dr. JILL GRANT: You reported on Ms.  
9 Sheppard's thesis that suggested a marine conservation area  
10 in the Digby Neck and Islands.

11 I wonder if you could give us a better  
12 idea of what the status of that recommendation is within  
13 Parks Canada or other Government agencies? Has that  
14 recommendation been accepted or what?

15 Ms. LAURA HUSSEY: Well, ultimately  
16 something like this, ideally, you want it to start from the  
17 community itself. If there is, as the report suggested,  
18 some basis for support there, this would need to be built  
19 upon. It would have to be something that the community  
20 wanted, and wanted to pursue.

21 Unfortunately, at this time the energies  
22 of many of the community members are sort of tied up in this  
23 process.

24 However, all of the elements are there.  
25 It would just be a matter of building that, and I think

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1 that would need to start from a local level as opposed to  
2 from a Government level.

3 If that answers your question.

4 Dr. JILL GRANT: Yeah. And can you give  
5 me a bit of a better idea, you said that Canada has  
6 committed to this system of national marine conservation  
7 areas. Have some of them already been designated, and is  
8 there some kind of time line by which they will all be  
9 determined?

10 Ms. LAURA HUSSEY: As for... There are  
11 several types of marine-protected areas that can be  
12 established in Canada. There's **Oceans Act** MPAs and the  
13 national marine conservation areas through Parks Canada, and  
14 there's also marine wilderness areas under Environment  
15 Canada that can also be established.

16 As for the NMCAs specifically, there are  
17 only two that have been officially designated so far; one in  
18 the St. Lawrence River estuary, and one in the Great Lakes.  
19 There's another one in the Great Lakes that's currently  
20 underway, as well as one on the west coast, but none on this  
21 coast.

22 And the 20/12 deadline was one set as a  
23 part of a number of international agreements, so Canada did  
24 sign on to that, and have committed to that. However, it is  
25 questionable at this point if they'll actually reach that

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1 goal.

2 Dr. GUNTER MUECKE: Are there other areas  
3 along the Atlantic Canada coast that are under  
4 consideration, and how does this particular site rate in  
5 comparison to the others, or is there a rating?

6 Ms. LAURA HUSSEY: As for sites that are  
7 currently being considered on the east coast, les Isles de  
8 la Madeleine are currently under consideration; however,  
9 there's some trouble there jurisdictionally between Quebec  
10 Government and the Federal Government in terms of actually  
11 designating it.

12 There is also an area in Newfoundland  
13 that's in early stages of consideration on the southwest  
14 coast near Burgeo.

15 As for the Bay of Fundy region, one  
16 factor affecting establishment of an NMCA in that area is  
17 that there was previously a candidate site identified in the  
18 West Isles on the New Brunswick side that unfortunately fell  
19 apart. The whole kind of community involvement aspect  
20 didn't turn out so well, and so that kind of stalled further  
21 development in the Bay of Fundy of an area.

22 So it's been a while since Parks Canada  
23 has actually officially reviewed this area and determined a  
24 candidate site; however, CPAWS is working to meet with the  
25 Director General of Parks Canada in the near future to

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1 discuss, in particular, the Bay of Fundy, because we feel it  
2 is an important region and something that needs to be looked  
3 at seriously.

4 THE CHAIRPERSON: Would the presence of a  
5 quarry prevent you from going forward anyway?

6 Ms. LAURA HUSSEY: It wouldn't  
7 necessarily prevent it. However, it would limit options.  
8 As I said, an NMCA generally encompasses often not only the  
9 water but coastal areas, as well, and the only two things  
10 that are specifically laid out in the **National Marine**  
11 **Conservation Area Act** that aren't allowed in an NMCA are any  
12 sort of mineral or petroleum exploration exploitation and  
13 ocean dumping.

14 So if the quarry were to go ahead, that  
15 specific area of the Digby Neck coastline would necessarily  
16 have to be excluded from the area that was part of the NMCA.

17 So it would limit options, to some degree, and it could  
18 become... There are possibilities that it could complicate  
19 the process of actually deciding on and pursuing such a  
20 designation.

21 THE CHAIRPERSON: Mr. Buxton?

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

24 THE CHAIRPERSON: Okay. Any questions  
25 from the audience?

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(QUESTIONS FROM THE PUBLIC)

1 **PRESENTATION BY CANADIAN PARKS AND WILDERNESS SOCIETY OF**  
2 **NOVA SCOTIA - QUESTIONS FROM THE PUBLIC**

3 THE CHAIRPERSON: Yes, Sister Barbara.

4 SISTER BARBARA: I just have a quick  
5 question. My name is Sister Barbara, and I'm from Rossway.

6 And I've never heard of Canadian Parks  
7 and Wilderness Society. Are you not-for-profit?

8 Ms. LAURA HUSSEY: Yes, we are a non-  
9 profit, non-Governmental organization.

10 SISTER BARBARA: Mm-hm. And how long  
11 have you been in operation?

12 Ms. LAURA HUSSEY: The Canadian Parks and  
13 Wilderness as a whole is a national organization, and that's  
14 been, that was established, I think, in the '70's. The Nova  
15 Scotia chapter was first established in 1991, I believe.  
16 But it's one of the smaller chapters.

