

PUBLIC HEARING

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

V O L U M E 9

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

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Tuesday, June 26, 2007

PRESENTERS: -Partnership for the Sustainable Development
of Digby Neck and Islands Society
Ms. Linda Pannozo (GPI ATLANTIC)/Dr. Meinhard
Doelle/Dr. Mike Stokesbury/Dr. Robert Gibson/
Dr. David VanderZwaag
-Mr. David and Ms. Linda Graham
-Mr. Andy Moir
-Ms. Cindy Nesbitt and Mr. John Ivens
-Mr. Leo Glavine and Mr. Harold Theriault
-Mr. Brian Meeson and Ms. Andrea Meeson
-Mr. Fred Ganley
-Mr. William Hilden

Recorded by: A.S.A.P. Reporting Services Inc.
200 Elgin Street, Suite 1004 Ottawa, Ontario K2P 1L5
130 King Street W., Suite 1800 Toronto, Ontario M5X 1E3
613-564-2727 (Ottawa Office) / 416-861-8720 (Toronto Office)
613-564-7756 (Ottawa Fax) / 416-946-1693 (Toronto Fax)
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Per: H el ene Boudreau-Laforge, CCR

1 Digby, Nova Scotia

2 --- Upon resuming on Tuesday, June 26, 2007, at 1:00 p.m.

3 THE CHAIRPERSON: Ladies and gentlemen,
4 could we get underway please? I see some new faces in the
5 audience, so I will run over a few housekeeping things
6 first.

7 First of all, I'd like to introduce the
8 Panel for you. On my left is Dr. Jill Grant, who is a
9 professional planner; on my right is Dr. Gunter Muecke, who
10 is an earth scientist; and my name is Robert Fournier, I'm
11 the Chairman and I'm also an oceanographer by training.

12 For those of you who find the acoustics
13 in this room not very amendable, you can go to the back of
14 the room and get a set of headphones, which are being used
15 for simultaneous translation, but they also augment the
16 English. A number of people will be using them, so I
17 suggest you try that if you feel the need.

18 Also, I would like to caution you about
19 any emotional outbursts. I know the emotions run high here,
20 but at the same time it is not appropriate, so please don't.
21 And if it does occur, I'm going to ask you to desist.

22 We had a little difficulty with
23 computers a few days ago, and so those of you who are
24 presenting computer presentations, that is Power Point or
25 something like that, we would appreciate it, or the

1 Secretariat especially would appreciate it if you could get
2 that presentation to them as soon as possible, so that they
3 can load it in and check it out.

4 Otherwise, there is the possibility that
5 it won't work, and we will have to defer your presentation
6 as occurred last week.

7 We noticed yesterday that we were in our
8 desire to be more thorough in the questioning, and that each
9 presentation and questioning period was lengthening out, so
10 the Secretariat has instructions now to give you a heads up
11 when you approach the end.

12 I think it's two minutes before the end
13 of your presentation, and at that point you will find that I
14 might in fact say something as well, just to encourage you
15 to bring things together and get passed it.

16 Remember, presentation is only part of
17 it, the other part of it of course is the questioning, so it
18 doesn't really serve the process very well if it's simply a
19 presentation with no questions at all.

20 Finally, that brings me to the
21 undertakings. An undertaking is a request for information
22 which the Proponent or a presenter is unable to fulfill at
23 that particular moment.

24 Therefore, we ask that that information
25 be provided by a specific date, and to date, we have 53

1 undertakings.

2 I'm going to read to you the
3 undertakings that were generated yesterday to put them into
4 the record, of course, and also mention that there are two
5 which are due today.

6 So I will read the ones that are due
7 today. This one is directed at Bilcon of Nova Scotia. It
8 was due on the 26th, and the entire request is to respond to
9 the request of the Sierra Club of Canada as follows:

10 "Bilcon states that its GHG emissions of
11 82,000 of carbon dioxide equivalence
12 place Bilcon below the Federal
13 Government's "large emitter" category.
14 Natural Resources Canada uses annual
15 average emissions of eight kilotons per
16 annum or more, as the definition of
17 "large emitter".
18 Please undertake to explain this
19 discrepancy."

20 So that one is due today. And the
21 second one due today, also directed at Bilcon of Nova
22 Scotia, and it's:

23 "Please clarify the amount of explosive
24 to be used per blast, the amount of
25 explosive to be used per tonne of rock

1 blasted, the total amount of explosive
2 to be used in a two-week period, and to
3 identify the number of holes that will
4 be required per blast and the charge per
5 hole."

6 And we specifically requested the
7 information to be delivered to us in metric units.

8 Now finally, the undertakings that were
9 generated yesterday, all of these I think are due on the
10 29th.

11 The first one was directed to Bilcon of
12 Nova Scotia to provide the refusal rate for the AMEC
13 attitude surveys, the number of individuals who are
14 approached for those surveys, but refuse to participate.

15 The second one was directed at Bilcon of
16 Nova Scotia, to provide a refined delineation of the
17 numerical characteristics of the AMEC attitude surveys, for
18 example the number of participants and so forth.

19 The third one, also directed to Bilcon,
20 to identify the participants in the AMEC Health and Wellness
21 study and the contributions of those participants to the
22 study.

23 The fourth one, also to Bilcon, to
24 provide a breakdown of the background of the 57 participants
25 in the traditional ecological knowledge study.

1 The fifth one is directed at the Sierra
2 Club, the Atlantic Chapter of the Sierra Club, to provide a
3 reference supporting the question relating to blasting and
4 damage to crustaceans, lobster specifically.

5 There was a reference made to blasting
6 effects on lobster and we're asking for the citation or
7 reference that yielded that information.

8 And then finally, there was an
9 undertaking directed to the Nova Scotia Department of
10 Tourism, Culture and Heritage, and this was to determine
11 whether there are departmental plans for the development of
12 a coastal hiking trail, in the project area, and the status
13 of any such plans.

14 Now there was a delivery of an
15 undertaking to Bilcon that we received yesterday which we
16 were unclear about.

17 It was a request for an accounting of
18 GHG emissions for marine transportation over the life of the
19 Project, and you responded to us Mr. Buxton, but it was a
20 question of the size.

21 In other words, we... Yes, here it is.
22 This is your response:

23 "The generation of..."

24 No, that's not the right one. Just a
25 minute. Here it is.

1 "Based on the CSL spirit (that is the
2 Canadian Steamship Lines Ship), the GHG
3 emissions associated with the 45 round-
4 trips per year would be 997 kilotons of
5 CO2 equivalent emissions, that's 22.15
6 kilotons per trip, plus a minor amount
7 from support hotels to assist in
8 docking."

9 And it continues, but the problem with
10 that is that we wondered if maybe there is an error in the
11 calculation by an order of magnitude?

12 The amount of GHG emissions which you
13 projected for the Project is 80,000 tonnes.

14 According to this, the number we're now
15 talking about is 997 tonnes.

16 Dr. JILL GRANT: Kilotons.

17 THE CHAIRPERSON: Kilotons. So that's
18 almost a mega tonne. So that means that the ship, the
19 production of carbon dioxide gases by the ship would be a
20 staggering amount by comparison with the Project itself.

21 Could we ask you just to go back and
22 double check those numbers, particularly we think... We
23 could be wrong, but we think that the number you provided us
24 might be much too high.

25 Mr. PAUL BUXTON: You're absolutely right

1 Mr. Chair, and a correction has already been sent.

2 THE CHAIRPERSON: It should be 99.7
3 kilotons, right? Not 997.

4 Mr. PAUL BUXTON: It's sort of that
5 magnitude. The information which we got dealt with per
6 year, and it was unclear. It was identified as "per trip"
7 so...

8 THE CHAIRPERSON: Okay.

9 Mr. PAUL BUXTON: It has been already
10 submitted as a correction, and it's with the Project
11 Manager.

12 But I wonder Mr. Chair, while we're on
13 undertakings... I'm sorry, I didn't record the number, but
14 it's one from yesterday, and you asked Bilcon to provide the
15 background of the 57 participants in the traditional
16 knowledge gathering.

17 THE CHAIRPERSON: H'm.

18 Mr. PAUL BUXTON: I rather understood
19 that, from my notes, to be the geographic location, where
20 these people were located, rather than...

21 THE CHAIRPERSON: Correct Mr. Buxton. We
22 left it out of this reference here.

23 Mr. PAUL BUXTON: Okay.

24 THE CHAIRPERSON: So it's a breakdown of
25 the geographic background or the origins.

1 Mr. PAUL BUXTON: Yes. I think
2 specifically where they live now or lived.

3 THE CHAIRPERSON: Right.

4 Mr. PAUL BUXTON: That's I think what the
5 question was.

6 THE CHAIRPERSON: We left it off here,
7 thank you for that. So where they lived when they were
8 interviewed.

9 Mr. PAUL BUXTON: Yes, and I think it
10 sort of went further than that, because if they lived in
11 Digby... Like now, are they in a nursing home but lived in
12 Digby Neck all their life? Do they have to live in Digby
13 now because there are no nursing homes on the Neck?

14 THE CHAIRPERSON: Yes, that's correct.
15 Okay. That is the extent of our housekeeping business. Now
16 we will move to the presentations for today.

17 Our first presentation is by Linda
18 Pannozzo, representing GPI Atlantic. Ms. Pannozzo?

19 **PRESENTATION BY GPI ATLANTIC - Ms. LINDA PANNOZZO**

20 Ms. LINDA PANNOZZO: Okay, sorry.

21 THE CHAIRPERSON: Would you spell your
22 name out for the benefit of the transcription service?

23 Ms. LINDA PANNOZZO: Okay. It's
24 Pannozzo. P-a-n-n-o-z-z-o.

25 Good afternoon, I'm Linda Pannozzo,

1 Senior Researcher with Genuine Progress Index Atlantic, a
2 non-profit research group founded in 1997.

3 We are currently constructing an index
4 to measure sustainability, well-being and quality of life
5 for Nova Scotia.

6 Since the Second World War, economic
7 growth statistics based on the Gross Domestic Product (GDP)
8 have been widely used as a proxy for societal well-being and
9 prosperity.

10 This was not the intention of those who
11 created the GDP. Its principal architect warned 40 years
12 ago:

13 "The Welfare of a nation can scarcely be
14 inferred from a measurement of national
15 income.... Goals for more growth should
16 specify of what and for what."

17 The case of the Whites Point Quarry and
18 Marine Terminal Project is no exception.

19 According to Bilcon of Nova Scotia's
20 Environmental Impact Statement, the GDP associated with
21 annual operations is estimated to a total of \$6.3 million in
22 Nova Scotia and over the 50-year life of the quarry, a total
23 GDP of over \$315 million.

24 Somehow, these figures are supposed to
25 tell us that Bilcon of Nova Scotia's quarry and terminal are

1 going to add to societal well-being and prosperity for the
2 surrounding communities.

3 However, GDP-based measures were never
4 meant to be used as a measure of progress, but only as a
5 measure of market activity.

6 Indeed, they can send highly misleading
7 messages to policy makers by counting detriments to well-
8 being as economic gains.

9 Activities that degrade our quality of
10 life, like crime, pollution, environmental degradation, all
11 make the economy grow.

12 The more fish we sell, the more trees we
13 cut down and the more we consume, the more the economy
14 grows. Working longer hours makes the economy grow.

15 The economy can grow even if poverty
16 increases, as habitat destruction increases, as we fish to
17 the point of stock collapsing or mine the earth of non-
18 renewable resources.

19 Because we assign no value to our
20 natural world, sometimes called "natural capital", we
21 actually count its depreciation as gain.

22 GDP counts only what we extract from our
23 natural resource base, but not what we leave behind. It
24 fails to value our natural wealth.

25 By contrast, the Genuine Progress Index

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1 assigns explicit value to our natural wealth - the forest,
2 the soils, the marine and coastal environments, air and
3 water quality, to the health of our population, to their
4 education attainment, to the strength and vitality of our
5 communities.

6 Unlike the GDP, which gives no value to
7 unpaid work for example, the GPI also gives explicit value
8 to the economic contributions of household and volunteer
9 work, and it counts factors like crime, pollution, sickness
10 and greenhouse gas emissions as costs, not gains to society
11 and to the economy.

12 In short, economic activities that
13 diminish social and environmental health and well-being, and
14 that undermine our essential life support system, are
15 counted as costs in the GPI.

16 In the case of the Whites Point Quarry
17 and Marine Terminal, there are many costs that have been
18 externalized.

19 This means that the true cost of the
20 company's activities are not being paid today by the
21 company, but rather will be assumed by others and by future
22 generations.

23 For instance, the cost associated with
24 greenhouse gas emissions do not register anywhere as an
25 actual cost, and GHG emissions, while produced locally, have

1 impacts on a global scale and I will talk more on that
2 later.

3 The fundamental approach used in the GPI
4 is to value all ecosystems and resources as natural capital
5 that perform a wide range of interconnected ecological,
6 social and economic functions, and provide both direct and
7 indirect services to human society.

8 However, unlike manufactured capital,
9 lost ecosystems services are largely irreplaceable. For
10 example, when a species becomes extinct, it is impossible to
11 attach a dollar value to the magnitude of that loss.

12 As I already mentioned, natural
13 resources only register in our current system when they are
14 used, but they are continuously providing us with functions
15 and services for free.

16 These functions and services include
17 climate regulation, habitat provisions, soil formation, food
18 production, biological diversity, erosion control, nutrient
19 cycling and aesthetic beauty and recreation.

20 In 1997, 10 years ago, an international
21 team of scientists and economists at the Maryland Institute
22 of ecological economics attempted to place a monetary value
23 on 17 categories of renewable ecosystem services, including
24 those just mentioned.

25 They estimated the average annual value

1 of these to be \$33 trillion U.S. Most of this value was
2 outside of the market.

3 This number is almost twice the GDP of
4 all of the countries on earth combined, and even so, the
5 scientists who made this calculation said that the figure
6 was a minimum estimate and that many ecosystem services are
7 literally irreplaceable.

8 "The economies of the earth would grind
9 to a halt without the services of
10 ecological life support systems."

11 The authors also said that while coastal
12 environments only account for 6.3 percent of the world's
13 surface, they are responsible for 32 percent of the value of
14 the world's ecosystem services, or \$11 trillion U.S. per
15 year.

16 How will the quarry and marine terminal
17 affect ecosystem functions and services on the Bay of Fundy
18 coast, and at what cost?

19 Whatever value one may chose to assign
20 ecosystem functions and services, zero is surely the wrong
21 answer, and yet the economic value of the ecosystem services
22 and functions that will be affected by the proposed quarry
23 has not been properly assessed.

24 For example, fishing and tourism, both
25 important to the Digby Neck economy, both rely heavily on

1 natural capital and the goods and services provided by this
2 natural capital.

3 Fishing depends upon the services
4 provided by complex ecosystems, and of course it depends
5 upon the health of the goods nourished within these
6 ecosystems, namely the fish.

7 Tourism also relies heavily on natural
8 capital. One of its mainstays is aesthetics, beauty,
9 something that doesn't show up anywhere in our conventional
10 accounting systems.

11 Any depreciation of natural capital will
12 also have ripple effects on these other major industries
13 that have long been a mainstay of the Digby community.

14 It's at the level of community that the
15 rubber hits the road in terms of quality of life.
16 Communities know if their quality of life is improving or
17 not. They also know that conventional economic growth
18 measures do not tell the whole story.

19 Bilcon of Nova Scotia described the
20 local community as a community in decline, but this is being
21 defined in very narrow conventional terms.

22 Has the value of unpaid voluntary work
23 for example been factored into the estimation of community
24 vitality?

25 Our conventional economic accounts do

1 not value or measure voluntary work or its contribution to
2 our well-being, standard of life or quality of life.

3 In 2003, GPI released the third update
4 of its original 1998 study on the Economic Value of Civic
5 and Voluntary work in Atlantic Canada, and found that when
6 both formal and informal voluntary work are both considered,
7 volunteers contribute the equivalent of nearly \$2 billion a
8 year in Nova Scotia.

9 As I said, this massive contribution is
10 not counted, and therefore remains invisible in our
11 conventional measures of progress.

12 Any assessment of a community's strength
13 or its vitality must consider the value of unpaid voluntary
14 work instead of simply describing the community as being "in
15 decline".

16 The Proponent also says that a number of
17 jobs (I believe they say it's 34) will be provided, but the
18 quantity of jobs isn't the only measure of employment
19 considered in the Genuine Progress Index, which also puts a
20 value on the quality of those jobs.

21 In other words, are they safe? Well-
22 paying? Providing benefits and security? Are the jobs
23 sustainable or are they dependant on yet another boom and
24 bust industry? Do the jobs contribute to positive human
25 development and quality of life? Are the jobs socially and

1 environmentally benign or are they damaging to communities
2 and natural environments?

3 Can they be filled with those in the
4 community who are looking for work, or will workers be
5 brought into the community? Will they be at the expense of
6 other jobs in the community?

7 In 2001, GPI Atlantic released its
8 greenhouse gas accounts for Nova Scotia and in 2006 released
9 its transportation accounts, both of which, among other
10 indicators, looked at GHG emissions in Nova Scotia.

11 In Atlantic Canada, the chief impacts of
12 climate change are predicted by Environment Canada to
13 include sea level rise, drought, extreme weather events and
14 changes in rainfall, all of which can have an adverse impact
15 on our social infrastructure, tourism, fisheries, forestry,
16 agriculture, ecosystems and water resources.

17 The mid-range marginal damage cost
18 estimate used in the GPI transportation report was \$159 per
19 tonne of CO2 in 2002 dollars.

20 This cost figure represents the mean of
21 103 cost estimates reviewed in a well-known 2004 study by a
22 leading German climate change economist named Richard Tol.

23 Again, I need to reiterate that it is a
24 mid-range figure, and that in the scientific literature on
25 this subject, there are much higher estimates of the costs

1 associated with climate change - based on more catastrophic
2 predicted impacts.

3 If we were to apply this more
4 conservative cost to the carbon dioxide production during
5 various stages of quarry operations at Whites Point, which
6 the Proponent estimates will be 81,766 tonnes per year, then
7 the mid-range cost would be \$13 million per year, which
8 alone exceeds the quarry's annual contribution to GDP for
9 Nova Scotia by \$7 million.

10 Keep in mind that this does not include
11 the cost of GHG emissions from the hauling of 40,000 tonnes
12 of basalt rock to New Jersey.

13 Have the economic costs of the quarry's
14 greenhouse gas emissions been properly considered by the
15 Proponent?

16 A full cost-accounting analysis of this
17 proposed quarry and marine terminal would involve three
18 related processes:

19 "1. The valuation of non-market goods
20 and services, that is attaching an
21 economic value to the rich biological
22 diversity, clean water, healthy
23 societies and other economic, social and
24 environmental factors that would be
25 affected by the proposed quarry. We

1 touched on this earlier. As crass as
2 putting a dollar value on these vital
3 services seems, it is a necessary step
4 so that these intrinsically valuable,
5 and often priceless, values register in
6 our accounting system, and up to now
7 they have been invisible.

8 2. The internalization of external
9 costs so that the Proponent pays for
10 these environmental and social costs of
11 production, rather than transferring the
12 burden to future generations.

13 3. The replacement of fixed costs with
14 variable costs, so that actual usage or
15 impact on the environment is considered
16 and so that conservation is rewarded and
17 waste is penalized."

18 What needs to be made abundantly clear
19 is that the ecosystem services on the Digby Neck provide an
20 important portion of the total contribution to human welfare
21 here.

22 Therefore, the quarry should be
23 appraised based on the costs of the damage and to its impact
24 on a full range of economic, social and environmental
25 values.

1 If the value of lost ecosystem services
2 outweighs the benefits, then the social and environmental
3 costs of a project are far too high.

4 Therefore, we recommend that this
5 proposed quarry and marine terminal undergo a full cost-
6 accounting analysis in order to address its full impacts on
7 the natural and human environments.

8 One final word on a principle that the
9 Genuine Progress Index is also firmly committed to, the
10 precautionary principle, which flows directly from the
11 underlying principle of sustainability.

12 It has also been widely accepted
13 provincially, nationally and internationally as the correct
14 way to deal with scientific uncertainty.

15 The precautionary principle is enshrined
16 in **Nova Scotia's Environment Act** and it holds that
17 scientific uncertainty must not be a cause for inaction when
18 there is a potential for serious environmental damage.

19 In the case of this proposed quarry,
20 there are many effects that we simply do not know and cannot
21 predict.

22 For example, currently there isn't very
23 much scientific data available to accurately predetermine
24 the underwater acoustic impact from any anthropogenic source
25 on whales. However, we do know that if it is loud enough,

1 it will kill them, either directly or indirectly.

2 In the case of the quarry, we don't know
3 exactly how underwater noise from detonating 32 tonnes of
4 explosives every two weeks for 50 years will affect the
5 right whale's physiology, or its behaviour or the sensitive
6 marine environment on which it depends for food.

7 Without reliable data on safe
8 thresholds, how is it possible to mitigate against impacts?

9 It isn't.

10 Clearly, the precautionary principle
11 must be employed in this case so that this highly endangered
12 species is properly protected.

13 Thank you very much for taking these
14 comments into account.

15 THE CHAIRPERSON: Thank you Ms. Pannozzo.

16 **PRESENTATION BY GPI ATLANTIC - QUESTIONS FROM THE PANEL**

17 Dr. JILL GRANT: You made some comments
18 about quality of job in this quarry project. Can you give
19 us an idea of what it takes to make quality jobs and what is
20 your evaluation of the kinds of jobs being created through
21 the Project?

22 Ms. LINDA PANNOZZO: Well, I'm not
23 actually entirely familiar with the quality of the jobs that
24 are going to be created by the Project.

25 It's unclear to me how many jobs there

1 are going to be, whether there's going to be shift work,
2 whether there's going to be... The pay, what the pay will
3 be and...

4 I really don't know, I wasn't able to
5 find a lot of that information.

6 So in terms of the actual jobs being
7 provided by the Project, I don't know whether they are
8 quality jobs or not.

9 In terms of quality jobs in general, the
10 reality is that in our society, because we are shifting
11 largely from a manufacturing society to a service industry
12 society, jobs are changing a lot.

13 We have a log of "just in time" jobs and
14 a lot of shift work and a lot of contingent work where
15 people are working temporarily. They don't have full-time
16 work, they don't have long-term, stable employment.

17 I mean, this is the trend in the world.
18 This is not just here, in Nova Scotia, but it is definitely
19 a trend in Nova Scotia. There's more part-time work,
20 temporary, part-time work and low paying.

21 So these are all issues, and work is
22 obviously what we spend most of our time doing.

23 GPI wrote a report actually on work
24 hours, and a lot of information is in that regarding trends
25 in work, in work hours in Nova Scotia.

1 So Nova Scotia is kind of just following
2 the trend globally, which is that people are less and less
3 important, and the goal is for industries to make more and
4 more money.

5 So if they can replace workers with
6 machines, then they will. And so I don't... As far as this
7 relates to this project, I don't know, because I don't have
8 that information.

9 Dr. JILL GRANT: Thank you, and I also
10 wanted to ask you what kinds of indicators would you
11 suggest should be used to evaluate progress towards a
12 sustainable economic approach, a sustainable development
13 approach? What indicators would you suggest are important
14 to look at?

15 Ms. LINDA PANNOZZO: A sustainable
16 economic approach? I mean, there would be so many
17 indicators. It would be difficult for me to just give you
18 one.

19 Dr. JILL GRANT: Well, you suggested that
20 there were problems with using GDP.

21 Ms. LINDA PANNOZZO: Right.

22 Dr. JILL GRANT: So it would be helpful
23 to us if you had suggestions---

24 Ms. LINDA PANNOZZO: Sure.

25 Dr. JILL GRANT: ---about what are the

1 measures that should be looked at.

2 Ms. LINDA PANNOZZO: Well in the GPI,
3 there are six domains, this is why it's a bit complicated.
4 Within the six domains, there's natural capital, there's
5 social capital, there's human impact on the environment,
6 there's time use and...

7 Is that six? I can't remember. There
8 are six anyway.

9 Within each of those, there are several
10 components. The GPI is 22 components, so the whole idea of
11 the GPI is to measure or to create an index using these 22
12 components.

13 Each of those components has indicators.
14 So for work, there are indicators. For forestry, the
15 forestry account, there are indicators. Like for forestry,
16 there would be age class and species composition and various
17 things.

18 For work hours, there would be quality
19 of work and work hours and the trends in part-time and full-
20 time work.

21 In the crime... In social capital,
22 crime is one of the components. In crime, there would be
23 various indicators.

24 So there are so many indicators, that's
25 why I can't really say that it's just one thing. It's quite

1 a complex index and so basically...

2 I mean, the GPI can be used in different
3 ways. It can be used where it's compared to the GDP on a
4 provincial level or on a national level where you look at
5 the GDP as going, but what about this index?

6 It's not going to replace the GDP, but
7 it's meant to show an alternative measure to the GDP, so
8 you'd have this other index or this other measure that's
9 telling us more about quality of life and well being of
10 people and communities and society.

11 And the GPI can also be used on a
12 project level, so this idea of doing a full-cost accounting.
13 So it's used in different ways.

14 Dr. GUNTER MUECKE: Ms. Pannozzo, has
15 full-cost accounting been used in other Environmental Impact
16 Assessments that you're aware of?

17 Ms. LINDA PANNOZZO: I'm not personally
18 aware of when it has been. It's been suggested various
19 times, and I suppose it's a fairly new way of looking at
20 things. I mean, while it has been... This has been
21 happening, you know, since 1997, these actual numbers have
22 been coming out, but those studies were done prior to that.

23 These scientist and economists did a
24 literature review and used numbers that other people had
25 done. So, I mean, I suppose it's a fairly new way of

1 looking at things.

2 But my understanding, as well, is our
3 ecosystem-based management does use some of these similar...

4 It recognizes ecosystem services and biological diversity
5 as being pretty key to sustainability. So there are aspects
6 of it that are, I assume, are being used in environmental
7 impact statements, but I personally don't know when a full-
8 cost accounting was done for the project.

9 Dr. GUNTER MUECKE: What about for the
10 mining and quarrying industry as opposed to...

11 Ms. LINDA PANNOZZO: I don't... I'm not
12 aware of any.

13 Dr. GUNTER MUECKE: Okay.

14 THE CHAIRPERSON: Ms. Pannozzo, if we
15 follow your instructions, or if someone were to follow these
16 instructions and they were to generate an index, once you
17 have the index how do you implement it? Now, you mention
18 comparing a GDP or something, but that's kind of relative
19 and very subjective.

20 Is there any scale or assessment or is
21 there any way of defining, if you get an index which is
22 here, or an index which is here, one is obviously higher
23 than the other. But what does that mean? Is there a way of
24 developing or building meaning into this?

25 Ms. LINDA PANNOZZO: Well, the indicators

1 that are chosen for the GPI are chosen so that they will
2 show progress, so if the number goes up, that means that
3 things are getting better, depending on the indicator.

4 So this is not a composite index. It's
5 not going to be one number. The GPI was never intended to
6 be a composite like the GDP, but it's basically a tool to be
7 used by policy makers so that they can see whether things
8 are improving in an area or not, based on indicators.

9 THE CHAIRPERSON: So I think the answer
10 to my question is, it's relative to itself; you make a
11 measurement, you get an index, and then you, at some
12 subsequent time, you also measure it again and compare it to
13 the first one and so forth, correct?

14 Ms. LINDA PANNOZZO: Yes. Yes.

15 THE CHAIRPERSON: So you can't use this
16 index at the starting point of a project. If we're in the
17 process of evaluating this project, if we have this
18 information all we would have is a baseline. It really
19 wouldn't give us any more information than a starting point
20 for subsequent measurements. Is that correct?

21 Ms. LINDA PANNOZZO: Well, I guess if
22 there is... There would be a baseline, but I'm assuming
23 that the project would also have to know what its impact
24 would be on various things.

25 So if it can measure its impact, then it

1 can use, it can put some value to that impact. It's not
2 going to be a perfect number, there is no question, but GDP
3 is not a perfect number either.

4 THE CHAIRPERSON: No.

5 Ms. LINDA PANNOZZO: So it's just a way
6 to address the fact that all of these ecosystem services and
7 values that are essential to this area, and like not even
8 just specifically this project, but to everybody, to our
9 life support systems, if we don't put a value to it, then it
10 doesn't register.

11 It does register in terms of maybe our
12 morality or our ethics or something like that, but it's
13 really, when it comes down to something like this, it's
14 because it's supposedly economically good for an area that
15 something, you know, goes ahead often.

16 And I think that we need to challenge
17 whether it is, in fact, economically good, because we have
18 to also measure those things that are there that we're going
19 to use but we're not accounting for them.

20 THE CHAIRPERSON: Is it fair to say that
21 its greatest strength is as a relative measure? Rather than
22 absolute? I mean, there's no...

23 Ms. LINDA PANNOZZO: Yeah, it's
24 definitely, you're comparing it, for sure.

25 THE CHAIRPERSON: Yeah, alright. Thank

1 you.

2 Mr. Buxton?

3 **PRESENTATION BY Ms. LINDA PANNAZZO - QUESTIONS FROM THE**
4 **PROPONENT**

5 Mr. PAUL BUXTON: Thank you, Mr. Chair.

6 I had a similar sort of question that
7 the Chair just asked. I've been following this process for
8 some time with great interest. And one of the things that's
9 puzzled me is, you know, how one makes the determination of
10 what is good, as against bad, and who makes the judgement.

11 And let me just sort of throw something
12 out not related to quarries, but as an example, when DDT was
13 taken off the market, which everybody agreed was a huge
14 benefit for the ecosystem, inasmuch as birds and other
15 biota, it was a disaster in countries which have malaria
16 endemic to them. And its been estimated that somewhere
17 between 30 and 50 million children have died of malaria
18 since DDT was taken off the market.

19 And I don't want to use that as a
20 particular example, but you see what the problem is.
21 Clearly, it was good to take it off the market for a certain
22 part of the ecosystem but a disaster for another part of the
23 ecosystem; i.e., the humans.

24 So who makes these kinds of judgments?

25 Ms. LINDA PANNOZZO: Well, that is an

1 interesting analogy that you're giving, but I mean the
2 reality is that those children don't have to die because we
3 do have medications that could be used to give to those
4 children, it's just that they happen to live in Africa, and
5 so we don't do it.

6 So I would say that overall DDT is still
7 bad. I wouldn't say that just because it's stopping
8 malaria, which we have anti-malarial drugs to deal with,
9 that we should be bringing it, that it's actually good.

10 And I'm not talking about good and bad
11 in any case. I'm not talking about what is good or bad.
12 I'm talking about the fact that we rely on our ecosystem for
13 services that are invisible to us, okay? Flood control.
14 The fact that we have wells. All of these things are...
15 Habitat, natural resources, all of these things are
16 ecosystem services that are not given a value until we just
17 use them.

18 What's still there? What's it providing
19 for us? What would it cost if we had to replace it? Okay?
20 So that's what I'm talking about.

21 I'm not really talking about good and
22 bad. That's not what GPI is about. So putting values on
23 things that are essential to our life support systems that
24 we are degrading, and when it registers in our system, it's
25 because they're being degraded, or being used. Not based on

1 what they do for us.

2 Mr. PAUL BUXTON: Yes, I follow that, and
3 I have followed along with this. But you talked about
4 certain things which should be identified as costs because
5 they're deemed to be negative values rather than benefits.

6 Ms. LINDA PANNOZZO: Mm-hm.

7 Mr. PAUL BUXTON: So if somebody were
8 working for an industry which is perhaps deemed to be bad,
9 then that's a cost to society.

10 And I'm just wondering, you know, who
11 makes this determination of what is a cost and what is a
12 benefit?

13 Ms. LINDA PANNOZZO: Well, I suppose
14 there is a lot of literature out there that does look at
15 this kind of thing. Like I said, there was, in 1997, this
16 group in the States did this valuation, and they based their
17 values on numerous studies that they looked at.

18 So there are people all over the world
19 who are doing this kind of work, and I suppose somebody is
20 labelling things as costs and benefits, but that's because
21 they are costs and benefits. It's not totally arbitrary,
22 There are things which are costs and things which are
23 benefits.

24 Mr. PAUL BUXTON: Thank you, Mr. Chair.

25 THE CHAIRPERSON: Are there any questions

1 from the audience?

2 **PRESENTATION BY Ms. LINDA PANNAZZO - QUESTIONS FROM THE**
3 **PUBLIC**

4 Mr. ANDY MOIR: Andy Moir. Just a very
5 quick question. Could you just run us through, in this
6 particular quarry issue, what sort of things, under this
7 model, you would look at to bring it in, and how long would
8 it actually take to go through that process?

9 Ms. LINDA PANNOZZO: Well, that's a
10 really, that's a hard question, because I haven't gone
11 through all of the various aspects of this project and
12 looked what would be involved in a full-cost accounting.

13 But just to reiterate, the three areas
14 you'd have to look at are the ecosystem services, all of the
15 effects and the impacts that the quarry would have on
16 ecosystem functions and services, and there's a very long
17 list of those which, you know, I'm not going to go into.

18 But you'd have to look at all of those,
19 and then you'd have to look at these costs being
20 internalized by the Proponent, so not being paid for by
21 others, by the future generations and by other people in the
22 community.

23 And the third aspect of full-cost
24 accounting which may not apply to this, though it might, is
25 where fixed costs become variable costs, and that's where

1 the cost reflects usage. Now, in this case... Usually
2 that's used for transportation, like if you use your car a
3 lot, maybe you wouldn't pay as much in your car registration
4 if you didn't really drive hardly ever. You know, that kind
5 of thing.

6 So it would reflect usage, but I don't
7 know if it would apply in this case, but one area where it
8 might is if the company reduced greenhouse gas emissions,
9 then perhaps they would pay less in taxes to the Nova Scotia
10 Government or some kind of thing like that.

11 So those are just some ideas. And to
12 give you a really in-depth answer, I'd have to really spend
13 a lot more time thinking about that.

14 THE CHAIRPERSON: Mr. Marcocchio, are you
15 up next?

16 Mr. BRUNO MARCOCCHIO: Thank you, Ms.
17 Pannozzo. I'm Bruno Marcocchio of the Sierra Club of
18 Canada.

19 I have a document here prepared by the
20 University of Florida that goes through the procedures and
21 tools for full-cost accounting.

22 There are four general steps of a
23 complete full-cost analysis that they outline, and there are
24 many of the steps that have been suggested by Interveners in
25 this process, so I would wonder if you would agree that this

1 kind of analysis would help decision-making in this
2 proposal.

3 The four general steps are
4 identification of stakeholders and relevant values,
5 generation of project alternatives, evaluation of the
6 effects of each alternative on stakeholders, and tabulation
7 adjustment and reporting of the results.

8 Does that summarize the kind of process,
9 or are there elements that are missing from this analysis?

10 Ms. LINDA PANNOZZO: Well, I mean, just
11 to reiterate, there are... I mean, there seem to be a
12 couple. But, I mean, I guess there are different ways of
13 doing a full-cost accounting. Mostly what GPI would be
14 talking about would be the first one that you mentioned
15 there, in terms of identifying the values, and what was the
16 other?

17 Mr. BRUNO MARCOCCHIO: Identification of
18 stakeholders, generation of project alternatives, evaluation
19 of the effects of each alternative on stakeholders, and
20 tabulation adjustment and reporting of the results.

21 Ms. LINDA PANNOZZO: Well, I mean, any
22 kind of analysis that his more holistic, that looks at the
23 project based on what its impact is going to be, and puts
24 monetary value to those impacts, not just looks at the
25 impacts and states this is what there is going to be an

1960

GPI ATLANTIC
(QUESTIONS FROM THE PUBLIC)

1 impact on, and we will try to reduce that impact, but
2 actually puts a value on it, is going in the right direction
3 in terms of whether a project is beneficial or not for an
4 area. Because if you don't, if you leave those values as
5 being invisible, then it's not reflective of what's really
6 going on.

7 So I would say yes, I mean, if it's a
8 full-cost accounting, then it's more holistic.

9 Mr. BRUNO MARCOCCHIO: If the Panel is
10 interested in these principles, there are other references
11 here, including some manuals, on how one conducts and
12 applies economic models to these principles of full-cost
13 accounting. I'm willing to forward those to the Panel if
14 they'd find them helpful.

15 THE CHAIRPERSON: Please do so.

16 Mr. BRUNO MARCOCCHIO: Thank you very
17 much.

18 THE CHAIRPERSON: Please identify
19 yourself.

20 Ms. HEATHER JENKINS: My name is Heather
21 Jenkins and I'm a retired nurse.

22 THE CHAIRPERSON: Okay.

23 Ms. HEATHER JENKINS: I'd just like to
24 speak to the malaria. I certainly am in no way an expert;
25 however, I did...

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1961

THE PARTNERSHIP
(Dr. MIKE STOKESBURY)

1 THE CHAIRPERSON: I don't know that
2 that's germane to this. I mean, it's an interesting side,
3 but we're running out of time.

4 Ms. HEATHER JENKINS: Okay, well, my only
5 point was going to be that it was a very unique, very
6 specific... It has a good illustration, though, in that the
7 countries could not afford, as was pointed out, the
8 medications. They felt very betrayed because they had to
9 keep with a practice that was destructive, but you know, no
10 one, none of the technology, though, was used to replace the
11 DDT. So there was a great sense of betrayal.

12 So it was a very, very sort of unique,
13 unique thing that Mr. Buxton brought up.

14 THE CHAIRPERSON: Thank you. Okay. I
15 think we will terminate the questioning there, or I should
16 say it's self-terminating. I don't see any hands.

17 Thank you, Ms. Pannozzo.

18 Ms. LINDA PANNOZZO: Thank you very much.

19 THE CHAIRPERSON: We'll now move on. The
20 second presentation for this afternoon is by Michael
21 Stokesbury.

22 --- Pause

23 **PRESENTATION BY THE PARTNERSHIP FOR THE SUSTAINABLE**
24 **DEVELOPMENT OF DIGBY NECK AND ISLANDS SOCIETY - Dr. MICHAEL**
25 **STOKESBURY**

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1962

THE PARTNERSHIP
(Dr. MIKE STOKESBURY)

1 Dr. MICHAEL STOKESBURY: Just while the
2 PowerPoint is warming up, I'll just introduce myself. My
3 name is Michael Stokesbury, and I'm the Director of Research
4 for the Ocean Tracking Network, which is an international
5 network of researchers that's centred at Dalhousie
6 University that looks at animal movement and behaviour,
7 aquatic animal movement and behaviour, and physical
8 oceanography.

9 And I'm going to talk today a little bit
10 about the migration and distribution of Atlantic salmon in
11 this area, particularly in regard to the endangered inner
12 Bay of Fundy salmon, and also expand that a little bit to
13 other marine species.

14 --- Pause

15 Dr. MICHAEL STOKESBURY: Okay. I guess
16 we're ready to start.

17 So as I said, I'm going to talk mostly
18 about the migration and distribution of Atlantic salmon in
19 this area, and then a little bit about other fishes.

20 My presentation is fairly short and
21 should leave quite a few minutes for questions.

22 So in talking about Atlantic salmon, I'm
23 just going to briefly go through the life cycle of Atlantic
24 salmon, because there is a chance that some of you aren't
25 marine biologists. This is the life cycle on the top of

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1963

THE PARTNERSHIP
(Dr. MIKE STOKESBURY)

1 wild Atlantic salmon.

2 You'll see they spawn in fresh water,
3 where they go through several life stages, ending in fresh
4 water with smoltification on the right-hand side there.
5 That's when the salmon physiologically adapts to be able to
6 move to sea water. They leave the rivers.

7 One important point is when they leave
8 the rivers they're called post-smolts, so that's the point
9 from when the salmon leaves the river to when it's done it's
10 first year of growth in the marine environment, where they
11 become adults, stay at sea for one to two years, and then
12 return to rivers to spawn.

13 You can see on the bottom figure
14 displayed there that they go through very large migrations,
15 and of course we know that they return to specific rivers,
16 and it's really quite an incredible journey for the salmon.

17 So when we were talking about Atlantic
18 salmon in this area... Is there a laser pointer up here
19 anywhere? No? Okay. I'll try to do it without a pointer.

20 This of course is a map of the Bay of
21 Fundy. It was published in the "Canadian Journal of
22 Fisheries and Aquatic Sciences" by Gilles Lacroix of the
23 Department of Fisheries and Oceans. The CJFAS is arguably
24 the best fisheries journal in the world, and this is peer-
25 reviewed, published, scientific literature.

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1964

THE PARTNERSHIP
(Dr. MIKE STOKESBURY)

1 Here we have experimental trawls
2 performed by the Department of Fisheries and Oceans looking
3 for the distribution of Atlantic salmon, in I believe it's
4 in April, May, possibly June. The crosses here are where
5 they did sets and they didn't actually find any fish, and
6 then you can see the circles are where they actually found
7 abundant Atlantic salmon, and the fill-in circles are where
8 they found the most Atlantic salmon.

9 You can see in this figure that there
10 are a lot of Atlantic salmon found off this coast during
11 that time period, and also another large group of salmon was
12 found just inside of Grand Manan.

13 So that puts Atlantic salmon in this
14 area in the spring, when they're moving out to sea. These
15 are from endangered inner Bay of Fundy stocks, so there are
16 salmon rivers that are very depleted. There's a lot of
17 mortality that occurs in the sea for salmon, though the
18 cause of the mortality is not really known.

19 Just further to that, an electronic
20 tracking study by Gilles Lacroix again, published in the
21 "Journal of Fish Biology", showed that not only did the
22 salmon move through this area, they actually move out and
23 can start cycling back and forth, up and down the coast
24 here.

25 So that goes to show that the salmon

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THE PARTNERSHIP
(Dr. MIKE STOKESBURY)

1 aren't actually just hard wired to move past this area and
2 maybe pass through in a few days. They actually reside in
3 this area, spend some time in this ecosystem, in this
4 habitat.

5 This has been known for a long time.
6 Here we have Fisheries and Oceans research, Canadian
7 Scientific Advisory Secretariat, CSAS, document by Dave
8 Redden, who would be one of the premier fish biologists in
9 Canada and actually in the world. He is looking at the
10 wintering area of Atlantic salmon. You can see that there's
11 a large wintering area out off the Flemish Cap and out at
12 sea for a lot of the stocks that are coming from Cape
13 Breton, from the Miramichi, Restigouche, and other areas.

14 You can also see that there is a large
15 wintering area right off the outer Bay of Fundy and into the
16 northeast channel of George's Bank. People believe that the
17 endangered inner Bay of Fundy stocks actually only move into
18 this area and don't join the rest of the salmon out at sea.

19 The reason for this is that there is
20 actually a body of water that stays between four and eight
21 degrees in this area, in the northeast channel, in the outer
22 Bay of Fundy, and that these endangered stocks actually live
23 in that body of water throughout the winter.

24 So there not only may be salmon in this
25 area in the spring, in the summer, cycling back and forth,

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1966

THE PARTNERSHIP
(Dr. MIKE STOKESBURY)

1 there may also be over-wintering in this general area. So
2 it's obviously a very important habitat to these inner Bay
3 of Fundy salmon.

4 Now, I know that salmon migrate, we
5 believe that salmon migrate by the magnetic field of the
6 earth, and by the individual scent of their particular river
7 of origin. I think we pay most attention to the second
8 bullet there, the scent of their particular river of origin.

9 So the impact of the quarry and the
10 unknowns that we'd like to talk about are water quality from
11 the run-off and settlement of debris from blasting; will
12 that change the scent of the water, will it change the
13 distribution of the water, will it be unhealthy for the
14 fish, will it be unhealthy for the food chain that the fish
15 are feeding from.

16 Then there are acoustic impacts of
17 blasting on animal behaviour and movement, which is very
18 hard to address because it's not known. We know that the
19 offshore energy research council has put up some money to
20 conduct a study on fish movement and behaviour of acoustics,
21 and I'll talk about that in a minute.

22 Also, if there are any impediments to
23 migration barrier structures and effect on the water flow
24 and mixing, that would mostly be caused by construction of
25 large docks, ships, things like that.

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1967

THE PARTNERSHIP
(Dr. MIKE STOKESBURY)

1 So the OEER research proposal that I
2 just mentioned in that last slide, they've put between six
3 and eight million dollars up to determine the impact on fish
4 of loud noises in the water column. The lead researcher on
5 the project that's looking into that is Dr. Steven Campana
6 at the Department of Fisheries and Oceans at Bedford
7 Institute of Oceanography, who's a world expert on fish
8 behaviour, and he's getting field work in a place called the
9 haddock box of the Scotian Shelf this summer, where he's
10 going to start to investigate the effect of large noises on
11 fishes.

12 I should mention, this isn't just to
13 look at like and death and mortality caused by large noises.
14 You can really affect a fish's behaviour and a fish's life
15 cycle without actually killing the fish. So it's not really
16 as straightforward as just whether it kills something or
17 whether it doesn't.

18 So I know that, I'm just casting the net
19 a little wider here, I know that there was talk of marine
20 protected area in this area, and I'd just like to point out,
21 a lot of people don't really know about the Bay of Fundy,
22 that it is actually more or less the cul de sac of the
23 migration highway that comes up the eastern seaboard.

24 I just have some diadromous species
25 listed here. Diadromous just basically means that a fish

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THE PARTNERSHIP
(Dr. MIKE STOKESBURY)

1 spends some large portion of its life cycle in fresh water
2 and in salt water, but there are many, many marine species
3 also that come up and down the eastern seaboard of the U.S.
4 into the Bay of Fundy, cycle around the Bay of Fundy and
5 feed, and then move back to their rivers or back to their
6 marine areas. This includes alewives, sturgeon, shad,
7 striped bass, dogfish, bluefin tuna, the list goes on and
8 on.

9 This is a very, very productive area, a
10 very important area. When fish enter the Bay of Fundy, the
11 generally enter on the New Brunswick side. They cycle
12 around to the Minas Basin, and then come out the Nova Scotia
13 side, quite often very close to shore, and at different
14 seasons throughout the year.

15 So this is a very crucial environment.
16 I know that you heard a lot about right whales, and that's a
17 very iconic species and a very important species, and now
18 I'm talking about Atlantic salmon; once again, very iconic.

19 Also, there are a lot of very
20 commercially valuable species. There are a lot of species
21 we know very, very little about, so as the previous speaker
22 was talking about being precautionary with how we tamper
23 with their environment, I think there's just so many
24 unknowns about the life cycle of these fishes, what they do,
25 where they go, that we really need more information before

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THE PARTNERSHIP
(QUESTIONS FROM THE PANEL)

1 we can start tampering with their environment.

2 So in summary, endangered Atlantic
3 salmon and likely many other iconic and commercial species
4 pass through the marine environment, use the habitat off
5 where the proposed site for the quarry.

6 The effect of blasting on fish behaviour
7 and migration is unknown. The effect of debris in the water
8 column is unknown. And recent research projects, such as
9 the OEEER project, possible research for the tidal power
10 operations, and research by the ocean tracking network that
11 I work for will provide some answers to the questions of
12 seasonality and migration and marine distribution of animals
13 over the next five years.

14 That's it.

15 THE CHAIRPERSON: Thank you, Dr.

16 Stokesbury.

17 **PRESENTATION BY THE PARTNERSHIP FOR THE SUSTAINABLE**
18 **DEVELOPMENT OF DIGBY NECK AND ISLANDS SOCIETY - Dr. MICHAEL**
19 **STOKESBURY - QUESTIONS FROM THE PANEL**

20 Dr. GUNTER MUECKE: I'm sort of
21 interested in the wintering areas for the Atlantic salmon
22 that you outlined, the map was rather, the scale didn't
23 allow us to see detail.

24 What time period is involved here that
25 they stay resident in that area, and how close, how

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THE PARTNERSHIP
(QUESTIONS FROM THE PANEL)

1 important is the coastal environment as opposed to the
2 deeper water environment at that stage?

3 Dr. MICHAEL STOKESBURY: Well, that's
4 really unclear. The over-wintering, that graph that I
5 showed was from a publication in 1988, and I think most of
6 that information came from conventional tag returns, so
7 those would just be plastic tags that were put in salmon and
8 then were returned through fisheries research.

9 When I've talked to Fred Whoriskey of
10 the Atlantic Salmon Federation about it, who knows a lot
11 about marine distribution of the endangered species. He
12 said it's basically wherever that bolus of water is, that
13 four to eight degree water. It can be near shore. It can
14 move out off shore. And it's not an easy target, it kind of
15 moves around, and the salmon are inside of that.

16 That hasn't conclusively been proven to
17 me. I think that that's probably true; there are salmon in
18 there. Whether that's all of them, a proportion of them,
19 I'm not really sure. We do plan to look into that for the
20 ocean tracking network, and tag the salmon, and then go to
21 find them in the different areas; to actually et a little
22 more scale involved in that.

23 But that's a little hard for me to
24 answer right now, whether it's really near shore or off
25 shore.

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1 Dr. JILL GRANT: If there's a major
2 sediment release, you indicated that sedimentation is a
3 concern. If there was a major sediment release from the
4 site, can you give us an idea of what kind of effects that
5 might have if salmon were moving through the area at the
6 time?

7 Dr. MICHAEL STOKESBURY: I mean, that's a
8 little hard to say. The sedimentation would, I suppose it
9 would change the structure of the water column somewhat. It
10 would depend on whether there was just one great big release
11 of sediment, or if it was just sediment going out kind of
12 consistently.

13 I think as Chris Taggart showed in his
14 presentation the sediment of course will move up and down
15 with the tides and spread around to many different areas,
16 and I think it's a little hard to say how that might affect
17 the salmon migration. There may be no effect, but it may
18 have some effect. I'm not sure. I don't think anybody
19 could actually answer that very conclusively.

20 Dr. JILL GRANT: Thank you. You also
21 said there may be behavioural effects. What kind of
22 behavioural effects might be possible, and what kinds of
23 things are you looking for in this study of the acoustic
24 environment?

25 Dr. MICHAEL STOKESBURY: Well, I think

1 just any changes in the normal behaviour of the fishes.

2 You know, if you have a large acoustic
3 blast that affects fish, it can affect them internally. It
4 can affect, you know, reproduction, reproductive organs,
5 things like that.

6 Fish, of course, depend greatly on cells
7 in their lateral line, which detect very small movement of
8 currents and things like that in the water column.

9 You could have physiological effects
10 there.

11 I'm not really sure, but I think there's
12 a lot of different effects that loud acoustic noises can
13 have on fishes.

14 Dr. GUNTER MUECKE: You said that the
15 water temperature was important in terms of congregation of
16 Atlantic salmon, and I was just wondering whether salinity
17 was a factor that influenced their behaviour and their
18 patterns of distribution.

19 Dr. MICHAEL STOKESBURY: I'm sure
20 salinity is a factor when there are dramatic shifts in
21 salinity, but people - I think it's fairly generally
22 accepted that salmon in the oceanic environment, so you're
23 talking about a salinity of probably, you know, 29 parts per
24 thousand and over, as long as it's oceanic salinity, then I
25 think temperature would be the main factor that would

1 control their distribution and aggregation.