17 SISTER BARBARA: Thank you very much.  
18 Thank you for your talk.

19 THE CHAIRPERSON: Ms. Hussey, someone  
20 earlier this evening, I forget who, said they ought to  
21 declare the Digby Neck as a park. Has that ever been  
22 considered?

23 Ms. LAURA HUSSEY: Well, I'm not sure if  
24 it's been considered as a land-based park, but certainly, as  
25 I said, the NMCA designation is under Parks Canada, in many

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1 ways, the sort of coastal and marine counterpart of a  
2 national park.

3 So essentially, an NMCA would be similar  
4 to, yeah, a national park. It's a national level of  
5 designation with certain restrictions and things associated  
6 with it.

7 THE CHAIRPERSON: So you wouldn't declare  
8 it a park as we think of it. It would be a more specialized  
9 kind of part. A coastal zone, essentially, is it?

10 Ms. LAURA HUSSEY: Yes. It is a park,  
11 and as with any Parks Canada Park there is generally, in an  
12 NMCA, some degree of infrastructure development there in  
13 terms of interpretive centres and things like that.

14 So it's very much like a national park.  
15 The only difference is that, given the history of use of  
16 marine and coastal areas, usually an NMCA does take into  
17 account the fact that traditional and sustainable uses of  
18 marine and coastal resources are allowed, as opposed to  
19 usually in a national park it's something that's kind of set  
20 aside and not for resource extraction or anything like that.

21 THE CHAIRPERSON: Is that a question  
22 coming, Mr. Marcocchio? Yes, go ahead.

23 Mr. BRUNO MARCOCCHIO: Thank you, Ms.  
24 Hussey. We heard from Art MacKay, the St. Croix Estuary  
25 Project, that the two main areas of biological diversity in



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1 the Bay are the Digby Neck area, as well as Passamaquoddy  
2 Bay.

3                   With that knowledge of the incredible  
4 diversity and how important these two areas of high  
5 productivity are to the functioning system of the whole Bay  
6 of Fundy, do you think it would be prudent to engage in an  
7 exercise of documenting both trophic flows through that  
8 system and that incredible diversity now before any  
9 industrial take place?

10                   Ms. LAURA HUSSEY: I'm sure that could be  
11 useful. There's certainly a lot that's not yet known about  
12 the area and how it functions. Yeah, it would be useful.

13                   Mr. BRUNO MARCOCCCHIO: Thank you.

14                   THE CHAIRPERSON: Thank you. Mr. Mullin.

15                   Mr. DON MULLIN: Yes, it's Don Mullin.

16 Ms. Hussey, I'm sure you're familiar with the efforts that  
17 have been undertaken over the last four or five years to try  
18 to establish a Bay of Fundy Marine... Well, now what are we  
19 calling it? A Discovery Centre. And I think you met with  
20 the champions of that. Might I assume that that would be  
21 very compatible and complementary to a national marine  
22 conservation area?

23                   Ms. LAURA HUSSEY: Yes. I would  
24 certainly think so. As I mentioned, generally with the  
25 establishment of an NMCA you would have interpretive

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1 centres, things like that, to facilitate education about the  
2 area, portraying and kind of showcasing the both natural and  
3 cultural features of the area, so that would certainly go  
4 hand in hand, I think.

5                                   And as I said, part of the reason why  
6 this area was seen as an appropriate place for searching an  
7 NMCA designation is because it did seem compatible with some  
8 of the local developments here with the tourism and eco-  
9 tourism developments that have happened, and as I said, it  
10 could potentially be compatible with a number of the  
11 fisheries, as well. And that could be worked into something  
12 like this, as well.

13                                   THE CHAIRPERSON: Mr. Farnsworth.

14                                   Mr. TERRY FARNSWORTH: Partly a comment  
15 and partly a question.

16                                   At the place in Cornwallis where we  
17 found to have a place to have community discussions, which  
18 we call the marine resource centre, many, many times we've  
19 had workshops on marine protected areas and the urgency for,  
20 where there is an area of migratory and so much life, I  
21 always relate to it, the heart to the ocean, in the bigger  
22 picture.

23                                   So I guess I'm asking if we could meet  
24 and, perhaps on a workshop, at some point, members of the  
25 marine resource centre and all parties involved with marine

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1 resource centre and all that it incorporates would very much  
2 love to have a workshop on the urgency of global impact,  
3 especially in this area. Would that be possible?

4 Ms. LAURA HUSSEY: Yeah, I think that  
5 would definitely be possible. Actually, I believe Ms.  
6 Sheppard, when she was doing her research, that was at least  
7 one or two of the participants in her study were  
8 representatives from the marine resource centre. So we're  
9 definitely interested in your input on this, and in order to  
10 move forward we definitely, I think, have to discuss some of  
11 it, for sure.

12 THE CHAIRPERSON: Thank you. Anyone  
13 else? If not, we will adjourn until 1:00 tomorrow  
14 afternoon.

15 Thank you, Ms. Hussey. Thank you very  
16 much.

17 --- Whereupon the matter was adjourned at 9:12 p.m. to  
18 resume on Tuesday, June 26, 2007, at 1:00 p.m.