2 THE CHAIRPERSON: In the diagram you
3 showed, the salmon would enter in the New Brunswick side,
4 circle around and come back down the Nova Scotia side, down
5 along Digby Neck.

6 And if blasting was going on and
7 sediment was being produced and the fish just moved offshore
8 five kilometres, thereabouts, in other words, they'd be
9 leaving what would be considered to be an inhospitable
10 environment, is that in itself a bad thing?

11 In other words, are they simply coming
12 down that Nova Scotia shore out of habit as opposed to need?

13 Dr. MICHAEL STOKESBURY: Well, I think
14 that part of that question is that actually I think most of
15 migration is out of habit instead of out of need, so if you
16 move a fish from its traditional migratory pattern, it's
17 hard to say the effect that will have, whether it will stray
18 to another river, whether it will not find its river,
19 whether it will lose the scent of its river if it's moved
20 out of the path that it's following. It's very hard to say.

21 THE CHAIRPERSON: That's another unknown.

22 Dr. MICHAEL STOKESBURY: Yeah.

23 THE CHAIRPERSON: Yeah. Thank you.

24 Gunter? Mr. Buxton?

25 **PRESENTATION BY THE PARTNERSHIP FOR THE SUSTAINABLE**

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1974

THE PARTNERSHIP
(QUESTIONS FROM THE PROPONENT)

1 DEVELOPMENT OF DIGBY NECK AND ISLANDS SOCIETY - Dr. MICHAEL
2 STOKESBURY - QUESTIONS FROM THE PROPONENT

3 Mr. PAUL BUXTON: Thank you, Mr. Chair.

4 I wonder if you could clarify for me.

5 You seem to use Atlantic salmon and inshore Bay of Fundy
6 salmon interchangeably, and perhaps I misunderstood, but
7 most of your presentation seemed to say Atlantic salmon, and
8 yet some of your slides said inshore Bay of Fundy salmon.

9 Could you, first of all, sort of explain
10 the difference between the two?

11 Dr. MICHAEL STOKESBURY: Sure. I
12 probably should have explained that in the beginning.

13 The rivers inside the Bay of Fundy that
14 run basically from the Saint John River on the New Brunswick
15 side around to more or less the Gaspereau River on the Nova
16 Scotia side are called inner Bay of Fundy rivers.

17 They were traditionally very productive
18 for Atlantic salmon.

19 When I talk about Atlantic salmon,
20 that's just the species, so there are a lot of Atlantic
21 salmon. There are Atlantic salmon basically from Maine all
22 the way up to Labrador.

23 When I talk about the inner Bay of
24 Fundy, these are the specific set of rivers from which the
25 salmon are disappearing, and they've been listed as

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1975

THE PARTNERSHIP
(QUESTIONS FROM THE PROPONENT)

1 endangered.

2 So they're all Atlantic salmon, but most
3 of what I was talking about today was in reference to this
4 particular subset of salmon that is actually disappearing,
5 and we're not sure why.

6 Mr. PAUL BUXTON: Thank you. Again, for
7 clarification, my understanding was, and this is certainly
8 not my field, is that the inshore Bay of Fundy salmon is
9 endangered, but not Atlantic salmon.

10 Can you just clarify that, whether all
11 Atlantic salmon are endangered or that the species on the
12 SARA list is, in fact, the inshore Bay of Fundy salmon?

13 Dr. MICHAEL STOKESBURY: It's actually
14 the inshore Bay of Fundy salmon.

15 Atlantic salmon aren't endangered,
16 generally. You know, there are fairly healthy salmon stocks
17 in Newfoundland. There are healthy salmon stocks in Europe.
18 There are healthy salmon stocks in some New Brunswick
19 rivers.

20 So it's the inner Bay of Fundy river
21 salmon that are actually endangered and enlisted.

22 Mr. PAUL BUXTON: Thank you. Just one
23 final one.

24 There was a fairly extensive article in
25 the Chronicle Herald 18 months ago, perhaps a weekend

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1976

THE PARTNERSHIP
(QUESTIONS FROM THE PROPONENT)

1 edition, where the inshore Bay of Fundy salmon was
2 featured.

3 And I clearly recall an interview with
4 one of the DFO fish biologists, a scientist, who estimated
5 that there were in the order of 230 adult inshore Bay of
6 Fundy salmon left.

7 Can you just sort of comment on that?

8 Dr. MICHAEL STOKESBURY: Yes. That's not
9 very many.

10 Yeah. There are about 230 adult salmon
11 that are returning to spawn. However, there are also
12 breeding programs where we have the genetic strains from
13 each river where we can release more juveniles.

14 So, though some people may say, well,
15 the numbers of salmon are so low it's really not much hope
16 in them ever coming back, we actually have preserved those
17 genetic lines so that there is a chance of recovery in these
18 rivers.

19 Mr. PAUL BUXTON: Thank you. That was
20 very helpful.

21 Thank you, Mr. Chair.

22 Dr. GUNTER MUECKE: And since you're
23 going to provide us with information about fish species,
24 this may not be very relevant, but it is something that
25 interests me.

1977

THE PARTNERSHIP
(QUESTIONS FROM THE PUBLIC)

1 There is an active Gaspereau fishery off
2 the Bay of Fundy. The migration routes, are they in any way
3 related to Digby Neck, and is there any concern about that
4 fishery?

5 Dr. MICHAEL STOKESBURY: That's really
6 hard to say. The migration routes at sea for the Gaspereau
7 is not really well known.

8 Part of that is there haven't
9 traditionally been kind of oceanic fisheries for them to
10 provide information.

11 Another thing is that the new
12 technologies, the new electronic tagging technologies that
13 have provided a lot of information on fish movement and
14 migration, it's very hard to keep a Gaspereau alive through
15 the actual surgery that you have to put it through.

16 So Gaspereau and herring and fishes like
17 that, you kind of look at them and they die, you know. You
18 catch them, it's hard to release them alive.

19 So, really, I don't think that
20 information is really available at this point.

21 THE CHAIRPERSON: Questions from the
22 audience?

23 **PRESENTATION BY THE PARTNERSHIP FOR THE SUSTAINABLE**
24 **DEVELOPMENT OF DIGBY NECK AND ISLANDS SOCIETY - Dr. MICHAEL**
25 **STOKESBURY - QUESTIONS FROM THE PUBLIC**

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1978

THE PARTNERSHIP
(QUESTIONS FROM THE PUBLIC)

1 THE CHAIRPERSON: Mr. Marcocchio?

2 Mr. BRUNO MARCOCCHIO: Hello. A question
3 particularly about the salmon.

4 As you know, the commercial salmon
5 fishery, although it may not be as imperilled as the Bay of
6 Fundy salmon stocks, have had the commercial fishery closed
7 for the last 15 to 20 years.

8 And despite that, the population
9 estimates continue to drop.

10 I think it's fair to say that salmon is
11 endangered, Atlantic salmon is an endangered stock with the
12 populations dwindling much below historic levels and
13 continuing concern about their reduction in their population
14 numbers.

15 I've endeavoured to give the Panel some
16 information about the effects of blasting, and I've come
17 across regulations from Alaska that outline and that have
18 rigorous formulas for determining the wave propagation and
19 the impact on fish.

20 I'm not sure you can help me with this
21 question, but the figure that they come up with... And they
22 outline in particular that salmon are most sensitive, more
23 sensitive than most other fish, both adults and the eggs and
24 larva.

25 And they quote a figure of 2.7 pounds

1979

THE PARTNERSHIP
(QUESTIONS FROM THE PUBLIC)

1 per square inch as the upper threshold that's acceptable in
2 that wave that's propagated from blasting activities.

3 I just wonder if you know if that figure
4 of 2.7 pounds per square inch is the point at which
5 explosives become lethal to salmon.

6 Dr. MICHAEL STOKESBURY: No, actually, I
7 have no idea. And once again, I don't think it's a question
8 of lethal. I think it's a question of knocking a fish off
9 its game enough that it can't really reproduce successfully.

10 But no, I can't answer that question. I
11 don't have any idea.

12 Mr. BRUNO MARCOCCHIO: All right. Thank
13 you.

14 So beyond these lethal effects, there
15 are more subtle effects that affect their behaviour that
16 very well may impact the salmon, even though they may not
17 die ---

18 Dr. MICHAEL STOKESBURY: Yes.

19 Mr. BRUNO MARCOCCHIO: --- from the
20 blasting.

21 Dr. MICHAEL STOKESBURY: Yeah.

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

24 THE CHAIRPERSON: Any additional
25 questions from the audience? No? Sister Barbara.

1980

THE PARTNERSHIP
(QUESTIONS FROM THE PUBLIC)

1 SISTER BARBARA: Yes. I'm Sister
2 Barbara. I'm from Rossway. Thank you for your talk.

3 I just wanted to ask, marine protected
4 areas, is the Bay of Fundy that now, or how does one apply
5 for a designate to be?

6 Dr. MICHAEL STOKESBURY: No, it isn't a
7 marine protected area right now. It's actually quite a long
8 process to go through to make an area a marine protected
9 area.

10 I believe the gully off Sable Island is
11 now becoming a marine protected area, and that's one of the
12 first along the Eastern Seaboard.

13 So it is quite a long process, but it
14 might be something people, as we start to find out how
15 important this area is and actually get that information out
16 to the public, it may be a process that people should start
17 looking into.

18 SISTER BARBARA: Do we apply to DFO?

19 Dr. MICHAEL STOKESBURY: I think you'd
20 start with DFO, yes.

21 SISTER BARBARA: And if it's granted,
22 does that mean no more rock quarries on Bay of Fundy?

23 Dr. MICHAEL STOKESBURY: I think it would
24 probably mean that.

25 SISTER BARBARA: Yes. Thank you.

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1 THE CHAIRPERSON: Any additional
2 questions? Yes, please. Ms. Little.

3 Ms. TINA LITTLE: Just a follow-up
4 question to Sister Barbara's.

5 THE CHAIRPERSON: Identify yourself,
6 please.

7 Ms. TINA LITTLE: I'm Tina Little.
8 I had read that UNESCO was talking about
9 designating the Bay of Fundy as an eco-biosphere. Did you
10 hear anything about that?

11 Dr. MICHAEL STOKESBURY: No, I haven't
12 heard anything about that. Perhaps there are others in the
13 room that have, though.

14 Ms. TINA LITTLE: Okay. Thank you.

15 THE CHAIRPERSON: Other questions? If
16 not, then... Oh, yes, please.

17 Ms. JAN ALBRIGHT: My name is Jan
18 Albright.

19 I would like to know what these salmon
20 that are making the circle route from Grand Manan to our
21 coastline, do you know what they feed on naturally?

22 I know that the cage salmon are fed a
23 mixture, but what are the salmon that are swimming in the
24 water, what do they eat naturally?

25 Dr. MICHAEL STOKESBURY: They'll eat

1 mostly sand lance, just other small fishes. They're
2 piscivores, so they're eating other small fishes.

3 Ms. JAN ALBRIGHT: And are these small
4 fishes reasonably found close to land as opposed to in the
5 middle of the Bay of Fundy?

6 Dr. MICHAEL STOKESBURY: I imagine
7 they're distributed all across the Bay of Fundy would be my
8 guess. You know, I don't know that for sure, but I imagine
9 it's a fairly, you know, thorough distribution.

10 Ms. JAN ALBRIGHT: Because in thinking
11 about it, if the fish are making the migratory patterns and
12 because of the depth of the Bay of Fundy, if they're coming
13 in fairly close to shore, I would think it was because there
14 is something naturally there that they are feeding on.

15 So if they are no longer allowed to come
16 that close to shore because of runoff or because of noise
17 and are driven further out into the middle of the Bay of
18 Fundy and not able to get their food, I would think that
19 would be a definite consideration.

20 Dr. MICHAEL STOKESBURY: Well, I think
21 like we talked about before, once you move a fish off its
22 natural migration pattern, that could have an effect. I'm
23 not sure that's ever been examined for us to really draw
24 conclusions.

25 But when the fish are going around that

1983

THE PARTNERSHIP
(QUESTIONS FROM THE PUBLIC)

1 circle, they're basically following current patterns and
2 temperature patterns and, of course, that's where their
3 traditional food is also.

4 However, I imagine a salmon could
5 probably find food, you know, throughout the Bay.

6 Ms. JAN ALBRIGHT: My next question is...

7 THE CHAIRPERSON: Only two questions.

8 You have a question and a follow-up.

9 Ms. JAN ALBRIGHT: Yes, I do.

10 THE CHAIRPERSON: No.

11 Ms. JAN ALBRIGHT: Oh, I'm sorry.

12 THE CHAIRPERSON: You've already
13 exercised your question and your follow-up.

14 Ms. JAN ALBRIGHT: I'm sorry.

15 THE CHAIRPERSON: But since you're a
16 newcomer, one more question and then down you go.

17 Ms. JAN ALBRIGHT: I would like to know
18 if anyone that is seated here at the front is a diver, if
19 they have dove at any occasion where they have seen a school
20 of fish and seen their reaction to fish.

21 I am certified PATTI diver. I also
22 spend six months of the year in the water snorkelling. I am
23 very familiar with what fish do in schools when sound is
24 near them.

25 THE CHAIRPERSON: Okay. Thank you.

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1984
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM

1 Thank you, Dr. Stokesbury.

2 We are now moving to the next
3 presentation of David and Linda Graham. Are they here?
4 David and Linda Graham. Oh, here they come.

5 --- Pause

6 THE CHAIRPERSON: Keep the microphone
7 about six to eight inches from you, and identify yourselves
8 so that the transcription service will have your names.

9 **PRESENTATION BY Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM**

10 Mr. DAVID GRAHAM: My name is David
11 Graham.

12 Ms. LINDA GRAHAM: My name is Linda
13 Graham, and I've never done this kind of thing before, so
14 bear with me, please.

15 THE CHAIRPERSON: It's as easy as falling
16 off a log, so just speak to us.

17 Ms. LINDA GRAHAM: Which is fine if you
18 can swim.

19 We are not professional protesters, nor
20 are we getting paid to be here, as some of the people
21 opposing this and any other...

22 THE CHAIRPERSON: Ms. Graham, pull it a
23 little closer.

24 Ms. LINDA GRAHAM: Okay. We would have
25 attended all the hearings if we didn't have jobs and a

1 business to attend in order to survive.

2 The majority of people who have been in
3 attendance are older, retired residents. It has even been
4 advertised that there will be a bus travelling from Halifax
5 daily.

6 The young family people who would like
7 to be here, can't, because they work either at low-paying
8 jobs or are on fishing boats and are out fishing, so we
9 speak for this large, silent group of people who want to see
10 this quarry start up.

11 Speaking of the silent people, up until
12 a few weeks ago, there were very few people who would speak
13 up in favour of the quarry.

14 The intimidation, threats and property
15 damage to anyone who dared speak in favour of the quarry was
16 very real. I was told to my face to say nothing what was
17 said behind my back.

18 You can be run off the Neck. You can be
19 burned out. You're not from here; you don't know. We have
20 our ways.

21 My car was damaged from the front to the
22 back by a key or other sharp object. Another person had
23 many tires damaged in their own driveway.

24 Signs were destroyed, cut down with
25 chainsaws. We refused to be intimidated, bullied, so we

1 speak for those who can't.

2 There has been so much misinformation
3 handed out by the people opposing this quarry. I keep
4 saying "this quarry" because there's already a working
5 quarry on Digby Neck.

6 I will speak later about the quarry that
7 operated in Tiverton. There are also other quarries on the
8 North Mountain.

9 I have pictures I took while visiting
10 beautiful British Columbia. There is plenty of work in
11 British Columbia.

12 These pictures are quarries that can be
13 viewed from the highways. BC, noted for its beauty,
14 tourism, whale watching, fishing, wildlife.

15 In one of these pictures you will even
16 notice a golf course sign in front of a quarry. This is in
17 the famous Okanagan Valley, pristine lakes, fishing,
18 tourism, wine country.

19 We even paid to explore an old quarry
20 and mine, and part of Bouchard Gardens near Victoria on
21 Vancouver Island was a quarry.

22 Our Provincial Government now has a
23 "Bring our youth home" campaign going. What are we asking
24 them to come home to, welfare, food banks, seasonal tourism?

25 We know from experience that tourism

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1 isn't enough. You can't operate or work for three months
2 and live for a year.

3 Lobster fishing has seen a decline.
4 Groundfishing, scallop fishing, they've all seen declines.
5 Even our forestry is declining.

6 We have lost jobs with Shaw Wood, the
7 Weymouth Pepsi plant, Weymouth sawmill, Britex and fish
8 plants alone are numerous the amount that have closed.

9 We have less whale-watching companies,
10 and accommodations are closing. Of all the whale-watching
11 companies, there is only one that I know of that is not
12 owned, operated by a lobster fishing family.

13 Whale watching is not a self-sustaining
14 occupation.

15 Ms. Chris Callaghan spoke of declining
16 tourism, saying they closed at a good time. Chris was not
17 the only B&B to close.

18 Brier Island Lodge and the Old Village
19 Inn in Sandy Cove are for sale. The Old Village Inn is not
20 even opening this summer. Again, tourism accommodation is
21 not a sustainable business.

22 Most accommodation owners work outside
23 the business. I, for one. My job is a dockside observer.
24 I work for Atlantic Catch Data, a company that monitors fish
25 catches.

1 The only fisheries not being monitored
2 is lobstering, so I have experience in both the decline of
3 tourism and fishery.

4 Mr. Paul Buxton spoke of sending letters
5 to the tourism group, Digby Neck, Long Island, Brier Island
6 Tourism Association. I was co-Chair of the committee at the
7 time.

8 When I received these letters requesting
9 a meeting with Bilcon to listen to our concerns as tourism
10 operators, I took the request to the group. A few of the
11 group, also members of the "Stop the Quarry" group, were so
12 vocal against having Bilcon come to our meeting that anyone
13 wishing to have their concerns heard were once again
14 silenced.

15 I had to tell Bilcon, "Not at this
16 time." How can or could Bilcon address the concerns of
17 groups of people who will not meet with them?

18 The Community Liaison Committee
19 addressed all the concerns that were brought to them. My
20 husband and I were both member of that Community Liaison
21 group.

22 We have self-catering oceanfront
23 cottages. We are located in St. Mary's Bay behind Lake
24 Midway on Digby Neck. We offer peace and quiet to our
25 guests.

1989

Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM

1 We have no TV, no phones, no computers.
2 What we have are books, family games, beautiful coastline
3 and the ever-present quiet.

4 I have provided you with bookmarks, and
5 our bookmarks say "Peace and Quiet". I do not plan to
6 change my bookmarks because of the quarry. The quarry will
7 not bother, will not intrude on that.

8 We don't feel the peace and quiet will
9 be disturbed by the quarry. I dry all my wash outside,
10 winter and summer. I don't believe any dust that may be on
11 the quarry site will be a problem.

12 They have addressed the dust issue as
13 was discussed in earlier sessions. Not only do I dry all my
14 washing outside on the line, but our home and cottages are
15 green.

16 Our home, likely the only one in this
17 area, is totally off grid. We are solar and wind powered
18 only.

19 The cottages are propane with gas
20 generator for water or power when needed.

21 If we are to move ahead, we must have
22 industry, jobs. I know change is hard, but it's a must.
23 There is usually good that comes with change.

24 A lot of people opposed to salmon cages.
25 It brought more lobsters, not less. Cutting the trees on

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1990

Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM

1 Digby Neck, but it was actually for the good because the
2 fear of forest fires was cut down.

3 Over the past four years, guests have
4 asked me about the "Stop the Quarry" signs along the road.
5 When I explained about the quarry, where it would be, how it
6 would operate, they could see no problem with it.

7 Most thought it was the quarry that was
8 down at Tiverton that they could see while waiting for the
9 ferry between East Ferry and Tiverton. They watched the
10 trucks coming down the mountain, dust going everywhere. I
11 saw it, and rocks being dumped into Petit Passage.

12 Whale-watch companies continued to
13 operate out of both East Ferry and Tiverton. There was
14 blasting, too. I mean, they had to. It was rock. It was
15 North Mountain.

16 There were excavators pushing these
17 dumped rocks into Petit Passage if the rocks were dumped at
18 the head of the water.

19 The tourists, whales, seals and lobsters
20 still came. This quarry is still as they left it, to the
21 best of my knowledge.

22 Bilcon is required to put large sums of
23 money up front to the government. This is a restoration
24 fund. The quarry has a plan to reclaim the area, and I
25 believe that's once every five years they have to reclaim.

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1 This other one has never had anything
2 done to it, to the best of my knowledge.

3 I've heard from people opposing the
4 quarry that they support tourism. I must say, not all
5 tourism.

6 A couple started to build a small
7 development. They had one cottage and went on to build an
8 engineered design duplex. The duplex doesn't follow the
9 normal look of a house. It was designed to give each
10 privacy, yet a beautiful view.

11 Some of the people in Freeport and area
12 protested so loud to the couple that they left what they had
13 started. There is a for sale on this, and likely will be
14 for a long time.

15 I'm sure the same people who gave the
16 builders such a hard time will tell any prospective buyer
17 just how they feel.

18 From this quarry, we may get another
19 tourism attraction. As I said, there are quarries and mines
20 that people will pay to see. We did.

21 Why not see the positive? Have your
22 concerns addressed and welcome industry. Remember, even
23 whale watching was protested against.

24 We asked our guests if they would come
25 back or if they would have come here if the quarry was here.

1992
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PANEL)

1 All but one person, and his wife said yes, said it would
2 make no difference.

3 This spring, I have even given, by
4 request, Bilcon t-shirts to some of our guests.

5 If you'll look at your pictures there
6 that you have, these are all quarries that I photographed
7 while driving through British Columbia, and there's work in
8 British Columbia. People are working.

9 And as you can see, these are all seen
10 from the road. And I have pictures here of one of the large
11 trucks that was on the site of the quarry that we paid to go
12 in to see.

13 Thank you.

14 THE CHAIRPERSON: Thank you, Ms.
15 Gibson(sic).

16 **PRESENTATION BY Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM -**
17 **QUESTIONS FROM THE PANEL**

18 You mentioned that you were at one time
19 a member of the CLC, the Community Liaison Committee.

20 Ms. LINDA GRAHAM: That's correct.

21 THE CHAIRPERSON: We've heard conflicting
22 stories about that, some saying that it worked very well and
23 others saying it didn't work very well.

24 Could you give us your view of it?

25 Ms. LINDA GRAHAM: It worked very well.

1993

Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PANEL)

1 People that came with concerns, and we would address the
2 members of the Bilcon that, you know, that these were our
3 concerns, you know, about the dust and the noise.

4 And all of the concerns that we brought
5 to them were addressed, and if we didn't understand because
6 some of them... I mean, these were scientists and we're
7 not. And they would explain to us in terms that we could
8 understand how this would happen or, you know, whatever, how
9 it would be taken care of.

10 THE CHAIRPERSON: So you would not agree
11 with the people who claimed that it was dysfunctional, that
12 it didn't work, didn't provide the necessary communication
13 between Bilcon and the community.

14 You wouldn't agree with that.

15 Ms. LINDA GRAHAM: No, I would not, but I
16 do know that there were some questions that were raised ad
17 some people that came with a very negative attitude and did
18 not want to hear anything positive being said.

19 THE CHAIRPERSON: Somebody raised the
20 subject yesterday and said because of the conflict that
21 exists in the community between, on the one hand, fishermen,
22 and the other hand, the quarry, it was suggested that 34
23 jobs would come from the quarry and it might, in fact,
24 displace an existing 34 in the community, in other words,
25 because of that conflict.

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1994
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PANEL)

1 Would you still support the quarry if,
2 in fact, that were the case? I mean, in other words,
3 there'd be no net improvement in jobs. You'd just simply
4 replace fishing jobs with quarry jobs.

5 Ms. LINDA GRAHAM: I'm not convinced that
6 that would happen because, as I said, the fishery's already
7 in a decline.

8 We had many more fishermen, many more
9 fish draggers. Everyone hand lined. There were lots of
10 working fish plants on the Neck.

11 Maybe Dave can speak to that better.

12 Mr. DAVID GRAHAM: Back in the early
13 '50s, there was probably 26 fishing boats out of
14 Centreville, and now there's next to none.

15 If people's going to lose jobs because
16 of the downturn of fisheries or because the lack of fish,
17 I've seen the draggers make two or three trips from Little
18 River and come in with next to nothing.

19 THE CHAIRPERSON: We've been told that
20 the lobster fishery is thriving and the lobster fishery is
21 the mainstay of this community. Is that not the case?

22 Mr. DAVID GRAHAM: Lobster fisheries have
23 declined in the last three years.

24 Dr. JILL GRANT: Can I ask you how the
25 two of you got appointed to the CLC?

1995

Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PANEL)

1 Mr. DAVID GRAHAM: I wanted to know what
2 was going on with the quarry. I had a lot of friends that,
3 I don't know, that was interested in knowing what was going
4 to take place, so I enjoyed talking to them about it and
5 that's why I got involved because I just wanted to know the
6 truth about everything.

7 Ms. LINDA GRAHAM: And I attended one of
8 the meetings and listened to... This wasn't the CLC
9 meetings. This was one of the other meetings down at Digby
10 Neck Consolidated School.

11 And by the time I left there, I was
12 almost in tears, I was so afraid that this quarry would
13 come. Ad then, talking to other people, I thought, well,
14 you know, before I make a decision, let's make an informed
15 decision.

16 But here's a little piece that was put
17 into the Digby Courier last week, and this was put out by
18 the paper because it's not signed. And it says here:

19 "The panel was hearing two distinctly
20 different sorts of answers. One side
21 describes Digby Neck and its people as a
22 dying community, a community that needs
23 to blow itself up in order to feed its
24 people."

25 Those are the kind of dramatic

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1996
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PANEL)

1 statements that are being made, and no one's saying that we
2 have to blow ourselves up. You know, that makes me think of
3 a war-torn country. It doesn't make me think of Digby Neck.

4 And as I said, that's the kind of fear
5 that has been put into the people.

6 And if you didn't attend the meetings
7 and if you won't talk to Bilcon to have your concerns
8 answered, the noise. They're going to line the trucks with
9 rubber.

10 You know, they're going to keep
11 everything wet. There's not going to be the dust.

12 This is a today's quarry. This isn't a
13 quarry from 50 years ago.

14 There's also one on the TransCanada
15 Highway. I'm not sure of the number, that is right around
16 Memramcook in New Brunswick, and I remember when that was
17 just a two-lane road going through there when I was in my,
18 well, we'll say 10, give or take, because I'm from New
19 Brunswick.

20 That is still a working quarry today,
21 and today there's a four-lane highway that goes by it. It's
22 in the same spot. I remember there used to be a little
23 narrow bridge, and that's why I remember that quarry.

24 And it's still working. And you know
25 what? So are the people.

1997

Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PANEL)

1 Dr. JILL GRANT: How far is your home
2 from the quarry site?

3 Ms. LINDA GRAHAM: Possibly a little over
4 10 miles. And we're on the St. Mary's Bay side.

5 Dr. JILL GRANT: So dust from the quarry
6 wouldn't have likely been an effect where you are even if
7 there was dust.

8 Ms. LINDA GRAHAM: No more than Tiverton
9 or Freeport or any of the other areas, no.

10 Mr. DAVID GRAHAM: I worked in a quarry
11 down in Kent, or it was the same as a quarry. And they
12 blasted every bit as much as what this quarry's going to
13 blast.

14 And roughly 15 miles away is where we
15 took the rocks to Argyle, and I was there when the lobster
16 fishermen come in. Like nothing had changed in 15 miles.
17 Like the fishing was the same.

18 And like I say, they blasted there
19 steady. That was a big operation.

20 THE CHAIRPERSON: Thank you.

21 Dr. GUNTER MUECKE: Yes, Ms. Graham. You
22 obviously have strong feelings about this, and you say that
23 there's a large silent group out there that agrees with your
24 viewpoint and the information you have presented to us.

25 I guess my question is, why has this

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1998
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PANEL)

1 group not expressed its views to the Panel? Presenting
2 verbally as you do is only one of the ways in which the
3 Panel accepts information.

4 There are other possibilities, in
5 writing, lists of signatories. There are many ways in which
6 this group could express itself, and I guess my question is,
7 why haven't we seen that?

8 Ms. LINDA GRAHAM: I would have to say
9 that a lot of the reason you haven't seen it is because
10 these people are very timid to speak up and say that they
11 are because, as I said, the threats, the damage.

12 When my car was damaged, I didn't dare
13 tell anyone because I was afraid. Like people were just
14 then starting to speak up.

15 And the first time that I put a piece in
16 the paper in favour of the quarry, I had different people
17 come up to me and say, "I'm so glad somebody's speaking up.
18 We need the quarry here. We need the jobs. We need the
19 spin-off of these jobs. We need the higher pay."

20 And they still, they need the jobs that
21 they have, and if the quarry doesn't come, they don't want
22 to be seen as being in favour of the quarry and not keeping
23 the jobs that they have.

24 They are still afraid. They are still
25 intimidated.

1999

Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PANEL)

1 Dr. GUNTER MUECKE: But anybody who feels
2 intimidated could write to the Panel, and why haven't we
3 seen people do that?

4 Ms. LINDA GRAHAM: I'm not sure why they
5 haven't written to the Panel, but I do know that with the
6 amount of people that have spoken directly to me that there
7 are a lot out there.

8 And I know that there are. I wish I,
9 you know, could give you something and show you, but I'm
10 sure that in later presentations you will see that there are
11 a lot of people out there.

12 Just driving around now with the much
13 more publicized Bilcon t-shirts and hats, you will see a lot
14 more of those here in town, on the Neck, on the Islands.

15 People want the quarry. It's only been
16 the last three weeks that anyone even dared put up a green
17 sign.

18 If you drive down Digby Neck on the side
19 roads and over to the Islands now, the green signs outnumber
20 the red because people have finally got that, you know,
21 let's speak up now and move on.

22 It was very difficult to get a seating
23 here to come and speak and, as I said, I've never done this.
24 I'm very nervous.

25 But I have been involved in other

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2000
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PANEL)

1 groups, and maybe I'm a little bolder, braver than a lot of
2 the people here.

3 Dr. GUNTER MUECKE: Thank you.

4 Dr. JILL GRANT: Yesterday we had
5 representatives from three local governments come and
6 express the view that their perceptions from dealing with
7 constituents is that the bulk of the opinion is that the
8 quarry is not warranted.

9 So again, to follow up on Dr. Muecke's
10 question, if people are in favour, why haven't they
11 expressed their views to their local representatives?

12 Ms. LINDA GRAHAM: Some of our local
13 representatives have "Stop the Quarry" sign on their lawns.
14 Would you say you were in favour?

15 THE CHAIRPERSON: Mr. Buxton.

16 Ms. LINDA GRAHAM: I...

17 THE CHAIRPERSON: Oh, sorry. I didn't
18 mean to cut you off.

19 Ms. LINDA GRAHAM: I know I wouldn't if I
20 knew that my, you know, local representative had a "Stop the
21 Quarry" sign and someone said to me, "Are you in favour?"

22 "Let me think now. Do you have the red
23 sign or the green sign?" especially if you need a job and
24 they're hiring.

25 THE CHAIRPERSON: Mr. Buxton?

2001
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PUBLIC)

1 Mr. PAUL BUXTON: I don't have any
2 questions. Thank you, Mr. Chair.

3 THE CHAIRPERSON: Questions from the
4 audience? Mr. Morsches.

5 Could you more or less line up, those of
6 you who are preparing, so that we get a sense of what...

7 **PRESENTATION BY Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM -**
8 **QUESTIONS FROM THE PUBLIC**

9 Mr. BOB MORSCHES: Doctor, this refers to
10 the distance of the Graham camp from the quarry. It's
11 currently 16.82 kilometres via their entrance going west on
12 217 to Road 422, which is the Whites Cove Road.

13 The question is, if your camp was within
14 five kilometres of the quarry, would you still support
15 having a quarry since you hang your clothes outside and you
16 will hear some of the roar?

17 I investigated this at the Mariner
18 Aggregate Limited, which is a two hectare quarry up near
19 Coloden, and there's a current person that has dust all over
20 his animals. He is now half deaf.

21 THE CHAIRPERSON: The question to you was
22 would you be as supportive as you presently are if you lived
23 very close to the quarry.

24 Ms. LINDA GRAHAM: I really wouldn't see
25 a problem with it. The land is for sale next to us, so if

2002

Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PUBLIC)

1 they want to buy it and if they want to put in a terminal, I
2 can't see a problem with it.

3 Mr. BOB MORSCHEs: You don't care whether
4 your clothes get dusty or not.

5 Ms. LINDA GRAHAM: I have a dirt
6 driveway.

7 Mr. BOB MORSCHEs: I'm sorry?

8 Ms. LINDA GRAHAM: I have a dirt
9 driveway, and people come up half a mile long.

10 Mr. BOB MORSCHEs: Yes, I've been down
11 your driveway.

12 THE CHAIRPERSON: Mr. Morsches, that's
13 enough, thank you.

14 Mr. Marcocchio?

15 Mr. BRUNO MARCOCCHIO: Yes. Thank you.

16 I have a question about your responses
17 to the impacts on the fishery, and I just would like a
18 clarification.

19 I wonder whether you believe that the
20 proposed quarry will not have an impact from blasting from
21 siltation from the avoidance behaviour of animals, or
22 whether your feeling is that the fishery is in decline and,
23 therefore, is of little concern to the future of Digby Neck.

24 Mr. DAVID GRAHAM: No, I don't think that
25 because fisheries is in decline that... I just think the

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2003
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PUBLIC)

1 quarry would be a real benefit.

2 And when I was down in Argyle, like I
3 say, the tin mine was blasting 15 miles away, and it didn't
4 affect the fisheries there in the least. And that quarry
5 was open for several years.

6 Mr. BRUNO MARCOCCHIO: I'm not sure if I
7 understood your question because your responses were that
8 the fishery is in decline so that, in the presentation, the
9 impacts about the fishery were minimized because the lobster
10 fishery was in decline and other fisheries have gone by.

11 So I'm somewhat confused. You do think
12 that the fishery is important in the long term interests of
13 Digby Neck, but you're not convinced that the impacts from
14 the quarry will have any impact on that.

15 Is that a fair characterization?

16 Mr. DAVID GRAHAM: Yes.

17 Mr. BRUNO MARCOCCHIO: Thank you.

18 THE CHAIRPERSON: Mr. Ackerman.

19 Mr. JERRY ACKERMAN: Jerry Ackerman.

20 Ms. Graham, I would like to ask you over
21 the last five years how it was that you came to trust the
22 information, its adequacy and the accuracy of the quarry
23 plan? That is, were you conversant with the EIS and were
24 you a contributor to that?

25 I'm thinking about the advocates, and

2004
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PUBLIC)

1 how do you trust people that promise you a pie in the sky,
2 as it were, or something concrete as this was?

3 What led you to develop the sense of
4 trust that I hear from you today?

5 Ms. LINDA GRAHAM: How could I trust
6 someone that said there were graves and a cemetery on a pile
7 of rock when, in order to bury someone, you have to dig them
8 at least six feet down? I mean, that was years ago, or even
9 four feet now.

10 I mean, how do you bury someone in a
11 pile of rock when there is no even much topsoil? That has
12 come up in previous discussions here.

13 How do you trust someone that says,
14 "Look, here's a picture of a house and look at the laundry
15 on the line."

16 There was a community back there. When
17 this picture was blown up, Mr. Chair, it turned out that it
18 was a fish house. The laundry on the line were drying
19 buoys. It was a fish shack.

20 They fished lobster from there. And
21 then they say, you know... And that's just some of what we
22 had heard from the other side.

23 And when we went to the CLC and we had
24 our concerns and they brought in scientists and our concerns
25 were addressed in language that we could understand, then

2005

Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PUBLIC)

1 yes, I had more trust in them than going to the other
2 meeting where, when I left, as I said, I was almost in tears
3 because I thought, "Oh, my God, oh, my God."

4 And it was all just fear, total fear as
5 I read you that piece out of the paper.

6 I mean, I don't want to blow myself up
7 to feed anybody. I'm not in Afghanistan. I'm in Canada.
8 I'm on Digby Neck.

9 THE CHAIRPERSON: Thank you. Next.
10 Identify yourself, please.

11 Mr. HARVEY PETER: My name's Harvey
12 Peter.

13 And you said, Linda, that they had
14 already deposited big sums of money. I'd like to know what
15 size that money is for the restoration.

16 Ms. LINDA GRAHAM: I'm sorry, Mr. Peters.
17 I don't have that figure in front of me, but I do know ---

18 Mr. HARVEY PETER: I was told...

19 Ms. LINDA GRAHAM: --- that it is
20 required.

21 Mr. HARVEY PETER: I was told by a good
22 source, which is Paul Buxton, I asked him some time ago, and
23 he said \$20,000 had already been deposited for restoration.

24 I said, "What if the company goes
25 bankrupt and leaves a great big mess and drives away like

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2006
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PUBLIC)

1 some companies have already done here in Nova Scotia?"

2 Do you want me to tell you where they
3 are?

4 Ms. LINDA GRAHAM: But, Mr. Peters...

5 Mr. HARVEY PETER: No.

6 Ms. LINDA GRAHAM: But, Mr. Peters, they
7 only can go so far, I believe it's five years, and then they
8 have to restore that...

9 Mr. HARVEY PETER: \$20,000 won't fix up
10 an acre of land, if you're landscaping it for a house. If
11 you've got an acre lot, \$20,000 will hardly look at it. So
12 what's \$20,000 going to do to a devastation of that quarry
13 would do?

14 THE CHAIRPERSON: Thank you. Next.

15 Ms. JAN ALBRIGHT: My name is Jan
16 Albright. I am the great, great, great-granddaughter of the
17 original settlers of the community that this lady is trying
18 to say never existed.

19 My great-grandmother spent a lot of time
20 buying back the land of the family plot. I do not have any
21 idea if there are relatives buried there, but I do know for
22 sure that there was a vibrant community there.

23 I have proof of it. I have title to a
24 piece of land that was there, and I am in the process now of
25 legally trying to research and find out when this land was

2007
Mr. DAVID GRAHAM AND Ms. LINDA GRAHAM
(QUESTIONS FROM THE PUBLIC)

1 sold.

2 If it hasn't been sold, I've been told
3 by people that, according to what they can find out, it was
4 never sold.

5 I have a legal document for that piece
6 of land and I can stand here to tell you that as long as I
7 live and breathe, if that land belongs in my family, I will
8 be inhabiting that land somehow, some way.

9 THE CHAIRPERSON: Thank you, Ms.
10 Albright. Is there another one? Yes, please.

11 Ms. DOROTHY TIDD: I'm Dorothy Tidd of
12 the Village of Little River, and I know these people well
13 and I respect them in some ways.

14 We have cottages in Little River also,
15 two up on Otto View, beautiful little cottages, and one on
16 the shoreline next to the proposed quarry. And if these
17 people have any concern of our livelihoods, they would
18 consider no quarry because if our fishing industry and our
19 tour industry goes to pot, what will they do?

20 THE CHAIRPERSON: Any questions,
21 additional questions?

22 If not, then we're going to take a 15-
23 minute break. Thank you.

24 Thank you, Mr. and Ms. Graham. Thank
25 you very much.

2008

THE PARTNERSHIP
(Dr. MEINHARD DOELLE)

1 Ms. LINDA GRAHAM: Thank you for your
2 time.

3 --- Recess at 2:46 p.m.

4 --- Upon Resuming at 3:00 p.m.

5 THE CHAIRPERSON: The next presentation
6 is from Mr. Meinhard Doelle, the Director of the Marine and
7 Environmental Law Institute at Dalhousie Law School.
8 Proceed.

9 **PRESENTATION BY THE PARTNERSHIP - Dr. MEINHARD DOELLE**
10 **(DIRECTOR OF MARINE AND ENVIRONMENTAL LAW INSTITUTE,**
11 **DALHOUSIE UNIVERSITY)**

12 Dr. MEINHARD DOELLE: Thank you, Mr.
13 Chair. I should say, at the outset, that my expertise is
14 not on the socio-economic impacts and the biophysical
15 impacts that you've heard quite a bit about today.

16 My expertise is in law, and I thought I
17 should, just by way of background, tell you a little bit
18 about my background with the **Canadian Environmental**
19 **Assessment Act**. I was actually working at the Agency at the
20 time the Act came into force, and in the early 1990s, I
21 worked on the Act, and its key regulations, and have
22 followed the **Canadian Environmental Assessment Act** from a
23 legal perspective ever since, so for the last 15 years.

24 And the point of my presentation is
25 actually quite straightforward, and I'm hoping that it will

2009

THE PARTNERSHIP
(Dr. MEINHARD DOELLE)

1 be of interest to you. The essential point that I want to
2 talk about is I understand from the terms of reference and
3 the Guidelines, that you have taken a very broad approach to
4 this, looking at the sustainability, or essentially applying
5 a sustainability test, looking at socio-economic impacts.

6 And I know that this is a Joint Panel,
7 so some of that may have been driven by the demands of the
8 **Nova Scotia Environment Act**. So what I want to specifically
9 focus in on is the importance of the broader analysis of
10 this Project in terms of its net contribution to
11 sustainability in the context of the decisions that will be
12 made federally.

13 So the decision, the final decision
14 under the Canadian Environment Assessment Act, as well as
15 the Project decisions that will then follow by responsible
16 authorities, because it seems to me that this is a critical
17 point that certainly in the kind of general understanding of
18 the **Canadian Environment Assessment Act**, sometimes gets lost
19 a little bit, so I just wanted to focus in on that
20 particular point a little bit.

21 So my essential point is that... And I
22 will go through a bit of the legal analysis to take you
23 through that, but my essential point is that you have a
24 mandate, and I would say a responsibility to inform two
25 decisions for Federal decision-makers.

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2010

THE PARTNERSHIP
(Dr. MEINHARD DOELLE)

1 One is whether or not this Project is
2 likely to cause significant adverse environmental effects as
3 set out in Section 37 of the Act, and the other is whether
4 this Project will make a net contribution to sustainability.

5 And I will now take you through the key provisions of the
6 Act to explain how I come to that conclusion.

7 The starting point, obviously, or
8 perhaps not so obvious, but the starting point of my
9 analysis is the preamble and the purpose section, and again,
10 I'll just reference them fairly quickly.

11 We have, in the preamble, a number of
12 goals such as achieving sustainable development, encouraging
13 economic development that conserves and enhances
14 environmental quality, and integrating environmental factors
15 into planning and decision-making. So some fairly clear
16 language that this is not just... The Federal process is
17 not just about environmental impacts. The purpose is
18 broader; the goals are broader.

19 This is reinforced through the purpose
20 section, which encourages responsible authorities to take
21 actions in line with sustainable development. It is clear
22 that the purpose is not just to prevent likely, significant
23 adverse effects, but to prevent significant adverse effects;
24 that's certainly clear from the 2003 amendments dealing with
25 a precautionary principle, where it's interesting that the

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1 purpose section takes out the term "likely", which I think
2 is interesting in the context of the dual purpose.

3 It's clear that "likely significance" is
4 still an important test, but there is something broader at
5 play here, and I think you see this throughout the Act, and
6 it's important to recognize that.

7 Another purpose is to encourage
8 integrated decision-making, which, again, reinforces the
9 idea that we have to look beyond the environmental effects
10 as they're defined, which takes me to the next quick section
11 to look at, and that is the definition of "environment
12 effect", and as you know, there is a significant, no pun
13 intended, significant between the Federal and Provincial
14 definition, and the Federal definition limits the extent to
15 which you could look at socio-economic effects for the
16 purposes of determining whether there are likely to be
17 significant adverse environmental effects under Section 37.

18 But it is also clear, even from the
19 provisions of the purpose section, and the preamble that
20 that can't be all the Federal ENVIRONMENTAL ASSESSMENT looks
21 at, and I'll provide a little bit of further support for
22 that, beyond the preamble and the purpose section. I think
23 Section 16, which lists factors that have to be considered,
24 different factors for different levels of assessment, but
25 again, I think that Section makes it quite clear that the

1 test of likely significant adverse environmental effect is
2 not the only thing this Act is about.

3 Starting point, the reference to
4 accidents and malfunctions. If likely significance was the
5 only relevant test, we wouldn't be considering accidents and
6 malfunctions, to the extent that we do, because by
7 definition, most accidents and malfunctions are unlikely to
8 happen. They can have catastrophic effects.

9 The Sable Project was an example where
10 we considered the impact of a blowout; a very, very unlikely
11 effect, but one that was very, very significant, and clearly
12 those kinds of considerations factor into the Environmental
13 Assessment. They have to, which means that, again, when you
14 look at the Section 16 factors, you very quickly see that
15 this is not just about this likely significant adverse
16 environmental affect test.

17 Concerns of the public referenced in
18 Section 16. Another indication that we have to look at
19 social and economic factors. We have to look at values, and
20 we've heard something about that today, I think.

21 Another indication in Section 16 is the
22 reference to the purpose of the Project, the need for the
23 Project, alternatives to the Projects. Those are all strong
24 indications that this is about integrated decision-making.
25 This is not just about meeting, deciding whether this

1 Project meets this fairly narrow test in Section 37.

2 There's further support for this in
3 Section 20, but because Section 20 deals with screenings,
4 I'll skip that and really finish off with a quick look at
5 Section 37, and then I'll quickly summarize.

6 Section 37, as you know, has essentially
7 three components to it. Where the Project is not likely to
8 cause significant adverse environmental effects, it says
9 that the responsible authority may exercise any power, or
10 perform any duty, or function that would permit the Project
11 to be carried out.

12 So what you have is you have the test
13 that I've talked about, and then you have a "may" provision
14 that says the responsible authority, if that threshold test
15 is met; that there are no likely significant adverse
16 environmental effects; then the power, duty or function may
17 be exercised. It does not say "shall", and that has legal
18 significance.

19 What it means is that the responsible
20 authority has two responsibilities here. One is to make the
21 determination about whether there are likely significant
22 adverse environmental effects, and the second is to make a
23 decision about whether to exercise the discretion to perform
24 the duty, power or function.

25 And when you look at that in the context

2014

THE PARTNERSHIP
(Dr. MEINHARD DOELLE)

1 of the preamble, the purpose section, and the factors in
2 Section 16, it becomes clear what that, how that discretion
3 is to be exercised. That discretion is to be exercised in
4 light of whether this Project is consistent with
5 sustainability, or to put it another way, whether it's going
6 to make a net positive contribution to sustainable
7 development.

8 And I think it is your task to inform
9 that exercise of discretion. I think it's important not
10 just to identify likely significant adverse environmental
11 effects, but also, at the same time, to provide the base for
12 the exercise of that discretion.

13 The second one, the second option is
14 that there are likely to be... That the Project is likely
15 to cause significant adverse environmental effects, in which
16 case, essentially what you get is a red flag, but even then,
17 there is some discretion, and so then the question
18 becomes... That discretion is in the form of whether the
19 effects can be justified.

20 And so then you get into... So the
21 discretion there is more limited than it is in the first
22 scenario, but there's still discretion there. And one
23 approach to that discretion would be to phrase it in the
24 kind of a... As a combination of the likely significant
25 effects being the red flag, but then a clear demonstrated

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1 contribution, net positive contribution to sustainability
2 being a way to trump the red flag that is raised by the
3 test.

4 And then the third option is that if
5 they cannot be justified under that test, then the
6 responsible authority has no discretion any more, and the
7 Project cannot, or the... And no power, duty or function
8 can be exercised to allow the Project to proceed.

9 So I will conclude. I'm happy to answer
10 more specific questions on this, but my basic point is that
11 the perception that sometimes exists that the Federal
12 process is only about likely significant adverse
13 environmental effects; is it fallacy? That it is important
14 to address both. You can go back to the...

15 For example, the old man decision,
16 Justice Laforest, for example, makes it very clear that you
17 separate out this, you know, some of the questions about
18 whether you have authority to make a decision, and what
19 decisions you can make from this scope of the assessment,
20 and I think it is...

21 I would say it is your function here to
22 answer those two questions, and to encourage the responsible
23 authority to make decisions based on those two broad
24 criteria. So I'll leave it at that, and happy to answer
25 some questions.

2016

Dr. MEINHARD DOELLE
(QUESTIONS FROM THE PANEL)

1 **PRESENTATION BY THE PARTNERSHIP - Dr. MEINHARD DOELLE -**
2 **QUESTIONS FROM THE PANEL**

3 Dr. JILL GRANT: Yes. I wonder if you
4 could give us an idea, Mr. Doelle, of whether other Panels
5 have exercised discretion in the way that you're talking
6 about.

7 Dr. MEINHARD DOELLE: Yes, there are a
8 number that have. The Voisey's Bay Panel, for example, has
9 taken that same approach. The Red Hill Panel in Ontario,
10 involving the highway in Hamilton has done so, as well.

11 So, yes, there are. And I would suggest
12 that this is a trend. I know that those Panels and the
13 approach that has been taken by those Panels have been
14 received very favourably, and I would suggest that this is
15 becoming a trend.

16 You can also see in some of the
17 amendments that were made in 2003 that the Federal
18 Government's thinking is in this direction, as well.

19 THE CHAIRPERSON: Mr. Buxton?

20 **PRESENTATION BY THE PARTNERSHIP - Dr. MEINHARD DOELLE -**
21 **QUESTIONS FROM THE PROPONENT**

22 Mr. PAUL BUXTON: I have a question which
23 goes to some suggestion that resource extraction can never
24 be considered sustainable, and yet you mentioned Voisey(sic)
25 Bay, which is extraction of nickel. I assume you were

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2017

Dr. MEINHARD DOELLE
(QUESTIONS FROM THE PROPONENT)

1 referring to the large nickel extraction project.

2 I would refer to, I think, two or three
3 Panels on the Oil Sands Projects in Alberta this year, which
4 have permitted major projects in Northern Alberta, and I
5 believe that I'm right in saying that the same sort of
6 criteria under the Act applies to those Projects which are
7 required to carry out a comprehensive study, rather than a
8 Panel Review.

9 So then I would look at Projects like
10 Belleoram, Orca, and other major quarries.

11 So I guess my question is, you know, how
12 do you deal with sustainability with resource extraction?

13 Dr. MEINHARD DOELLE: Okay. Well, let me
14 address your first.

15 The issue of comprehensive studies
16 versus panels, first of all, because I think there is an
17 important difference between a comprehensive study and a
18 panel, and that is in case of a panel, you have a separation
19 between process and Federal decision-maker that provides an
20 opportunity to clarify, and to make recommendations about
21 how to exercise discretion that is kind of hidden in the
22 context of a comprehensive study, because the party that's
23 conducting the comprehensive study is also the final Federal
24 decision-maker. So you often don't see the separation, and
25 you don't see the thought process that goes into the final

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Dr. MEINHARD DOELLE
(QUESTIONS FROM THE PROPONENT)

1 decision on comprehensive study. So that would be my
2 response on that.

3 With respect to the other one, my
4 expertise is mainly on the legal issues, but I will offer a
5 couple comments on the point that you're raising. I guess
6 whether or not a mining project can be sustainable depends
7 on how you define sustainability, and there are certainly
8 some approaches that are accepted in the literature as
9 sustainable, where you, at a minimum, address... Well, you
10 look at it from a net positive contribution perspective,
11 which is the one that I have suggested, and so I would...

12 First of all, I wouldn't say that a
13 mining project couldn't make a net positive contribution to
14 sustainability. It may, in itself, not be sustainable, but
15 it can make a net positive contribution. The critical piece
16 in that context, though, is it has to be done in such a way
17 that it's fair from an inter-generational perspective; that
18 you're not burdening future generations with the harm, and
19 leave current generations with the benefits.

20 Mr. PAUL BUXTON: Thank you, very much,
21 Mr. Chair.

22 Dr. GUNTER MUECKE: I think, in part, you
23 have answered my question with your last sentence or two.

24 What I was looking for was basically are
25 there guidelines as to what constitutes, in your mind, a net

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1 positive contribution to sustainability. Are there any sort
2 of guidelines that you're aware of?

3 Dr. MEINHARD DOELLE: I think I'd defer
4 to others. You may want to ask the next presenter that
5 question. My expertise is really on the legal side. I can
6 tell you that the legal framework that you're operating
7 under, it doesn't answer your question. There is work that
8 has been done, but it's not my area of expertise, so I'd
9 rather defer to others.

10 THE CHAIRPERSON: Do we have any
11 additional questions from the audience? No. If not, then,
12 thank you, Dr. Doelle.

13 Dr. MEINHARD DOELLE: Thank you.

14 THE CHAIRPERSON: The next presenter is
15 Robert Gibson.

16 --- Pause

17 THE CHAIRPERSON: Identify yourself, and
18 proceed.

19 **PRESENTATION BY THE PARTNERSHIP - Dr. ROBERT GIBSON,**
20 **PROFESSOR OF ENVIRONMENTAL STUDIES, UNIVERSITY OF WATERLOO**

21 Dr. ROBERT GIBSON: I am now on. The red
22 light, yes. My name is Bob Gibson, and I've given you a
23 paper version of this submission. The actual PowerPoint
24 deck here is a little different, but maybe more coherent.

25 I'm a Professor of Environmental Studies

1 at the University of Waterloo. I've been there for many
2 decades and I mostly have been examining
3 environmentally-related decision-making, including
4 environmental assessment, and for the last ten years mostly
5 unsustainability assessment.

6 And so as warned by the previous
7 speaker, I am mostly interested in this question of the
8 positive contribution of sustainability; how that might be
9 interpreted. Maybe this is a lengthy response to the final
10 question.

11 The contribution to sustainability test
12 as set out in the Guidelines is up on the slide there. This
13 is a version of the requirement to demonstrate a positive
14 contribution to sustainability that is an evolved version of
15 what was first set out by the Voisey's Bay Panel, and has
16 been through the other ones that Professor Doelle
17 mentioned.

18 There's also a version that's in the
19 terms of reference for the MacKenzie Pipeline, the MacKenzie
20 Gas Project that I'll talk about.

21 I'm not proposing to do an evaluation of
22 the proposed undertaking here. I don't know enough to do
23 that. I have four points I would like to make that, in
24 support of what Professor Doelle was saying; that the
25 Panel's commitment to examining contribution to

1 sustainability is appropriate; that it's not helped much by
2 the Environment Impact Statement as submitted, though that
3 may be complemented by other things the Proponent and others
4 raise at these hearings.

5 There is a generic framework for doing
6 this work that has been applied in various places. It can
7 be adjusted for this particular case. There is no
8 framework that applies universally everywhere, as is. They
9 must all be adjusted to the particulars of the case, and the
10 context.

11 I've done some work with the MacKenzie
12 Gas Project Assessment for that Panel, and there may be some
13 light that that would shine on things, so I'll try to get to
14 that within my 30 minutes.

15 The basic sustainability challenge is
16 that we're using too much of the planet's carrying capacity
17 for humans now, and a very large portion of the human
18 population doesn't have enough, and the gap between rich and
19 poor is rising almost everywhere, including here.

20 What that means is that
21 business-as-usual approaches are not sustainable. They
22 aren't sustainable globally, and they aren't sustainable
23 through the contributions locally, and that we must do,
24 therefore, is profoundly different from what we are doing
25 now.

2022

THE PARTNERSHIP
(Dr. ROBERT GIBSON)

1 Locally, much of what we're doing, and
2 it varies from place to place, and I know far too little
3 about this vicinity to know to what extent it suffers from
4 the common problems, but most ecosystems in the world are
5 being degraded in some ways, although some things are also
6 getting better.

7 We are relying on non-renewal resources,
8 we're losing traditions of understanding, and we're growing
9 in ways that mean that people who have the advantages now
10 are getting more, and the people who don't, by and large,
11 are not benefiting, which is not the right direction to be
12 going in locally or globally.

13 So if we're going to make good
14 decisions, we need to ensure that all of the individual
15 choices we make provide positive steps to attractive safe
16 and durable futures, and there is a huge literature on all
17 this now, and there's vast experience globally about all
18 this now, and if we learned one thing, it is that the
19 social, economic and ecological factors are all totally
20 intertwined in complex systems at various levels.

21 There is nothing simple about that, but
22 there is fairly clear evidence about how we might start to
23 deal with those inter-relationships. We'll not know enough,
24 and so there will be surprises, and so the principle of
25 sustainability basis, last bullet point there, we need to

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1 seek the best option with the greatest promise of multiple,
2 mutually reinforcing and lasting gains, while avoiding
3 significant losses.

4 That's not what we're doing now. I
5 won't dwell on this, but basically we're going in the
6 opposite direction from that. The last one is perhaps
7 particularly significant. We are usually presuming we can
8 deal with nasty surprises when the time comes. We now cover
9 that, calling it adaptive management sometimes, but by and
10 large, has not been supported by experience.

11 There is a global practice now.
12 Sustainability assessment. I finished a book on this topic
13 a couple of years ago. When I started, there were 900 hits
14 on Google for sustainability assessment. Last time I
15 checked, there were 23-million. They're applications around
16 the world. They differ for different contexts, but the
17 shared essentials are now fairly obvious.

18 The Canadian examples go back before we
19 started using sustainability language. The original Berger
20 Inquiry was probably a sustainability assessment in its own
21 way back in the mid-'70s. We've had many others. The
22 George's Bank Hydrocarbon Inquiry was more or less a
23 sustainability-based assessment. The Growth Management
24 Strategies under the **Growth Management Strategies Amendment**
25 **Act** in British Columbia have tried to do the same thing.

1 The test that the MacKenzie Pipeline
2 Panel is now applying is essentially the same as the one
3 this Panel is applying, and that is looking for the overall
4 sustainability effects, and whether the lasting net gains
5 are to be relied upon, and whether the tradeoffs made to
6 ensure these gains are acceptable in the circumstances.
7 It's not the same language that you have used. I think it's
8 very similar.

9 I've been working for the Panel over the
10 last couple of years, the MacKenzie Panel. I was initially
11 hired to write a report on how a sustainability-based
12 framework for that assessment could be designed, and much of
13 what I'll be talking about here is about how that worked.

14 Basically, the approach was to combine
15 the lessons globally about what everywhere we need to
16 consider for the purposes of moving towards sustainability,
17 and secondly, to combine those with the salient case and
18 context to specific issue; attention also to tradeoff
19 priorities for that area; and then to apply them through the
20 various key decisions.

21 The MacKenzie Panel is still in
22 operation. They won't wrap up probably until September, and
23 so I can't tell you what the results of all this will be,
24 but they're wrestling essentially the same problems that you
25 are.

1 The generic criteria I've explored in a
2 book of some length, and I'm not going to go through the
3 book here, but those criteria set out a fairly short list of
4 key things that are necessary everywhere, and they include
5 looking at how overall systems of maintaining our ecological
6 and biophysical systems, and our socio-economic systems.

7 Together that can be achieved: Ensuring
8 everyone has sufficiency of livelihood and opportunities;
9 ensuring equity; improvements both in the present and of
10 cross-generations; being much more efficient in our use of
11 resources, and maintaining the systems that we have; having
12 means of making decisions that apply as much understanding
13 and motivation as we can; ensuring that we deal properly
14 with uncertainties, and integrating these things all at the
15 same time for the multiple gains.

16 Those rules apply everywhere. There are
17 also tradeoff rules. The illustration there is perhaps
18 inappropriate in its level of seriousness to this event, but
19 the key point is that we are often talking about tradeoffs,
20 and we often talk about balancing, and the illustration is
21 meant to illustrate that balancing is perilous.

22 What we really want to do is ensure that
23 we have positives all round. On all of the key things that
24 are listed on that set of points, we want to have positive
25 steps. So a tradeoff is what you go to, if you have no

1 other option that is less obnoxious.

2 The second one that I want to point to
3 is the protection of the future tradeoff role, and it is
4 that there is no justification for deferring or displacing
5 negative effects to the future, since the future generations
6 cannot be here to represent themselves. The only exception
7 to that rule is where the only other options available are
8 worse.

9 In the MacKenzie case, those generic
10 rules needed to be specified and elaborated to take into
11 account the particular circumstances of the undertaking that
12 was involved, the ecosystems, and culture, and communities,
13 and the economies of that area. Fortunately or
14 unfortunately, there's been 30 or so years of discussion in
15 the MacKenzie Valley about what people are concerned about
16 with pipelines, so it's not very difficult to set out what
17 the key issues are.

18 That's a list of the key issues. Won't
19 be able to go through them in any great detail. You should
20 know that there is a... Well, I just guess it's not in
21 here, or did I not include it? Well, maybe it isn't. Well,
22 I have a fancier version of this. It has a very flashy
23 matrix that includes all of these issues, and how they can
24 be examined, and how they can be specified in particular
25 questions, so that there is an actual framework for making

1 these particular points clearer, and more comparable, and
2 easier to... Well, you don't really add them up, but at
3 least you can see the overall effect more visibly.

4 The result of that is that it is
5 possible to consider all of the key effects that are
6 particularly important for evaluating contribution of
7 sustainability; to see which ones involve tradeoffs, and
8 which ones can be avoided.

9 And especially the MacKenzie case, and
10 maybe this applies to some extent to this case as well, but
11 there are always alternatives about how an undertaking shall
12 be implemented.

13 It can be timing, it can be scale, it
14 can be various technologies, it can be different locations
15 in some cases. And so comparative evaluation, the options
16 can also be under the same kind of matrix approach.

17 A couple of things that are key in that
18 instance are the second last and the third last bullet,
19 bridging and capacity billing.

20 I'm going to return to those later. I
21 mentioned at the outset that there's not much help to be
22 found on this contribution of sustainability question, at
23 least directly from the Environmental Impact Statement in so
24 far as I could find.

25 I've sent you these comments before, but

1 I think the essence of it is that the questions of
2 sustainability, sustainable development are not widely
3 addressed in the document.

4 There is some reference to the
5 sustainable development principle, but it seems to be mostly
6 limited to discussing valued environmental components and a
7 commitment to adaptive management, neither of which are
8 satisfactory as a basis for looking at the questions that
9 are identified above.

10 Sustainable development is defined in
11 the document as the efficient and environmentally
12 responsible use of resources.

13 That's a pretty old school definition of
14 competent resource management. I'm not sure it would be
15 satisfactory in that narrow field now.

16 It certainly isn't the definition of
17 sustainability in the literature that I know.

18 So I don't think it helps much in
19 determining whether there will be lasting improvements and
20 reinforcing gains.

21 It's not to say there won't be, I'm just
22 saying that it's not established in that document.

23 This is a time limited non-renewable
24 resource extraction project as we've heard, and that doesn't
25 necessarily mean that it can't be a positive contribution to

1 sustainability, it could be. It could have lasting
2 benefits.

3 I didn't see in the Environmental Impact
4 Statement any plan to turn it into an eastern equivalent of
5 Butchart Gardens, but it's not precluded by anything said in
6 the document either, so there are a variability of
7 possibilities clearly still available.

8 There are mentions of positive affects.
9 There is little evidence of positive effects beyond the
10 life of the undertaking, so we're talking about lasting
11 benefits that is in issue.

12 Employment benefits will presumably end
13 with the closure of the Project. If we're looking at the
14 Project by itself, the question is whether there are
15 sufficiently positive effects on building, lasting
16 livelihood options thereafter. That is not addressed in the
17 document.

18 So the question really for a lasting
19 benefit is whether the time-limited activities will be
20 undertaken in such a way that they will provide a bridge for
21 something that is more viable over the long term.

22 That's not addressed in the Guidelines,
23 it's something that still faces the Panel. So the
24 discussion in the Guidelines isn't particularly helpful in
25 my view.

1 So we return to the MacKenzie case, and
2 it's not clear the MacKenzie case is going to be a brilliant
3 example in the end either, but at least they're wrestling
4 with these questions quite explicitly and as I mentioned,
5 there are a couple of things that are clearly of lasting
6 effects, but the second and third last items are particular
7 in that matter; questions of bridging, questions of capacity
8 building.

9 So what I'm attempting to do here is to
10 take a look at the similarities, and these are rough
11 similarities, the scale, location, it's all a number of
12 things that are substantially different.

13 But both of these projects offer
14 attractive economic benefits for the life of the Project.
15 They may also have significant negative effects, including
16 economic ones, biophysical and ecological ones, and those
17 may affect people and ecosystems more or less immediately,
18 certainly during the life of the undertaking, and they may
19 have lasting effects on livelihoods.

20 The third point is that in both cases,
21 the projects themselves have limited life expectancy, but
22 could well induce further extracted projects.

23 So there's big questions about
24 cumulative sustainability effects.

25 Both of them will eventually end, so

1 from a sustainability perspective, one of the key questions
2 was the legacy, and the legacy, if we're serious about
3 sustainability, has to be anticipated and addressed now
4 before there's any approval.

5 So one of the things that turns... The
6 likelihood of a positive legacy turns on what are the
7 capacities available to ensure that the positive effects
8 will be identified and achieved, the lasting ones, and that
9 the negatives will be minimized?

10 We presume that neither the MacKenzie
11 case nor this one is automatically beneficial from a
12 sustainability perspective.

13 So the capacities of various parties are
14 key and those relate to the avoidance and mitigation of
15 negative effects so that there isn't any lasting damage, and
16 secondly whether the positive effects will be captured and
17 enhanced, and that has to do with bridging, it has to do
18 with strengthening existing activities, it means building
19 lasting opportunities and structures and support and so
20 forth for the future.

21 So that is really a question of how
22 reliable the current capacity as demonstrated and in place
23 is or how reliable the initiatives now underway are that
24 will ensure that those capacities are in place when the
25 Project begins.

1 The cumulative question overlaps with
2 the capacities question and the lasting effects question.

3 In the instance of the MacKenzie
4 Pipeline and Associates hydrocarbon developments, putting a
5 pipeline in that area is almost certain to induce further
6 exploration and extraction activities, because there is the
7 infrastructure available to get that to market.

8 How much of that will be depends on a
9 variety of things, and it depends also on what decision is
10 made in the case.

11 For instance, the decision can affect
12 how big the pipe is, how many compressor stations are
13 allowed, what kinds of permissions may or may not be issued
14 for additional activities, over what timing and et cetera.

15 So the uncertainties about what other
16 undertakings can contribute to cumulative effects can be
17 anticipated and addressed, and indeed must be more or less
18 at this point if we are to have some handle on how
19 significant those will be.

20 In the Whites Point case, I know less of
21 the details, but presumably there's appropriate rock beyond
22 the immediate site, and there is potential that the current
23 project, if it goes ahead, will encourage, induce,
24 facilitate additional ones, either at the same time or
25 during the life of this undertaking or subsequently.

1 Again, whether or not that happens is
2 something that is opened to choice at this point, at least
3 open to encouragement or discouragement, and that depends on
4 the capacities to do that.

5 I understand there are also questions
6 about cumulative effects of shipping in the Bay of Fundy,
7 and maybe other things in the Bay of Fundy, and I know a
8 little about that, but that too is something that can be
9 affected by decisions made at this point.

10 It is within the purview of the Panel's
11 recommendations I would presume.

12 So in the end, I think the key questions
13 about contribution to sustainability include... And by the
14 character of sustainability, we need to focus at least in
15 part on this question of lasting positive and negative
16 effects.

17 There is a requirement for bridging to
18 more viable futures if a time-limited undertaking is
19 approved.

20 That kind of bridging is something that
21 is only to some extent within the capabilities of the
22 Proponent.

23 The Proponent for example has, I would
24 guess, reasonably limited power over what the revenues from
25 this Project are used for.

1 We have lots of global examples of
2 limited-life-expectancy undertakings that are used to set
3 aside funds that will be used after that project ends.

4 Many people do that personally with
5 RRSPs. You certainly have the example of Norway and the
6 Heritage Fund they have for Nordsee Gas.

7 There's lots of examples of that. That
8 kind of thing is a tool to be applied for bridging a time-
9 limited project's benefits to a longer flow of gains.

10 These depend on the capacities of the
11 relevant actors, and they will be heavily affected by the
12 larger associating cumulative effects.

13 That's the end of this presentation.

14 THE CHAIRPERSON: Thank you Dr. Gibson.

15 **PRESENTATION BY THE PARTNERSHIP -Dr. ROBERT GIBSON -**
16 **QUESTIONS FROM THE PANEL**

17 THE CHAIRPERSON: I'm kind of curious to
18 know whether... I think I know the answer, but I'm not
19 sure. Maybe you need to say it.

20 When Meinhard Doelle preceded you, he
21 suggested that we had two responsibilities. One was to deal
22 with significant adverse environmental effects, and the
23 second one was to deal with the sustainable issue, and I
24 think he said it in the context of a net positive
25 sustainability.

1 Would you subscribe to that, to this
2 injunction that we would... Or not injunction, but
3 suggestion that we would set those as co-equal goals for
4 this process?

5 Dr. ROBERT GIBSON: They are not entirely
6 separate questions. They are both requirements of federal
7 law, at least arguably so.

8 You are serving more than just federal
9 law, so there's more to it than that.

10 I'm not interpreting this particularly
11 from a legal perspective, so my comments are more what is
12 the experience, the international experience thus far and
13 the literature and the explorations.

14 They are crucial in these kinds of
15 matters, and for that it is as I suggested with the
16 balancing question, it is crucial for sustainability that we
17 attempt to have positives on all fronts.

18 That means that for long-term lasting
19 benefits, you don't want to have significant adverse
20 effects.

21 Which affects are most significant also
22 are affected by a sustainability interpretation. In other
23 words, there are sustainability implications for how you
24 define significance. A lasting effect is more worrisome
25 than a short-term one for instance.

1 And in particular places we may have
2 different interpretations, so we're worried about the
3 deepening gap between rich and poor. That may be a more
4 desperate concern in one place than another.

5 So the framework for sustainability
6 issues is also a framework for considering the question of
7 significance. They overlap in that way.

8 But basically, yes, you do have to
9 address both of them, regardless of the federal legal
10 imperatives.

11 I think they would just be supporting
12 from my perspective, but then I'm not a lawyer.

13 THE CHAIRPERSON: If I understood Dr.
14 Doelle correctly, he was saying, I think, that federal
15 legislation says you should do both, but one had been
16 neglected quite a bit.

17 The emphasis had been more or less
18 directed towards significant adverse environmental effects,
19 and he was suggesting I think that more and more, the
20 sustainability component of it was rising in importance and
21 then becoming co-equal as opposed to major and minor.

22 Dr. ROBERT GIBSON: That's my
23 understanding of the history, yes.

24 THE CHAIRPERSON: Could you tell me what
25 your practical advice would be? If I understood you again,

1 what you're saying is that the Project is going forward, and
2 sustainability is hard to develop...

3 It's hard to develop sustainability in
4 an extractive process such as this one. But the process
5 itself, that is the Project itself, has at its disposal
6 resources or can engender resources, and that somehow or
7 another, as the Project unfolds, it should be looking down
8 the road at contributing to sustainability.

9 Even though it won't happen in this
10 Project, it can happen in other ways. Is that what you
11 are...

12 And the second part of that question is
13 if that's in fact more or less correct, then how does a
14 Panel such as this carry out such an action as you're
15 suggesting?

16 Mr. ROBERT GIBSON: There's probably not
17 a really good short answer to that question, but there are
18 as I've suggested generic things to focus upon for
19 determining what are the lasting benefits that are needed,
20 okay?

21 It's possible to specify the key
22 priorities for those in a particular context. I can't do
23 that for Digby Neck and the area, you probably can at this
24 stage, or soon will be able to.

25 So I think it's possible to specify what

1 is required. Then the question is what is before you as a
2 proposal? What terms and conditions can be attached if
3 there is to be an approval to improve that or to assure
4 components of that? Or if that's not satisfactory, the
5 thing should be turned down.

6 So the terms and conditions question or
7 the details of the options can be spelled out. Some of
8 these things, as I have suggested, are not addressed very
9 satisfactorily in the Environmental Impact Statement. Maybe
10 they're not part of the proposal as it stands.

11 Some of them stand beyond what a
12 Proponent itself can do, so these would be recommendations
13 to various authorities, people who receive the revenues,
14 people who are in a position to impose other conditions, you
15 know?

16 And I don't know the details of what is
17 possible under Nova Scotia law for example, or what capacity
18 is available in the institutions that would be administering
19 that, but the judgement is...

20 For example, what will be the lasting
21 contributions to positive livelihoods in this area, beyond
22 the life of this undertaking? Well, some of that depends on
23 whether there's going to be more quarries or not.

24 But leaving that aside for the moment,
25 while at the moment it looks like there are none, unless I

1 read things wrong, in which case I apologize in advance, but
2 the jobs will end at the end of the quarry's life, and so
3 what happens to those people or what happens to that
4 component of the economy?

5 Well, it's clearly not being sustained,
6 but what can be done to do something about that? Well,
7 maybe before the end of the hearings you will hear a variety
8 of commitments or proposals about what those are, or you
9 won't.

10 If you don't, then you can say: "There's
11 not going to be lasting benefits." If you do, then the
12 question is how would be they be assured?

13 It's probably not your job to make up
14 what needs to be done there, but it's certainly your job to
15 see what is before you of that kind, and I guess my
16 essential argument here is that you need to be looking for
17 evidence that there are reliable promises, commitments,
18 plans for doing things that will leave a longer positive
19 legacy.

20 Some of that could be infrastructure,
21 some of it could be learning, some of it could be skills
22 development, some of it could be... I don't know. Building
23 the quarry into a Butchart Gardens. There's a host of
24 possibilities.

25 THE CHAIRPERSON: That's clear, thank

1 you.

2 Dr. GUNTER MUECKE: Perhaps you could
3 help me on this.

4 My understanding is there has been a
5 round table of the Canadian Mining Industry Academics and
6 legislators regarding providing the mining industry in
7 particular these guidelines on how to incorporate
8 sustainability criteria into the EIS.

9 I think you were to some degree involved
10 in that, and my first question is what is the status of that
11 report, and my second question would be do you see evidence
12 in the current EIS for Whites Point that these guidelines
13 were used in the current proposal?

14 Mr. ROBERT GIBSON: I don't know what
15 official status those have... What you're talking about I
16 think is the "Seven questions to sustainability" document
17 that was put together by Tony Hodge.

18 That was part of an international... It
19 wasn't just a Canadian initiative, that was from the North
20 American Round Table for Global Initiative, funded by the
21 major metal-mining corporations.

22 It has been applied in a variety of
23 cases in Canada and elsewhere.

24 I don't know if it has official status
25 as adopted by mining associations, et cetera. I don't

1 believe it has been officially promoted by authorities. If
2 so, I haven't heard that.

3 The approach was originally designed for
4 application in the [inaudible] case, and in another one, in
5 the Stehekin, and I think multiple possible projects in the
6 Stehekin area.

7 So I know it has been applied. Whether
8 it is required, I don't know, and I didn't notice
9 application of that in the EIS, but I wasn't looking
10 particularly for those words.

11 Dr. JILL GRANT: Can I just follow up on
12 Dr. Fournier's question about the lasting effects and...
13 You talked about bridging to sustainable futures.

14 In this particular case, as you said the
15 Project ends at some finite point in time. It's a resource
16 that is not taxed, there's no royalty on it, and it's in a
17 vertical supply chain within a set of companies, so the
18 major revenues coming in from it would be income taxes and
19 whatever multiplier effect.

20 So in the context of that, what
21 opportunities do you see that there are for bridging to this
22 capacity building for sustainable futures? Are there any
23 that would be implicit in it or is there a potential for
24 some that could be tied to it?

25 Given that the Proponent is also

1 predicting that this is not likely to lead to additional
2 quarry projects of this sort.

3 Dr. ROBERT GIBSON: Well as I say, I did
4 see a discussion of what those possibilities are. I don't
5 know what is possible under the legal authority in place or
6 that could be instituted, so I don't know if a royalty
7 regime could be instituted at this time, whether it would be
8 done, whether you could rely upon that happening, but there
9 would be questions surrounding that.

10 In the other cases where this has been
11 applied, I'm thinking for example of Voisey's Bay. There is
12 significant revenue flow there, through impact and benefit
13 agreements to the Aboriginal communities and the
14 neighbourhood, which had an important effect on
15 acceptability in their eyes.

16 My understanding at least is that that
17 acceptability turned on their expectation that they would be
18 able to use those benefits to build on the side, if you
19 wish, lasting opportunities.

20 How confident anyone can be about
21 whether that will happen adequately or not is of course open
22 to question, but that I think was the basis for some
23 confidence there, and that's just... That's one component.

24 There's also revenue flows and there's
25 infrastructure and there's... A big component of that was

1 associated with training and being able to use skills for
2 subsequent activities, which I suppose would be at least
3 potentially available in any such undertaking.

4 Whether the training is necessarily
5 suitable for what might follow, that's been an issue all
6 across Canada, but certainly here, so you know, there's
7 not...

8 That's again one of these areas where
9 the specifics matter, and the details matter and the
10 capacity and commitment and motivations matter.

11 The key thing is that none of this is
12 automatic.

13 THE CHAIRPERSON: Mr. Buxton?

14 **PRESENTATION BY THE PARTNERSHIP - Dr. ROBERT GIBSON -**
15 **QUESTIONS FROM THE PROPONENT**

16 Mr. PAUL BUXTON: I don't have any
17 questions Mr. Chair, but I'm just looking at the list for
18 clarification for our purposes, I'm not clear who Mr. Gibson
19 is representing or whether he's representing himself.

20 The previous speaker is listed under
21 Partnership, and the subsequent speaker is listed under
22 Partnership, and I'm just wondering whether Mr. Gibson is
23 representing the Partnership?

24 Mr. ROBERT GIBSON: I think the short
25 answer is yes. I submitted independently to the Panel, but

1 the Panel has... Or the Partnership got intervener funding
2 to bring in certain people and invited me.

3 I'd be saying the same thing if you
4 invited me, but nonetheless, I am officially representing
5 the Partnership, or at least I am supported through their
6 intervener funding.

7 Mr. PAUL BUXTON: Thank you very much Mr.
8 Chair.

9 **PRESENTATION BY THE PARTNERSHIP - Dr. ROBERT GIBSON -**
10 **QUESTIONS FROM THE PUBLIC**

11 THE CHAIRPERSON: Questions? Okay. Mr.
12 Ackerman?

13 Mr. JERRY ACKERMAN: Yes, thank you.
14 Jerry Ackerman.

15 When you were focussing on the
16 sustainability issues, that is the likelihood of community
17 bridging, community building, do you take into account the
18 experience and record of the institution, which is the
19 Proponent or the co-Proponents of the endeavour?

20 I'll give you an example that would
21 pertain to the MacKenzie Valley. It is a company that is
22 the largest oil company in the world, the same as Exxon, and
23 it made \$50 billion last year.

24 It was responsible, held responsible by
25 the courts for the Valdez incident, and it was fined \$5

1 billion.

2 It was a long time ago, and they have
3 yet to pay the \$5 billion in full, and they are the major
4 Proponent, along with Shell, for the development that will
5 require the natural gas coming down the MacKenzie Valley.

6 Do you take that kind of thing into
7 account when you're doing such studies, and should we be
8 taking it into account in terms of the Proponent and the
9 Proponents behind the Proponent here for removing our North
10 Mountain?

11 Dr. ROBERT GIBSON: I think in the
12 document that I gave you, that I gave the Panel, the
13 discussion of capacity was a little longer and it included
14 both capacity and motivation as key factors.

15 The issue is whether the commitments
16 will be made, and those that are made will be kept and
17 whether the terms and conditions will be followed.

18 That applies to all manner of proponents
19 and all matter of government agencies and other players in
20 this, and certainly their record of capacity and inclination
21 is relevant.

22 So the short answer to your question is
23 yes, and the long answer is that it applies very broadly to
24 all manner of players, and the Panel has quite reasonably
25 suggested an interest in monitoring, suggesting an awareness

1 that one of the things that we have done very badly in
2 environmental assessments almost everywhere in the world
3 today is to assure adequate monitoring, to see that the
4 conditions are enforced and that predictions are accurate
5 and that adjustments are made when we find what those are,
6 you know?

7 So monitoring is also a key element of
8 the package that you are suggesting.

9 THE CHAIRPERSON: Mr. Marcocchio?

10 Mr. BRUNO MARCOCCCHIO: Thank you Mr.
11 Chair.

12 Mr. Gibson, I'm going to read you three
13 of the principles from a document that I'll put on the
14 public record called:

15 "The framework for responsible mining:
16 A guide to evolving standards -
17 environmental impact analysis."

18 And under the section on Environmental
19 Impact Statements, I'll read you several of the principles
20 that they outline.

21 The first one is:

22 "Companies should collect adequate
23 baseline data during the EIS process."

24 The second one is:

25 "Environmental costs, including those

1 associated with regulatory oversight,
2 reclamation, closure and post-closure
3 monitoring and maintenance should be
4 included in the Environmental Impact
5 Statement."

6 And finally:

7 "Environmental assessments should
8 include worst-case scenarios and
9 analyses of off-site impacts. Companies
10 should work with potentially affected
11 communities to identify potential worst-
12 case emergency scenarios and to develop
13 appropriate response strategies."

14 I'd like to ask you a theoretical
15 question. If these conditions were not met in an
16 Environmental Impact Statement, do you think it's possible
17 to adequately assess the sustainability of a proposal?

18 Dr. ROBERT GIBSON: The sustainability
19 effects, well, it would make it a good deal more difficult.

20 I don't think we can do a perfect assessment in any event.

21 The points that you raise there are reasonably standard
22 requirements of assessments applied to any sector, and the
23 priority given to those components over piles of other ones
24 which are also crucial can vary.

25 I guess it depends, for instance, on how

1 severe a worst-case scenario may be, and how much of a
2 priority that is. If we're dealing with a nuclear power
3 plant, for example, it might be a good deal more of a
4 concern than for some other case.

5 So there may be different priorities on
6 that, but the short answer is those are fairly standard key
7 components of best practice environmental assessment in any
8 sector.

9 Mr. BRUNO MARCOCCHIO: Just a follow-up
10 question. In biological terms, would you consider an area
11 of the highest biological productivity and diversity to be
12 as serious as the nuclear scenario you outlined with the
13 respect to the ecosystem?

14 Dr. ROBERT GIBSON: I'm not sure how it
15 would go about comparing that. The worst-case nuclear
16 scenario would be pretty well bad for any ecosystem, no
17 matter how desperately endangered it was. It would be
18 immediately fairly eliminated.

19 So I'm not sure we're comparing equals
20 here, but certainly in conventional practice, conventional
21 best practice, the significance of ecosystems not just in
22 questions of how rare they are but also in questions of how
23 valuable the ecological or ecosystem services are that they
24 deliver, is a key component of even basic assessments of
25 potential significance of effects. So those would be

1 crucial in most assessments, I would imagine.

2 Mr. BRUNO MARCOCCHIO: Thank you, Mr.
3 Chair.

4 THE CHAIRPERSON: Next question, please?

5 Ms. JUDY KENNEDY: Mr. Chair, my name is
6 Judy Kennedy, and I live in Granville Ferry, under North
7 Mountain.

8 Mr. Gibson, in your design for a
9 framework for sustainability, your focus has been on the
10 effects, positive and negative, of the operation, the
11 construction and operation and remediation process of the
12 project itself.

13 Has any consideration been given to the
14 positive and negative effects of the use of the product? In
15 other words, if you're producing widgets for solar panels,
16 or oil which produced greenhouse gasses, or concrete which
17 will be used to build highways in the US of A?

18 Dr. ROBERT GIBSON: Yes, and that's a
19 good point that I should've raised. Thank you for
20 correcting me.

21 One of the components that I didn't
22 address that's in the set of requirements, the generic
23 requirements for moving towards sustainability, is much
24 greater efficiency in their use of resources, and
25 protection of the base upon which resources are extracted

1 and used.

2 Part of that is associated with an
3 increasing practice in environmental assessment, broadly
4 defined, and associated planning and so forth, exercises, to
5 do life cycle assessment of what is going on with the
6 product, if it is, maybe even services, that is being
7 examined.

8 And so the overall life cycle effect is
9 part of the evaluation, as are induced effects, as are the
10 secondary effects of employment generating things. So
11 there's positive and negative aspects of this.

12 And this has been raised in previous
13 cases. It was raised in the Voisey's Bay question about
14 putting more nickel on the market, what does that displace
15 and what does it improve, and if that's a more efficient way
16 of producing nickel with less emissions and so forth; does
17 it displace more contaminating emissions from somewhere
18 else, from some other product, or just add to the pile of
19 nickel that is in the world.

20 So those kinds of issues do arise. They
21 arise in the MacKenzie case about what is the destination of
22 the gas, and it rises is the other end of where's the source
23 of the gas beyond the three anchor fields that are now being
24 examined. How well the Panel will be able to address those
25 things, of course, is always a challenge, but it is within

1 the ambit of a comprehensive analysis of whether there'll be
2 positive sustainability effects from this undertaking or
3 not.

4 So yes, those are relevant factors.
5 They are difficult factors, often. It's difficult to know,
6 in the absence of this project, what will happen that will
7 be different against what you're comparing.

8 But that doesn't mean it's irrelevant.
9 It's difficult, but it's not irrelevant.

10 THE CHAIRPERSON: Additional questions?
11 If not, thank you, Dr. Gibson.

12 The next presentation is by David
13 VanderZwaag.

14 **PRESENTATION BY THE PARTNERSHIP - Dr. DAVID VANDERZWAAG**

15 Dr. DAVID VANDERZWAAG: Thank you. I'd
16 like to start with the name, first.

17 THE CHAIRPERSON: Yes, your name, and
18 spell it, please.

19 Dr. DAVID VANDERZWAAG: It's a long name.
20 You must have a long pen. David VanderZwaag, that's V-a-n-
21 d-e-r-z-w-a-a-g, and I'm professor of law at Dalhousie Law
22 School, Marine and Environmental Law Institute, and Canada
23 Research Chair, the Ocean Law and Governance.

24 I can have my speaking notes typed up in
25 the next few days and perhaps submit them, and then my name

1 will be very clear for everyone.

2 I'd like to start my presentation with
3 an observation. I did take considerable time to read most
4 of the EIS, and I did look at your EIS Guidelines to the
5 Proponent, and it seems to me there is a major potential or
6 maybe actual disconnect on the views of the Panel and on the
7 Proponent over application of the precautionary principle,
8 sometimes called precautionary approach.

9 The Proponent, again and again, uses a
10 term "adaptive management". I didn't count how many times,
11 but many, many times, and in many cases seemed to equate the
12 precautionary approach with the adaptive approach.

13 And it seems to me if you... I was
14 never really quite clear what adaptive, and I think you
15 maybe had some dialogue on that already, I wasn't here, but
16 it seemed to be an idea of learn by doing, close monitoring,
17 if you find some adverse effects, you take prompt response.

18 A number of fundamental notions that went with that.

19 But then look at the Panel's EIS
20 Guidelines. It took a very strong reverse onus of proof
21 approach, and I quote:

22 "The onus of proof shall lie with the
23 Proponent to show that a proposed action
24 will not lead to serious, irreversible
25 environmental damage, especially in

1 respect to overall environmental
2 function and integrity, and considering
3 system tolerance and resilience."

4 I don't think you can get a clearer
5 statement of the reverse burden of proof approach of the
6 Panel.

7 My comments, very brief as they will be,
8 I want to make two points. First, I want to speak to why I
9 think the Panel is correct and has taken a reverse onus of
10 proof approach. There is strong support. At least four
11 foundations I want to just highlight, and it may assist the
12 Panel.

13 National legislation and guidelines.
14 One foundation; second foundation is international
15 guidelines and documents that support a reverse onus of
16 proof; case law confirmation, including the recent Canadian
17 case which I'll put into the record; and then academic
18 endorsement. There's quite a few academics out there,
19 leading scholars, who say, "You're right. You've got it
20 right".

21 I want to end with another point, and
22 it's a question really to the Proponent, and I guess it
23 could be the Panel to the Proponent. I leave that open.
24 But it's a fundamental question I'm left with after reading
25 their EIS.

1 Okay. The four, firm, I would say
2 supportive foundations, you might say, for a reverse onus of
3 proof as a form of precaution. First of all, national
4 legislation and guidelines, and I guess I probably don't
5 even have to say this; you've probably seen it already.

6 But just to re-emphasize, we do have a
7 Canadian Environmental Assessment Act, which is one of the
8 leading acts that you're supposed to operate under, and very
9 clear in 2003 you had the Section 4(1)(a) amendment making
10 the precautionary approach basically part of Canadian law.
11 It's a purpose of the whole act. A purpose of why you're
12 here, in fact, is to make precautionary decisions. That's
13 fundamental.

14 And the reason it supports a reverse
15 onus is one of the major ways the act just makes sure,
16 ensures that such projects do not cause significant adverse
17 environmental effects. Ensure. Make sure. And what law
18 tells you is the way to make sure that projects don't have
19 adverse environmental effects, you put the burden on the
20 Proponent to show that there will not be significant harm,
21 and they must meet all the key uncertainties there, in the
22 science.

23 There's also guidelines on environmental
24 assessment for wildlife risk in Canada, issued by Canadian
25 Wildlife Service of Environment Canada right around the time

1 that SARA, the Species at Risk Act, was coming into force,
2 and again, they set up a guide, and very clearly in that
3 guide they have guideline 10, which says when you have a
4 species at risk, like the Atlantic salmon, the inner Bay of
5 Fundy salmon populations, the Northern Right Whale, there
6 could be other listed species under provincial legislation.

7 It's a long list of what could be considered applicable.

8 This guideline 10, it says the burden
9 should be on Proponents to show there will not be
10 significant impacts on the species at risk.

11 The second foundation, international
12 guidelines and documents relating to precaution. Very
13 recently, a matter of weeks ago, the world conservation
14 union issued guidelines for applying the precautionary
15 principle bio-diversity, conservation, and natural resource
16 management.

17 I will put a copy into the record, if
18 that's okay, and I will follow up with the web page where
19 you can find these guidelines. They were adopted by the
20 67th meeting of the IUCN Council in May 2007, and the
21 Council approved these guidelines as a document.

22 There were created, essentially, by
23 leading environmental lawyers of the world, and the World
24 Conservation Union is one of the world's leading kind of
25 hybrid organizations that many Governments, departments, I

1 think it's around a thousand NGOs. It's a big organization.

2 And you had leading environmental
3 lawyers sit down and say, "We seem to have some confusion.
4 Let's try to straighten it out with some additional
5 guidelines."

6 I quote guideline eight:

7 "In general, those who propose and/or
8 derive benefits from an activity which
9 raises threats of serious irreversible
10 harm shall bear the responsibility of
11 costs of providing evidence that these
12 activities area, in fact, safe."

13 And guideline 12 goes on to talk of a
14 situation where you may have threatened, endangered,
15 vulnerable environments, and they say, very explicitly, that
16 adaptive approach should not apply. It should be the
17 reverse onus of proof, particularly when you have
18 endangered, threatened species.

19 Let me add a few other, I think,
20 documents that are out there internationally. Canada,
21 probably most people don't know this, we're a party to the
22 Convention for the Conservation of Salmon in the North
23 Atlantic Ocean, going back to 1980s. They set up an
24 organization called NASCO, the North Atlantic Salmon
25 Conservation Organization, which Canada is a party to, and

1 they've issued a number of documents over the years on
2 precaution.

3 One of them is the Williamsburg
4 Resolution, and I won't go into detail, because it deals
5 with aquiculture, and we're not dealing with aquiculture
6 here. They talk about a reverse onus on those who want to
7 farm salmon, for example, to bear the burden of proof, to
8 show there will not be significant adverse effects on the
9 wild salmon stocks.

10 More importantly, in 2001 NASCO adopted
11 a plan of action for the application of precautionary
12 approach to protection and restoration of Atlantic Salmon
13 Habitat. That is very relevant, because what it says in
14 that document to which Canada has endorsed that document,
15 although it's not a binding document, it's a kind of moral
16 guidance, if you will, it says that Proponents of activities
17 that may threaten habitat of salmon, well, salmon should
18 bear the burden of proof. So it's a reverse onus of proof
19 in that plan of action.

20 Very quickly, my third suggestion of a
21 foundation for supporting the Panel's burden of proof
22 reversal is case law confirmation. There are various cases
23 around the world, you're probably looking at over a hundred
24 cases now, at least, that come down around the world,
25 including India, Australia, many countries, and it can be

1 quite confusing sorting out what Judges have said, for
2 example, or Tribunals have said. But you will find a
3 considerable number of cases that actually have said that in
4 cases of projects that raise significant, serious effects,
5 maybe irreversible effects, then the reverse onus of proof
6 should apply.

7 And I want to just refer to a recent
8 Canadian case, and again, I'll maybe put a case into the
9 record, here. It's named **Dawber**, D-a-w-b-e-r, versus
10 **Ontario Director of Ministry of the Environment**, just handed
11 down on April 4, 2007, very recently.

12 In that case, you had a cement plant
13 that wanted to burn tires as part of its fuel, and the
14 Ontario Ministry of the Environment was prepared to give
15 approval to it. Citizens were not pleased. They brought a
16 challenge before the Ontario Review Tribunal, and one of the
17 main arguments was over precaution; that (a), the Proponent
18 has not shown enough evidence, scientific proof, that there
19 will not be serious harm when you burn the tires, and
20 secondly, the Government really has not had appropriate
21 regulatory experience to deal with this kind of project.

22 And the Tribunal member giving the
23 decision articulated a strong precautionary approach placing
24 the onus of proof, that it should basically, the onus to
25 establish the absence of environmental harm should be upon

1 the source of risk.

2 So it was a clear reverse onus of proof.

3 And I'll put that case in the record.

4 My final point, 'cause I do want to
5 leave time for questions and discussion, is that there is
6 substantial academic endorsement of a reverse onus approach,
7 and I just cite one leading article from the Ocean Yearbook,
8 Volume 19, 2005, entitled "Roles for a Precautionary
9 Approach in Marine Resources Management".

10 So it's particularly targeted at the
11 oceans. It wasn't just looking at trees and other things.
12 It's particularly targeted at the oceans.

13 And there the authors urged a reverse
14 onus of proof, in light of the precautionary approach, and
15 it basically, let me just quote what the author said:

16 "The Proponent of a marine activity
17 ought to have the burden of proving that
18 the activity does not pose significant
19 threats to the marine environment, and
20 as such, the precautionary approach
21 entails reversal of the burden of proof.
22 Reversing the burden of proof requires
23 shifting the burden from those who seek
24 to regulate an activity to those who
25 propose it would benefit from the

1 activity."

2 And then the authors go on to give you
3 reasons why this makes sense; why, what are the rationales
4 for precautionary, strong precautionary approach of reverse
5 onus of proof. And I won't go into all of those, but a few
6 of them, examples would be, for example, that it does force
7 the Proponent to really deal with the scientific
8 uncertainties, the inadequacies, try to get that information
9 out there, and it also forces Proponents to look for
10 innovative and less harmful alternatives through proposed
11 activities, in many cases.

12 So it has a number of elements that go
13 around with precaution.

14 Let me end with one other point.
15 Actually, I had... Well, let me first put the question to
16 the Proponent, and then I want to come up with one other
17 point, if I can add one other thing. I said I was going to
18 do two. I want to do three.

19 The question to the Proponent is this.
20 On what grounds has the Proponent justified adoption of
21 adaptive management approach? Very simple question. On
22 what grounds has the Proponent justified adoption of the
23 adaptive management approach.

24 I'll read it a third time. On what
25 grounds has the Proponent justified adoption of adaptive

1 management approach?

2 The idea to adaptive management approach
3 is it basically is synonymous or means a precautionary
4 approach repeatedly occurs, it seems to me, in the
5 Environmental Impact Statement. However, I have not seen,
6 and maybe I missed it, and I'd be glad to be corrected,
7 where the Proponent seems to have offered a law or policy
8 grounds. What's the law and policy grounds on which they
9 base that equivalency or that kind of, you know, they kind
10 of go on the same page.

11 And I'd just like to have a response to
12 that kind of question.

13 THE CHAIRPERSON: The Proponent will get
14 his opportunity in just a moment.

15 Dr. DAVID VANDERZWAAG: Can I go on my
16 last... No, I just wanted to actually add one other point.
17 I said two. I'm going to add three. I also want to put
18 into the record, I think some guidelines, international
19 guidelines that are very important to this Panel, and they
20 seem to have been almost lost.

21 I mean, not many people seem to be aware
22 of them, but there is a long title, maybe that's why people
23 get scared off. But it's a long title. And they're
24 basically guidelines for the conduct of cultural,
25 environmental, and social impact assessment, regarding

1 developments proposed to take place on or which are likely
2 to impact on sacred sites and on lands, and I emphasize and
3 waters, traditionally occupied or used by indigenous, and
4 then and local communities.

5 These were adopted in 2004, under
6 Decision 7/16, under the Convention on Biologic Diversity,
7 to which Canada is a party. They're meant to voluntary,
8 again moral guidance, and again, I think it's worth taking a
9 look through these, because I think what it shows is a
10 tremendous paradigm shift that is occurring not just in
11 Canada but around the globe to move away from very narrow
12 assessment, focussing just on the environmental effects, to
13 look at the cultural and social dimensions, which again, I
14 know the Panel has been trying to address.

15 And this endorses that approach, and
16 they're saying, really, today it has to be integrated;
17 social, environment, and culture, and including economic
18 dimensions, as well.

19 And I guess what I just want to
20 emphasize is what the guidelines are calling for is very
21 serious weighing of social concerns, community concerns,
22 those who have traditional livelihoods, the kind of things I
23 think you've been hearing here. Not only; there have been
24 other voices as well.

25 But these guidelines are saying you must

1 take it seriously. These are international guidelines.

2 Thank you.

3 **PRESENTATION BY THE PARTNERSHIP - Dr. DAVID VANDERZWAAG -**
4 **QUESTIONS FROM THE PANEL**

5 Dr. JILL GRANT: Thank you, Dr.
6 VanderZwaag.

7 The guidelines that you just mentioned,
8 are you able to provide us with copies of that for the
9 record, as well? Thank you.

10 I wonder if you could elaborate on onus
11 of proof. What does it take for a proponent to prove that
12 there's not an effect? Is there any kind of standard in law
13 when these Tribunals deal with cases on this? What is the
14 standard that we would expect a Proponent to have to meet to
15 have demonstrated that there's not negative effects?

16 Dr. DAVID VANDERZWAAG: That question is
17 very difficult, and it can be very complicated, is one way
18 to first respond.

19 There seem to be, sometimes, uncertainty
20 over what a standard is. I notice, for example, when you
21 use the reverse onus you talk about when there's a threat of
22 serious irreversible harm. You find sometimes a talk about
23 a significant harm.

24 So one of the problem is you sometimes
25 get into definition of really what is the standard that has

1 to be met. You know, you have to show by some kind of
2 certainty that you're not going to have the significant
3 effect. Is a significant effect serious, or irreversible
4 effect? I've written myself on this very issue, and I
5 suggest there can be other things. No reasonable medical
6 concern. No reasonable ecological concern. If you had a
7 group of lawyers, you could probably come up with a hundred
8 different definitions.

9 My simple advice on that very difficult
10 question is you should always go back to your legislation,
11 to your directions given in guidelines, et cetera, and very
12 clearly in the **Canadian Environmental Assessment Act** they're
13 talking about a sense of, you know, having to show that
14 there's not going to be significant adverse effects.
15 Significant adverse effects.

16 Now, there's another standard issue that
17 comes up. It's also, you know, does a Proponent have to
18 show beyond a reasonable doubt, have to show by clear and
19 convincing evidence, is it a balance of probabilities?
20 That's kind of another kind of standard question that never
21 comes out enough, maybe, and that's another issue, and I
22 won't...

23 I can address it if you want me to but,
24 you know, in criminal law, we use a reasonable doubt. In
25 most other situations we use something less, particularly

1 when we have people suing each other in society. It tends
2 to be a balance of probabilities.

3 THE CHAIRPERSON: Throughout the EIS, the
4 Proponent uses adaptive management as a tool to ameliorate
5 the situation, and in answer to your earlier question, it's
6 used 140 times. And it's almost invariably linked to the
7 precautionary principle, or repeatedly linked to the
8 precautionary principle.

9 In your view, that's an inappropriate
10 connection between those two? Certainly I know you already
11 answered that question at the upper end, for species which
12 are threatened or verging on extinction, but what about the
13 general run-of-mill practice?

14 Dr. DAVID VANDERZWAAG: Yeah. I would
15 say on that one that we're still in a hazy era
16 internationally, and even nationally, on the role of
17 adaptive approach as it relates to precautionary approach.

18 I would say that, you know, it's still
19 one of these kind of ill-defined relationships. Exactly how
20 do they relate? I think there are probably some people out
21 there and some certainly academics I think would go on
22 record probably saying that they're separate; precautions
23 over here and the adaptive approaches over here. They're
24 not on the same page.

25 I think you can find some discussion now

1 that adaptive approach might be considered a weak form of
2 precaution; a weak form of precaution. It doesn't take the
3 strong reverse onus, and again, maybe it has very limited
4 application, if you're going to go down that track, when it
5 could be applied and it would be, for example, certainly
6 when you don't have an endangered, threatened specie, or a
7 vulnerable ecosystem, as the IUCN is suggesting.

8 So exactly when it clicks in, I think
9 there's still some uncertainty there.

10 THE CHAIRPERSON: Thank you.

11 Dr. GUNTER MUECKE: Dr. VanderZwaag, what
12 role does formal risk assessment have in the precautionary
13 approach?

14 Dr. DAVID VANDERZWAAG: That's a good
15 question. It's been a big debate internationally, I think,
16 about this whole question of where precaution comes in.
17 Does it apply, for example, to risk assessment, does it
18 apply, as well, to risk management, and I think you've had a
19 big debate going internationally about this, over
20 precaution.

21 You can get a lot of confusion going on
22 over these kind of discussions. I guess my response would
23 be to say that if you look at the guidelines created by the
24 Federal Government to guide EI Panels - actually, really to
25 the responsible authority, I should make that distinction.

1 They have these guidelines, of course you've probably seen
2 them, under the **Canadian Environmental Assessment Act**, going
3 back 1994, in terms of the whole question of how you deal
4 with the questions of... A reference guide for **Canadian**
5 **Environmental Assessment Act**, determining whether a project
6 will likely cause significant adverse environmental effects.

7 If you go back to that document, if I
8 recall what they do there, they do say, "Well, one approach
9 to this question of what is significant adverse effect, you
10 take a very quantifiable risk assessment approach." That's
11 one approach.

12 For example, you know, it's not been
13 uncommon for some countries to say, "Well, what's an
14 acceptable cancer risk? One in a million? One in ten
15 million?" I must say, ethically, I hate that approach, and
16 I reject that approach, because to read these guidelines, we
17 say, you know, we're in a new era, here. It's no longer
18 just a question of technical risk assessment. There are
19 ethical dimensions going on here, and that surrounds
20 precaution, as well.

21 So it's not just a legal principle
22 anymore. It's become as much an ethical principle.

23 And there's a lot of people finding risk
24 assessment very offensive, because it tries to narrow things
25 down to expert risk. There is citizen risk. There is

1 social risk. There's perceptive risk. They will vary
2 across society.

3 And so that, I think, is a very simple
4 answer to your question. There are bigger questions, as
5 well. Magnitude, geographical, duration, all these issues
6 are another part of the whole question of significance. And
7 what's being impacted? Is it a vulnerable system, a fragile
8 system, a threatened species, so it's a wide menu.

9 But technical risk assessment can come
10 in as one way of approaching it.

11 Dr. GUNTER MUECKE: Thank you.

12 THE CHAIRPERSON: Mr. Buxton.

13 **PRESENTATION BY THE PARTNERSHIP - Dr. DAVID VANDERZWAAG -**
14 **QUESTIONS FROM THE PROPONENT**

15 Mr. PAUL BUXTON: Mr. Chair, thank you.

16 With respect to the specific question on
17 adaptive management, what I would say was that the Panel
18 raised this issue very specifically on an earlier day. We
19 debated it, and answered questions, experts were here.

20 And I will refer the Intervener to the
21 record on our position with respect to adaptive management.

22 With respect to other issues, I might
23 say that we have not seen any of this presentation at all,
24 or any of the documents which apparently are being
25 submitted. So really, I can neither comment nor generate

1 questions.

2 THE CHAIRPERSON: Thank you, Mr. Buxton.
3 Questions from the floor?

4 **PRESENTATION BY Dr. DAVID VANDERZWAAG - QUESTIONS FROM THE**
5 **PUBLIC**

6 Ms. JUDY KENNEDY: I'm Judy Kennedy,
7 again.

8 Professor VanderZwaag, in your 2002
9 paper on precautionary principle, you spoke about a
10 society's standard of protection against risk. That's not
11 going to be my question, but I just wanted to mention that,
12 as you were dealing with it.

13 My question relates to a reference in
14 that paper to the report of the Joint Review Panel dealing
15 with the George's Bank moratorium, and when I read the
16 comments and conclusion leading to very strong
17 recommendation in that report, which essentially recommended
18 that the moratorium be continued as it has been, and for the
19 preservation of the fishery and its habitat primarily, those
20 two reasons trump everything else.

21 That was in 1999, and I think that the
22 situation of the fisheries, every bit as critical in 2007 as
23 it was in 1999.

24 Oh, and then also the George's Bank area
25 under consideration in that report included all of the Bay

1 of Fundy, the land-affected mass included all of Digby Neck
2 and a good chunk of west Nova Scotia.

3 So my question to you, Professor
4 VanderZwaag, is from your extensive experience as a member
5 of various panels, tribunals, or appearing before them, how
6 persuasive and compelling are the findings of one
7 environmental panel on another subsequent one?

8 Dr. DAVID VANDERZWAAG: That question
9 might be better put to the Panel. There is certainly no
10 official precedent, if we call that in law that, when we
11 have in Court systems, that lower Courts will usually follow
12 lower Courts, and if Supreme Court of Canada does put down
13 precedent you'd better follow it or you're in trouble, put
14 it that way.

15 I don't think you have the same system
16 in EIA Panel reports.

17 However, again, I think that you can go
18 back to various Panels, of course, and I have published a
19 number of chapters, one as recent as this past year, towards
20 principled ocean governance, published by Rutledge Press, it
21 has a chapter on Canadian environmental assessment law in
22 relation to precaution, and I go over quite a few of the
23 cases that panels have ruled or on dealt with the
24 precautionary approach.

25 On the George's Bank question, I don't

1 have the report right before me, but I would say what
2 happened there with that Panel, they clearly did, you might
3 say tangentially touch on it, and they seem to follow it
4 with maybe not being real express and explicit, but their
5 languages they use in there, for example when they talked
6 about seismic testing on the scientific uncertainty, they
7 said we must be cautious, they in the end said we must give
8 priority to renewable resources that are at risk here.

9 So again, that's a notion that goes
10 along with precaution, and they made reference to citizen
11 interventions, many of them were arguing reverse onus
12 approach, and they had language there that said we are going
13 to kind of come down to our conclusion to propose that a
14 moratorium continue on George's Bank, and to not open up to
15 oil and gas, based on some of these interventions.

16 So it's more implicit, except as a
17 precaution, than explicit.

18 THE CHAIRPERSON: Mr. Dittrick and then
19 Ms. Little.

20 Mr. MARK DITTRICK: Yeah, Mark Dittrick,
21 Sierra Club of Canada.

22 In my comments on the adequacy of
23 Bilcon's EIS, which can be found in document 1637, I quoted
24 the Canadian Wildlife Services Guidelines that you mention,
25 and specifically with respect to the application of adaptive

1 management, and I found no reference to that document at all
2 within the entire EIS, and also no evidence that it was
3 applied.

4 Mr. Wittkugel previously has mentioned
5 that he's aware of them, and I don't know if he said that
6 they were applied during this EIS.

7 But my question you may have, to some
8 degree, answered already, and I'd like to just simply get a
9 little clarification on it.

10 Is it standard practice today, or for
11 how long and maybe there is some specific references
12 besides, I think you mentioned Voisey's Bay, have these
13 guidelines been used, are they generally, you know,
14 typically used today, is not using them considered unusual,
15 as in the case of this assessment?

16 Dr. DAVID VANDERZWAAG: You're talking
17 specifically about the Canadian Wildlife Service Guidelines?

18 Mr. MARK DITTRICK: The guidelines, yeah.

19 Dr. DAVID VANDERZWAAG: Right. Yeah, I
20 haven't taken a detailed look to see where they may have
21 been applied. Certainly in any cases I've not come across
22 it. 43 cases now for Canadian Tribunals and Courts that
23 have dealt with precaution in various contexts, and
24 certainly it doesn't show up there. I haven't looked any
25 further.

1 I suspect because SARA's so new, it
2 really came into force essentially in 2004. You know, they
3 brought it in piece by piece. So I think our practice is
4 very early on yet, and so these guidelines again, are meant
5 to be guidance. They're meant to be for education. And so
6 it really remains, I think, to be seen how they get picked
7 up, and whether they will be picked up.

8 But very clearly, it shows the position
9 by at least one Canadian department of what they perceive to
10 be appropriate precaution, and when you have species at
11 risk.

12 And let me just say that in fact the
13 IUCN Guidelines or international guidelines again pick up
14 the same idea that when you species at risk you're really
15 dealing with something very irreversible. These species
16 disappear. You know, it's going to be hard to bring them
17 back. And maybe impossible.

18 But that really triggers a whole
19 different approach to precaution.

20 THE CHAIRPERSON: Ms. Little?

21 Ms. TINA LITTLE: This reference to, I
22 don't know the term, this onus which is the reversing of
23 burden seems to put everything in a much better perspective
24 for me. I found it hard to understand how, as a community,
25 we have to prove that it's not going to harm us.

1 So in this reversing of the burden onto
2 the Proponent, does that mean that for all the reports that
3 we've heard this week, from all of the specialists that have
4 open-ended results where they don't have, they don't know
5 without a doubt because they don't have enough tests, that
6 means that there is not really a clear answer.

7 So the Proponent would then have to
8 prove that this couldn't harm the environment, is that
9 right?

10 Dr. DAVID VANDERZWAAG: You will have
11 some statements of precaution that say it has to be no harm,
12 you have to show something safe, the **Canadian Environmental**
13 **Assessment Act** talks about significant adverse effect. That
14 gets you back to the litmus, you might say, of what is the
15 precautionary litmus, and that can vary.

16 That's one of the confusing things for
17 everyone, even me, I must say. I've looked at precaution
18 for over a decade now. I teach in this area, international
19 environmental law, and it truly is one of the most confusing
20 areas for everyone, including lawyers, because there are so
21 many treaties, so many declarations, so many pieces of
22 legislation, in fisheries, and even our new **Fisheries Act**
23 just proposed in Canada has a precautionary approach in it.

24 It can be very confusing, and my simple
25 answer is, go back to what is your legislative directions,

1 and that is one way to get a handle on it. So one way to
2 come at it is a significant adverse environmental impact.

3 Ms. TINA LITTLE: Back to significant.
4 Thank you.

5 THE CHAIRPERSON: Mr. Marcocchio.

6 Mr. BRUNO MARCOCCHIO: Thank you.

7 Through the Chair, a question to Professor VanderZwaag.

8 This project, although the emissions in
9 total from shipping are in dispute, inevitably will result
10 in at least a hundred kilotons of emission, additional
11 emissions.

12 Canada, as a signatory to the KYOTO
13 Protocol, and now with empowering domestic legislation with
14 the passage of the KYOTO Implementation Bill, are in a
15 position where they may very well be legally in violation of
16 international law.

17 What kind of implications do those
18 legal... What are the legal implications on this particular
19 project, or in general, of Canada's international commitment
20 now empowered by our domestic law?

21 Dr. DAVID VANDERZWAAG: Yeah, I was
22 specifically addressing the precautionary and principled
23 approach today, and you raise really the huge issue area of
24 climate change, which is a tremendous challenge for Canada,
25 but the Globe, and obviously we don't have a great grip on

1 it yet.

2 KYOTO Protocol, we're now under, you
3 know, what the next targets going to be, can we bring
4 developing countries aboard. So it's just a huge area of
5 difficulty that Canada's facing in the world.

6 In terms of this project, I'm not going
7 to comment on specific statistics and perhaps projections.
8 Certainly greenhouse gas emissions are a concern. Certainly
9 from shipping they're a big concern. We don't really have
10 very tight controls on shipping pollution yet today, very
11 weak under the MARPOL Convention. There is an annex that
12 deals with air pollution from ships, Annex Six.

13 So it's an area that I am always going
14 back to revisit, can we increase, better the standards for
15 shipping pollution. So it's a big issue that's really not
16 even totally resolved within the shipping community, and how
17 you better regulate air pollution from ships.

18 I mean, one could go into the **Canadian**
19 **Environmental Assessment** and raise an interesting question;
20 to what extent should this Panel look at climate change and
21 the impacts, and again, what about the trans-boundary
22 environmental effects coming from climate change? What
23 about our melting Arctic? It's not a small issue.

24 Again, what's the relation of this
25 project to that? I mean, that really puts you into a really

1 whole other realm of thinking, and I leave it to the Panel
2 whether you want to go there.

3 But, you know, there's language within
4 the act that talks about... It doesn't say where it is. It
5 says, basically, adverse environmental effect. They do talk
6 about trans-boundary effects, as well. So a liberal
7 interpretation of the act might very well say, yes, maybe we
8 should be looking at that question.

9 Mr. BRUNO MARCOCCHIO: Thank you.

10 THE CHAIRPERSON: Additional questions?
11 If not, then I thank you, Dr. VanderZwaag, and we will not
12 adjourn this session until 6:00 this evening.

13 --- Recess at 4:41 p.m.

14 --- Upon resuming at 6:00 p.m.

15 THE CHAIRPERSON: Ladies and gentlemen,
16 we will resume.

17 Our first presenter for this evening
18 session is Andy Moir.

19 **PRESENTATION BY Mr. ANDY MOIR**

20 Mr. ANDY MOIR: Good evening, my name is
21 Andy Moir, I live in Freeport, Nova Scotia, and I would like
22 to thank the Panel for this opportunity to make my
23 presentation.

24 I'm going to address only two issues
25 today. That doesn't mean I think they're the only two

1 important issues, but I'm going to limit my comments to
2 those.

3 The first topic I want to address is the
4 ability of Government to give this quarry a Part V
5 industrial permit and then regulate the quarry if it
6 receives approval. The second topic will be on greenhouse
7 gases.

8 I was one of those who lobbied very hard
9 to have this quarry project reviewed by a Joint Review
10 Panel.

11 It's the highest level of review of
12 environmental impact available in the land. Of course, my
13 preference would have been that our political leadership
14 would have said from the get-go that this is such a bad
15 idea, that it should never even be considered, but that was
16 not the case.

17 When this Joint Review Panel was
18 announced, I took some solace in believing that if approved,
19 the Project would be subjected to the most careful scrutiny
20 possible. I told myself and others that this process would
21 leave no rock unturned so to speak.

22 I am growing increasingly alarmed that
23 this may not be the case. I am disturbed at the lack of
24 detail in the developer's EIS, I am disturbed by the
25 incompleteness of the detail. I am concerned that what is

1 now conceptual will be approved by this Panel with the
2 details to be worked out later in the industrial application
3 stage.

4 I'm concerned about the number of
5 undertakings which will be filed in the final days of this
6 hearing.

7 One of them as you know deals with the
8 size of the blast at this quarry. We have seen the figure
9 grow from 4.5 tonnes to 7.5 tonnes. I think the latest
10 figure used was 32 tonnes.

11 We will have no opportunity to analyse
12 what a 32-tonne blast means for the environment. The
13 Proponent has had as much time as necessary to prepare this
14 data, why is a key factor such as blasting coming only today
15 when there can be little public scrutiny?

16 I get the feeling that the Proponent and
17 several of our Provincial Government departments don't
18 understand that this is not just a regular review where the
19 details can be worked out later.

20 I can read a long list of areas where I
21 don't feel the Panel has enough information to make an
22 informed decision on approval, at least not the level of
23 information I expected to be put before a full Review
24 Panel.

25 I believe there is insufficient

1 information on impacts of the quarry, on lobster behaviour,
2 marine mammals, the design and impact of the marine
3 terminal, noise.

4 There are others, but time is limited so
5 I will use just one example, and it has to do with
6 hydrogeology. It is an issue that is probably of universal
7 concern to every resident of Little River, whether pro or
8 con on the quarry issue.

9 The Proponent has submitted a number of
10 plans on the subject, each one different. The plans were
11 reviewed by our Provincial Government agencies and they
12 found little problem with the impacts that the Proponent
13 foresaw.

14 It became evident to me that our
15 Provincial Government agencies had given this important area
16 only a cursory review when I heard the presentation of Dr.
17 Nastev from Natural Resources Canada.

18 Even though Dr. Nastev hadn't had the
19 opportunity to review the latest version of the Proponent's
20 data, which was released only on the morning he was
21 speaking, it was clear that he had serious reservations
22 about the methods the Proponent had used to come up with a
23 conceptual model.

24 I found the level of detail of Dr.
25 Nastev's critique quite stunning. How could he know of so

1 many possible problems with the Proponent's methodology that
2 our own Provincial Government people hadn't even mentioned
3 in the review of the same material?

4 What Dr. Nastev did was introduce a huge
5 issue of doubt, doubt of course about what the Proponent has
6 concluded about water issues from the model it has produced
7 and doubt about our Provincial Government's ability to
8 scrutinize a revised model when it comes to a Part V
9 application after more test holes have been drilled.

10 This is not meant to question the
11 competency of the Provincial Government's scientists, it is
12 to question the level of scrutiny that this Project needs
13 before you, the Review Panel, approve it.

14 I need to know that an independent panel
15 has said: "Yes, the data that has been collected is valid,
16 is good, and we trust it enough for this Project to go
17 forward, not just on the issue of hydrogeology, but in all
18 the areas where the data is insufficient at this time.

19 I know the Proponent says no matter
20 what, it will mitigate damages to wells. My example was
21 used only to raise the issue of incomplete information and
22 how it was dealt with in this process.

23 There are other areas where I believe
24 mitigation won't be so easy to deal with as drilling a new
25 well.

1 Why is our level of trust low in our
2 Provincial Government's ability to judge when a conceptual
3 model actually has the data necessary to verify it?

4 Once again, let me give you a couple of
5 examples.

6 I rarely agree with Mr. Buxton when it
7 comes to anything that has to do with quarries, but last
8 Saturday he provided us with some useful information about
9 the situation with a quarry in Tiverton.

10 He pointed out that the quarry went
11 through what I believe is called a screening process. As I
12 understand that, various government departments or various
13 departments of our Government looked at it internally and
14 approved what could and could not happen.

15 As a result, as Mr. Buxton correctly
16 pointed out, things happened that probably should not have
17 happened.

18 In addition to the underwater blasting
19 Mr. Buxton referred to, I believe at one stage of the
20 construction, they had to undo part of their work because
21 some sort of anti-siltation vents hadn't been used.

22 I use this example because it
23 illustrates how concerned many of us are about allowing so
24 many unknowns about the impact of this quarry to be turned
25 over to a process within the Provincial Government

1 bureaucracy that we believe should be decided here, by this
2 Panel, with the opportunity for public scrutiny.

3 I want to add just a couple of more
4 words on this topic.

5 It is often the case the projects such
6 as this are approved with a long list of conditions that
7 must be followed if the Project is to proceed.

8 That was the burden of our Provincial
9 and Federal Government regulators to see that those
10 conditions are met.

11 In theory, this is the fine practice,
12 but it makes about as much sense as a judge imposing a
13 million dollar fine on a bag lady and then expecting her to
14 pay up.

15 Why do I believe that these conditions
16 will not be met?

17 You have already heard the case put
18 forth by Ms. Klein about the siltation issue. It took three
19 days to get the inspector out.

20 I will not belabour it here, I just
21 mention it to remind the Panel that it goes with the list of
22 examples that follow.

23 I live in Freeport. We have a local
24 contractor there who often does roofing jobs. Getting rid
25 of construction debris is not that difficult on the Island.

1 The municipality provides a large dumpster we can all use
2 for a small fee to throw our junk in.

3 Most of us make use of it, but this
4 particular contractor saves money by burning his asphalt
5 shingles. He generally picks a Sunday afternoon, but not
6 always. Once, our local school had to be closed because the
7 fumes of burning shingles were so strong.

8 The Department of Environment has been
9 called out many, many times. As I mentioned, he often picks
10 a Sunday afternoon, because he knows it will be hard to get
11 a hold of an inspector to come out and catch him in the
12 act.

13 Even when the inspectors do come out and
14 find the remains of charged shingles, nothing seems to
15 happen to stop the practice.

16 Warnings are issued. He may even have
17 been fined at one time, but the burning continues. Now
18 mostly, we don't even bother calling the Department of
19 Environment. What is the point?

20 Where I live in Freeport, there's an
21 area called Crocker's Hill. It's a high point of land
22 before you come down into the village, and that's where some
23 years ago the Department of Transportation decided to build
24 their shed for the snowplow. They also decided to store
25 their sand and salt there.

1 Now the folks who live in the house
2 immediately below this said: "We think this is a bad idea."
3 Most of the people in the village said: "It's a bad idea."
4 Our village Council said: "It's a bad idea", and so did our
5 Municipal Warden who was in the area.

6 Everybody said: "It's going to leach
7 down through the gravel base of the storage area or simply
8 run down the hill and destroy the wells of the half-dozen
9 houses below.

10 But they stored the sand and salt
11 mixture there anyway. Of course, the salt leached out and
12 destroyed a well.

13 The Department mitigated the problem by
14 doing two things. First, they drilled a new well for the
15 resident and then they laid down an asphalt base for the
16 sand and salt pile.

17 Once again, everybody told them it
18 wouldn't stop the problem. Well you know the end of this
19 story, several more wells were contaminated.

20 The Department ended up buying the house
21 immediately below the sand/salt pile, and they had to
22 bulldoze it down.

23 They also drilled a well about 500
24 metres away from the other houses in the vicinity and ran a
25 water line to them, and they eventually did what they should

1 have done in the first place, move the sand and salt pile to
2 a lower area.

3 I think the local examples that I
4 provided speak to the degree of competence we have in our
5 governmental departments who actually regulate any
6 conditions that may be attached to an approval, and it
7 speaks to why I think this Panel must have the level of data
8 it feels comfortable with before it gives approval.

9 As far as I'm concerned, conceptual
10 models as presented so far just don't cut it.

11 I'd like to turn to the second part of
12 my presentation.

13 I must admit that I have been dismayed
14 by how little I've heard about greenhouse gases from various
15 government departments that have addressed the Panel.

16 We referred much about important issues
17 such as dust and ammonium and other pollutants. They are
18 very important, but it seems that another critical concern,
19 that of greenhouse gas emissions, has received little or no
20 mention from our government agencies.

21 It has been raised of course, but mostly
22 through individuals and NGOs.

23 The Proponent told us last week that
24 they are not responsible under present legislation and
25 regulations for mitigating any greenhouse gas they produce

1 from the quarry or the related shipping activities.

2 I don't think that's right or proper,
3 but those are the rules they are allowed to operate under.
4 So who is responsible? Well, I guess it's you or me, isn't
5 it?

6 Presenters before me have offered up
7 some interesting statistics on greenhouse gas issues. I
8 won't repeat them here, because I don't want to waste your
9 time.

10 I do have a couple of examples that I
11 would like to present that I don't believe have been put
12 before the Panel.

13 Bilcon tells us that it will produce
14 81,766 tonnes of greenhouse gas each year, and they will
15 employ about 34 people.

16 That's 120,244 metric tonnes of
17 greenhouse gas for each job created over the course of 50
18 years.

19 Put another way, every year each job
20 will make 3,536 metric tonnes of greenhouse gas into the
21 atmosphere.

22 According to the Government of Canada
23 Website, the average Canadian is responsible for creating
24 4.5 tonnes of greenhouse gas each year, so each job will
25 produce 785 times what an average Canadian produces.

1 Bilcon tells us that approximately 20
2 percent of the quarry site will be conserved as a
3 preservation zone, and I apologize for using acres here, but
4 that's the figure that they used, so I did that. That is
5 about 75 acres.

6 Also, Bilcon says it intends to manage
7 over 300 acres of buffer land adjacent to the quarry as
8 forest resources. That's a total of 375 acres dedicated to
9 the mitigation of greenhouse gases.

10 Bilcon says:

11 "This method of land management will
12 greatly mitigate the production of GHGs
13 from the quarry operations."

14 Now I understand Bilcon is not
15 responsible for mitigating anything that has to do with
16 greenhouse gas, but a quick calculation shows what they
17 claim about mitigation is not true.

18 It will not "greatly mitigate" the
19 greenhouse gas they produce.

20 According to Trees Canada, it takes 110
21 mature trees to sequester one tonne of carbon dioxide each
22 year.

23 To sequester 81,766 metric tonnes of
24 carbon dioxide, Bilcon would have to plant 8,994,260 mature
25 trees.

1 Let's say mature trees can be located
2 eight feet apart from each other, that's 681 trees per acre.
3 Bilcon would have to plant about 13,207 acres of mature
4 trees to mitigate the greenhouse gases they will be
5 producing each year.

6 So their mitigation plan covers just 2.8
7 percent of the area needed to sequester the greenhouse gases
8 they will be producing from quarry operations.

9 Earlier this afternoon, we heard one of
10 the presenters use a figure about what it would cost to
11 control or get rid of greenhouse gases.

12 In this example, I'm going to use a much
13 more conservative figure than what we used earlier.

14 The Federal Government has recently
15 calculated that the cost of cleaning up each metric tonne of
16 greenhouse gas is some place between \$10 and \$50 a tonne,
17 and that's based on information in a parliamentary research
18 branch document, 03-17E.

19 One more quick calculation shows that
20 the cost of cleaning up the unmitigated portion of the
21 greenhouse gas would be \$2,452,980 each year using a very
22 middle of the road figure of \$30 a tonne, in that \$10 to \$50
23 a tonne figure that was given.

24 The company says it's not asking the
25 Government for so much as a penny to establish this quarry

1 but the taxpayers of Canada will end up shelling out almost
2 \$2.5 million a year to clean up after the Proponent because
3 as the Proponent says, it is not responsible for the
4 greenhouse gas it produces.

5 I should add that these figures don't
6 include the greenhouse gases that will be produced by the
7 carriers or other quarry related activities.

8 Also, the calculations are based on 34
9 full-time jobs. Bilcon has told public information sessions
10 that it will not be employing all of the people full-time.
11 Some will be employed 40 weeks of the year, maybe 42 weeks
12 of the year.

13 We don't know how many jobs will be
14 part-time, how many will be full-time, but if we guess it as
15 29 full-time equivalent, job equivalence, here's another
16 interesting figure.

17 If you take what it will cost taxpayers
18 to clean up the greenhouse gases each year, which is around
19 \$3.5 million and divide it by 29 person years, you discover
20 that we would be better off, in terms of greenhouse gases,
21 to pay each of the perspective employees \$84,584 a year to
22 not work, and save ourselves the trouble and expense of
23 cleaning up the greenhouse gas.

24 I conclude from this little bit of
25 arithmetic that what Bilcon says about mitigation of

1 greenhouse gas falls terribly short.

2 I would like to conclude with an
3 observation I made over the last several days while watching
4 and listening.

5 I think it is an extremely odd process
6 that compels people to appear before a Panel and beg for the
7 life of a loved one.

8 In this case, the loved one is the Bay
9 of Fundy. It provides many with a living, a good living.
10 It has been forgiving, although I expect we are pushing the
11 limits of its ability to forgive.

12 Maybe we're already beyond those limits,
13 I don't know, but I don't believe putting another quarry on
14 its coast is a good way to test the hypotheses.

15 Thank you very much for listening to me.

16 THE CHAIRPERSON: Thank you Mr. Moir.

17 **PRESENTATION BY Mr. ANDY MOIR - QUESTIONS FROM THE PANEL**

18 Dr. JILL GRANT: Mr. Moir, these kinds of
19 calculations about greenhouse gases and the distributed
20 cost, obviously we have a lot of greenhouse gas producers
21 across the country, and we can't...

22 Individual Canadians can't assume the
23 cost, so I'm just wondering about the logic of why you gave
24 us a number as you did of the cost per job?

25 Mr. ANDY MOIR: Just because when we

1 think about creating jobs, I think we have to look at the
2 total cost of creating those jobs and what is the impact on
3 the economy as a whole.

4 Now we know that the company is not
5 responsible for one of the byproducts of this operation,
6 which is greenhouse gas, so somebody has to be, so I just
7 want to put in context that these may be jobs that pay, I
8 don't know, maybe \$30,000 or \$40,000 a year, but there's
9 also a cost associated with creating those jobs that will
10 come back to the taxpayer, and that's why I put that figure
11 there.

12 Dr. JILL GRANT: Thank you. And your
13 comments about your concerns about government regulation,
14 are there specific kinds of issues that would be regulated
15 that you're most concerned about whether the Government has
16 the ability to properly manage?

17 Or does it go across all kinds of
18 government activities, the concern about this ability to
19 enforce regulation?

20 Mr. ANDY MOIR: Well, I was thinking
21 specifically in terms of this quarry, we've heard from the
22 Department of Environment and Labour when they presented
23 theirs.

24 We heard the number of inspectors that
25 they actually have available in Nova Scotia and the number

1 of cases that they have to... Or cases is probably the
2 wrong word, but the number of inspections, the number of
3 places that they have to look at every year.

4 So yes, I do have concerns about their
5 ability to really pay attention to this.

6 I think what we're seeing more and more
7 is that the companies become more self-monitoring, and this
8 company will in fact have to monitor a lot of this material
9 itself, and then it will be passed on to various government
10 departments.

11 I have fears as to how much scrutiny
12 that will actually come under.

13 Dr. JILL GRANT: And can you characterize
14 whether you see the proposed CLC as being able to
15 effectively monitor and contribute to enforcement of
16 whatever conditions might be placed?

17 Mr. ANDY MOIR: I have concerns about the
18 way the CLC is proposed to be constituted in the present
19 EIS.

20 As I understand it, it would have
21 representatives appointed by the company itself. There
22 would be representatives appointed by the municipality and
23 representatives appointed by the Digby Board of Trade, and
24 I'm not sure that that will really represent the interests
25 of the people who live closest to the quarry.

1 Dr. JILL GRANT: Thank you.

2 Dr. GUNTER MUECKE: Mr. Moir, you singled
3 out hydrogeology in the beginning of your presentation, and
4 I guess my question would be what level of confidence in
5 predictions would you be looking for before you feel
6 comfortable?

7 Mr. ANDY MOIR: Well, I want to tell you
8 I did single out the hydrogeology for a couple of reasons,
9 and one was because as I sat here and I...

10 Well initially, when I read the EIS and
11 I read what the reviews were by the government departments,
12 and then I read the response to all of the questions that
13 had been raised and the responses of the Government, I said:
14 "Well, you know, they seem to have a fairly high level of
15 confidence in this."

16 And then when I heard Dr. Nastev speak
17 to this, I said: "Oh, maybe I should be thinking what I'm
18 thinking about, this hydrogeology thing."

19 So that's the reason why I used that
20 example is that it has created so much doubt, so I guess in
21 terms of responding to your direct question, I guess I would
22 like to hear some assurances...

23 You know, when this final model, the
24 final, final model is proposed, that perhaps I'd know for
25 sure that you have the confidence in the data that is before

1 you, that when this goes forward, that it has been reviewed
2 by outside experts and people such as yourselves, so that we
3 really know that it's just not...

4 Instead of being treated as the quarry
5 in Tiverton, you know, and that things will happen that
6 probably shouldn't happen.

7 Dr. GUNTER MUECKE: Thank you.

8 THE CHAIRPERSON: Mr. Moir, I'm trying
9 to figure out what the natural outcome of your presentation
10 is.

11 Implicit in what you're saying is I
12 think... You didn't say it, but implicit in what you're
13 saying is stop the process I think or slow it down or call a
14 moratorium or something, but...

15 And maybe I'm wrong, but I'll give you a
16 chance to deal with that in just a moment.

17 You've been involved in this process I
18 presume since before November 2005, which is when we came
19 onboard.

20 By your own admission, you lobbied for
21 this process, for a Joint Panel. If you lobbied for it, you
22 must have understood how it works, the scoping sessions, the
23 EIS, the exchange of questions and responses, leading to a
24 hearing.

25 Mr. ANDY MOIR: Yes.

1 THE CHAIRPERSON: And when you come into
2 a hearing, I mean you don't expect to have every "i" dotted
3 and every "t" crossed. You expect a certain level, and you
4 heard me, I was critical early on, saying: "We expected
5 more."

6 But still, I don't know, you could ask
7 somebody who is closer to this kind of process... In other
8 words, you come into the hearing and the purpose of the
9 hearing is to attempt to resolve all of the inconsistencies
10 and the deficiencies and to clarify, and so the Panel has
11 the right information to make this decision.

12 So in other words, on the one hand you
13 are instigating, you instigated this Panel, and the process
14 you've been with it all along, and now we're reaching the
15 final stages prior to writing our report and you're saying
16 what?

17 Mr. ANDY MOIR: I guess I'm saying if the
18 level of detail that's available right now is all the detail
19 that's going to be available when you have to make your
20 decision...

21 And as I understand it, after the 30th
22 you will not be receiving any new information, so I guess
23 we've got a couple of days left to sort of more clearly
24 define what some of this data would be and the impact on
25 everything, from marine mammals to hydrogeology and that

1 sort of thing.

2 I'm not a panellist, and from what
3 little I look and see, I'm not satisfied with the level of
4 data that has been provided so far, and certainly from the
5 number of experts that I have heard so far, some of them are
6 not satisfied with the level of scrutiny that has been
7 provided in the EIS.

8 THE CHAIRPERSON: One bit of
9 clarification. We will be receiving information until we
10 close the public record, and the end of the hearings is not
11 necessarily the closure of the public record.

12 In other words, the public record could
13 remain open for a week or two weeks or something beyond
14 that. It depends.

15 It depends on the undertakings, it
16 depends on whether there's outstanding information, so that
17 it could in fact extend.

18 We don't know that yet, we have to wait
19 and see how the process unfolds, but the end of the hearings
20 and the closure of the record are not... They are not
21 synonymous, okay?

22 Mr. ANDY MOIR: Okay. I was led to
23 believe actually that...

24 THE CHAIRPERSON: I thought I mentioned
25 that earlier, but it's one of those facts that went sailing

1 out there and people didn't react to it.

2 So they are two different things, all
3 right?

4 Mr. ANDY MOIR: Okay.

5 THE CHAIRPERSON: And it's only when the
6 record is closed that the clock starts for the 90 days,
7 okay?

8 Mr. ANDY MOIR: Okay. I understand that
9 now, it wasn't... That's different than the understanding I
10 had.

11 THE CHAIRPERSON: Yes.

12 Mr. ANDY MOIR: But just for instance on
13 this issue of the blasting, which you know, we have seen
14 some changes there, I guess the government departments for
15 instance that were asked to look at the impact of blasting,
16 and some of the experts were basing it on a figure that was
17 provided in the EIS, which as I recall is around 7.5 tonnes,
18 and now I don't know what the figure is that was provided
19 today by Bilcon, but...

20 THE CHAIRPERSON: We haven't seen it yet
21 either.

22 Mr. ANDY MOIR: Okay.

23 THE CHAIRPERSON: But I understand it was
24 delivered today. But we'll have some comment on that
25 tomorrow probably.

1 Mr. ANDY MOIR: But I guess what I'm
2 saying is that we now have a new piece of information about
3 what the blast size is really going to be, but we are just a
4 couple of days away from the closing of this, and now I
5 understand we might have a bit more time to comment on that,
6 but we won't...

7 I guess what I'm saying is that I
8 certainly think I would have had a much higher comfort level
9 if even some of this really basic information, which I don't
10 think should have been that hard to provide at the beginning
11 of this process, was available when all of the scientists
12 and outside people were looking at it to do their reviews,
13 you know?

14 THE CHAIRPERSON: Over to you Mr. Buxton.

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

17 THE CHAIRPERSON: Questions from the
18 audience? Are there any questions for Mr. Moir with regard
19 to his presentation?

20 It appears not Mr. Moir, thank you very
21 much.

22 Mr. ANDY MOIR: Thank you very much for
23 the opportunity.

24 THE CHAIRPERSON: The next presentation
25 this evening is by Cindy Nesbitt and John Ivens, are they

1 here?

2 Good, please come forward.

3 **PRESENTATION BY Ms. CINDY NESBITT AND Mr. JOHN IVENS**

4 THE CHAIRPERSON: Okay. Maybe we can
5 begin. Now they're two of you presenting, or three? Two.
6 Make sure the microphone is about this far away from you, so
7 that we can hear... From your mouth, yeah, in close, so
8 that we can hear you. And identify yourself, and if your
9 name...

10 Well, I don't know, maybe it's a good
11 idea to spell your names, just because of the recording
12 process, okay? Okay.

13 Ms. CINDY NESBITT: My name is Cindy
14 Nesbitt, C-i-n-d-y, N-e-s-b-i-t-t, and I live in Freeport on
15 Long Island. I have lived there since 2004. Prior to this,
16 I lived on Digby Neck.

17 I became involved in this process at the
18 request of Bob Petrie, Department of Environment and Labour
19 in Yarmouth. He contacted us and asked if Randy or I would
20 be interested in serving on a committee concerning a
21 proposed four-hectare quarry at Whites Cove.

22 They wanted the Committee to consist of
23 individuals from varied backgrounds and disciplines; retail,
24 real estate, tourism and the fishery, et cetera. Our
25 purpose was to ask questions and address issues or concerns

1 pertaining to this Project, and report our findings to the
2 community. It was decided that I would attend.

3 This was not the first time we heard
4 this quarry. Earlier the same month, June 2002, two people
5 came into the store and asked Randy and I, along with a
6 couple of our customers, if we would sign a petition to stop
7 the quarry. My husband owns the Wilson's on the Neck, Gas
8 and Convenience Store on Digby Neck.

9 The story they told was of an American
10 company who were going to blast a gaping hole, take our
11 rock, and when they were finished, fill the hole with toxic
12 waste. Of course, we didn't sign. We needed more
13 information to make an informed decision.

14 During the same visit, I was handed a
15 pin that had a small piece of Nova Scotia Tartan attached.
16 I asked what the pin symbolized and was told that it was
17 advocating no development in Nova Scotia. I handed back the
18 pin.

19 At the first meetings of the CLC, we
20 asked very basic and general questions about quarrying, and
21 the project of discussion was initially the four-hectare
22 permit, but it wasn't long, and we were asking about the
23 proposed larger quarry operation. The Proponent dealt with
24 our questions and concerns, and brought in the specialists
25 we would need to answer the issues brought to the table.

1 At first, the CLC Meetings were only
2 attended by CLC Members, but as interest grew, we opened our
3 meetings to everyone. The Proponent paid for all our costs
4 of the meeting; the hall, the scientist, the marine
5 biologists, the historians, the hydro-geologists and
6 blasting experts, and provided a stenographer to record the
7 Minutes.

8 The Minutes of the Meeting were the
9 property of the CLC and they were very popular. The CLC was
10 using the Minutes to gain insight and information, and the
11 Stop the Quarry Group used the Minutes to try and defeat the
12 Project.

13 When I started attending the CLC
14 Meetings, I was neither for or against the Project. I
15 wanted to participate to gain an insight into the Project,
16 and gather enough information to make an informed decision.
17 Tonight I appear before you, almost exactly five years
18 after our first meeting, a strong supporter of the Whites
19 Point Quarry and Marine Terminal Project.

20 The strongest argument for this Project
21 to go ahead is undoubtedly an economy in poor shape. Many
22 of the jobs available here are seasonal in nature, and they
23 are not plentiful. Many year-round residents have
24 difficulty supporting themselves year round. Many do not
25 get enough hours to qualify for Employment Insurance, which

1 in itself, is not a solution.

2 My husband's store on Digby Neck is a
3 great barometer of the local economy. At present, there are
4 many receivables; bills for gas and groceries to be paid on
5 a better day. We save rolls of special coin traded for
6 groceries, again to be traded on a better day. We accept
7 Canadian Tire in payment for what we sell, and we have a
8 shelf in the basement with sweaters, Eliminators, even a
9 ceiling fan that people have given us, brought in to make
10 cashless trade for what they need.

11 We give away gas and furnace oil. We
12 give away groceries and Christmas gifts to try and make
13 things a little bit easier, but this is a tiny store, and
14 this is a bandaid solution. We need to diversify and
15 strengthen our economy. Plain and simple, we need more
16 jobs.

17 Take, for example, the argument against
18 developing this Project to save the Bay of Fundy. The Bay
19 of Fundy is bordered by two Canadian Provinces, New
20 Brunswick and Nova Scotia. On the New Brunswick side,
21 there's an oil refinery with a second one under
22 construction, an LNG Terminal, a nuclear power plant, the
23 pulp and paper industry, and the City of Saint John is
24 currently expanding their ability to dock more and larger
25 cruise ships there.

1 Clearly they understand the idea of
2 diversification, and clearly it's working. New Brunswick
3 supports industry and tourism in this area, plus manages to
4 have a pretty decent lobster fishery. I don't know what's
5 wrong with our thinking on this side of the Bay, but we'd
6 better get with the program. Young people and young
7 families are leaving, not always because they want to.

8 Yesterday, I made a phone call to the
9 Martin Marietta Quarry at Auld's Cove near the Canso
10 Causeway. I spoke to Ada Marie, an administrative assistant
11 who has 24, or pardon me, 25 years in at the quarry. She
12 shares an office with two others, each having 20 years in.
13 She says she finds working at the quarry positive and
14 interesting, and says many of her co-workers feel the same
15 way.

16 Ada Marie spoke of a 71-year old fellow
17 who's been there forever, and who didn't want to retire
18 because he loves his job. I asked how many people were
19 working at the quarry, and if there was much fluctuation in
20 the number of people employed. I was told that there are
21 110 full-time workers year round, except during the summer
22 months, when the workforce increases due to student hiring.

23 Ada Marie explained that they load ships
24 all winter, but can't crush the rock during the bitter cold
25 because it's too hard on the equipment.

1 I asked Ada Marie if the community was
2 supportive of the quarry, and if they had any concerns about
3 silt, noise, vibration, particulate emissions, to which she
4 answered "Yes" to community support, and "No" to the
5 question of dust, silt and vibration. She explained that
6 the Department of the Environment controls are in place, and
7 they are enforced. There isn't dust allowed, and they run
8 water through their drums and belts continually to make sure
9 that it's controlled.

10 I asked about the CLC Committee there, a
11 Committee that's been very successful throughout its
12 existence. Ada Marie said they met last week, and they're
13 still going strong.

14 Two other quarries which boast
15 similarities to the Whites Point Quarry are the Orca Project
16 and the Sechelt Quarry in British Columbia. While these
17 quarries haven't been around nearly as long as the Auld's
18 Cove one, their praises are being sung by the locals and
19 industry alike.

20 The marine terminals are, in my opinion,
21 interesting and attractive. The land surrounding the quarry
22 is neat, and it's in plain view of the homes on the edge of
23 the quarry in the case of the Sechelt Project which has
24 operated since 2001.

25 The Orca Project, a joint venture with

1 one of British Columbia's First Nation Bands, just shipped
2 out its first load April 1st, 2007. All reports are
3 positive.

4 With so much experience to draw from on
5 a successful startup and long-term operation of three
6 quarries, each having similar issues that have been
7 addressed; coastal communities, fishing interests, whales -
8 yes, that's how the Orca Quarry got its name - tourism, and
9 a strong desire to fit well into the local community, we
10 should feel quite confident that we can achieve great
11 results here, too.

12 Lastly, why go ahead with this Project?

13 Because the year-round local people want it. We present to
14 you this evening a petition signed by locals, not tourists
15 who will be here once, or property owners who live elsewhere
16 and visit occasionally. This is the real thing. There
17 would be more signatures, but people are still living in the
18 shadow of intimidation.

19 Along with this, we have some slides to
20 show you of people, their homes, and their desire to start
21 this quarry.

22 I thank the Panel for their time and
23 your consideration. I would also like to thank my son,
24 Tyler, for putting together this PowerPoint presentation.

25 --- Pause

1 Yes, John Ivens would like to speak, as
2 well.

3 THE CHAIRPERSON: Okay.

4 Mr. JOHN IVENS: Good evening. My name
5 is John Ivens. I know many people in my community who are
6 for the quarry starting up, but they'd rather hug a
7 porcupine than get up and speak publically, so I decided I'd
8 give it a try.

9 I've been living in Tiverton for the
10 last 17 years. My wife was born and raised in Tiverton. We
11 have three kids, two girls and a boy who will be graduating
12 this year, and going off to college this fall, and here lies
13 one of my concerns.

14 Every year, most of the graduates leave
15 the Island to work or further their education. A very small
16 percentage of these young people eventually make their way
17 back to live and raise a family. I think it would be just
18 great if a few more could find their way back, and be able
19 to make a decent living, and for that to happen, there would
20 have to be more full-time jobs with decent pay.

21 The backbone of our community is the
22 same as most other small communities in Nova Scotia, and
23 that is it's run by volunteers. Most people that I know and
24 associate with volunteer a large portion of their spare time
25 in support of their communities. Every single one of them

1 would like to see more younger people move to the Islands,
2 and help out. Wouldn't it be nice to see a few more young
3 smiling faces pitching in to help?

4 I have attended most of the quarry
5 liaison meetings. I found them very informative, and every
6 question that I asked or others have asked was answered to
7 my satisfaction, which, in turn, has helped me to decide on
8 my own about the quarry.

9 I remember quite distinctly at one of
10 the Meetings an elderly lady from Little River said, "If I
11 happen to fall, wouldn't it be great if there was a younger
12 person to help me get up?"

13 I don't think that starting the quarry
14 would magically bring in a large influx of young people with
15 money to burn, but it's a good start. 20 or 30 good-paying,
16 full-time jobs can mean a lot for Digby Neck and the
17 Islands.

18 So to sum everything up, I would
19 personally like to see the quarry start up. To me, the
20 positive effects to the Neck and Islands drastically
21 outweigh the negative.

22 Thank you for your time.

23 THE CHAIRPERSON: Thank you very much Mr.
24 Ivens.

25 Mr. JOHN IVENS: You're welcome.

1 **PRESENTATION BY Ms. CINDY NESBITT AND Mr. JOHN IVENS -**
2 **QUESTIONS FROM THE PANEL**

3 THE CHAIRPERSON: Yeah, go ahead, Jill.

4 Dr. JILL GRANT: Mr. Ivens, perhaps you
5 might comment on the concerns that people have raised about
6 the potential of the quarry have effects on other kinds of
7 jobs in the area; the fisheries and the tourism, especially,
8 have come up repeatedly as areas of concern for people; that
9 potential negative effects of the quarry might undermine
10 jobs in one sector, while creating jobs in another.

11 Mr. JOHN IVENS: Well, a lot of the
12 fishermen... Like, I'm a fisherman, myself. I crew on a
13 boat. I find they're moving their traps all over the place,
14 so I can't really see that this would be that negative of
15 effect.

16 And the ones that are into
17 whale-watching, I mean, I've gone on a few whale-watching
18 boats as a colour commentator, and they've all been out in
19 the Bay. We've never once went along that shore. And most
20 of these jobs, when you work for eco-tourism, are just
21 minimum-paying jobs, and are only seasonal, right? So this
22 one, I mean, these would be full-time jobs.

23 Dr. JILL GRANT: You're in Lobster
24 District 34?

25 Mr. JOHN IVENS: Yes.

1 Dr. JILL GRANT: I wanted to ask Ms.
2 Nesbitt, if you could tell us, when did you visit the
3 Sechelt Quarry?

4 Ms. CINDY NESBITT: I've never visited
5 those quarries. I've just read up about them.

6 Dr. JILL GRANT: Thank you.

7 Dr. GUNTER MUECKE: Ms. Nesbitt, you gave
8 New Brunswick and the developments around the Saint
9 John's... You said that you would like... If I understood
10 you right, you would like to see that sort of development in
11 Nova Scotia. Are you meaning to say you would like to see a
12 similar kind of development, or a different kind of
13 development? Maybe I didn't understand you perfectly.

14 Ms. CINDY NESBITT: The reason I made
15 that statement was because they have industry that co-exists
16 with the fishery, and co-exists with tourism. Not to say
17 that I would want total development of our coastline, but
18 that it does exist there, and they are making it work. They
19 have industry, they have tourism with the cruise ships, and
20 they have an active fishery, as well.

21 Dr. GUNTER MUECKE: To continue along
22 that line, perhaps, what sort of other industrial
23 development would you see as being compatible to Digby Neck,
24 other than quarries?

25 Ms. CINDY NESBITT: Well, to be honest

1 with you, I don't have an answer right off the top of my
2 head for that. I just don't see a problem with this quarry,
3 because it's not going to be visible from the road, it's
4 behind North Mountain, it's not going to affect tourism, and
5 the other things that are already here.

6 So I guess the point is, is that this
7 Project seems perfect to me, because it won't affect what is
8 already here. It can co-exist well, in my belief, with what
9 is already here.

10 Dr. GUNTER MUECKE: So if interpret you
11 right, you think it is compatible with activities on the
12 Neck at the moment?

13 Ms. CINDY NESBITT: Yes, sir, I think it
14 could well be.

15 THE CHAIRPERSON: Ms. Nesbitt, one of the
16 things that's been discussed intensively over the last week
17 or so has been the effectiveness of the CLC. They're
18 very... Two camps. One side says, like you have, that it
19 worked well, and information was gathered. Another group
20 says that it was not very effective at all.

21 If a Project like this were to go
22 forward, there would be all manner of concerns about the
23 Project that would have to be mitigated. I mean, there
24 would be an ongoing series of things that... You'd have to
25 worry about the whales, you'd have to worry about the

1 blasting, about ships and all that. So a lot of that would
2 fall back onto the CLC, and I mean, there would be
3 Government regulators, but the community would be involved.

4 So judging from what you said, you don't
5 have any reservations with regard to... I'm not putting
6 words in your mouth now, but would you have any reservations
7 about the effectiveness of a CLC in the future for a quarry
8 that was approved in order to satisfy all of the issues that
9 would be raised by the public with regard to dust, or the
10 loss of water in their wells, or any number of things we've
11 been discussing for eight or nine days, of which there are
12 many?

13 So in other words, approval doesn't say
14 at that point everything's fine. It says, okay, but now you
15 have to go forward and deal with all these issues. So you
16 feel that the CLC would be effective in that area?

17 Ms. CINDY NESBITT: When we first started
18 with our meetings, we met with great opposition, because the
19 people who wanted to stop this Project simply wanted to say
20 no. They didn't want to talk about it, they didn't want to
21 hear about it, they didn't want to know about the Proposal.

22 And in order for communication to be
23 effective, there has to be listening and talking on both
24 sides, and that didn't happen here. But if there is an
25 approval of this Project, and the CLC is involved heavily

1 again, then I submit that it would be much more effective
2 this time, because it would be in everyone's interests to
3 make sure that this Project proceeded well.

4 THE CHAIRPERSON: The fact that it
5 existed would bring people to the table, in other words,
6 you're saying?

7 Ms. CINDY NESBITT: Yes, sir, I believe
8 it would.

9 THE CHAIRPERSON: When you cited other
10 quarries, and indicated that they had managed to deal with
11 the issue of aesthetics, let's say, like the Sechelt Quarry,
12 or Orca. Why did you choose two that were in British
13 Columbia which are also very different in some ways,
14 compared to Bayside, which is just across the Bay of Fundy,
15 which is also a marine quarry. It's also immediately on the
16 coast. The coastline slopes back up behind it, and so
17 forth. Why did you not talk about that one?

18 Ms. CINDY NESBITT: The reason I picked
19 the two in British Columbia were because of the ship-loading
20 facilities and the marine terminals, and those are the ones
21 that I found on the websites.

22 I have pictures of all of those
23 quarries. If you'd like, I can leave those here.

24 THE CHAIRPERSON: Okay. That would be
25 fine. So have you seen the Bayside Quarry?

1 Ms. CINDY NESBITT: No, sir, I haven't.

2 THE CHAIRPERSON: Oh, I see. Okay.

3 Thank you.

4 One of the questions we've asked
5 ourselves, and which others have asked in here has been why
6 it is that the individuals in the community who are in
7 favour of the quarry have not been more visible. Tonight's
8 obviously different.

9 I mean, it's wonderful to see such a big
10 turnout. I mean, this is the kind of issue that should be
11 discussed obviously, and involvement should occur, but up
12 until tonight, we've seen very few individuals here, and we
13 really have not gotten a feeling for the community, the
14 other side of the community, the pro side. The negative
15 side has been very prominent, so where have they been?

16 Ms. CINDY NESBITT: They've been working;
17 they've been raising their families; they've been trying to
18 exist. They are also afraid of being ostracized. There has
19 been a lot of that. People not talking to other people,
20 cars being keyed, tires being slashed, boycotts to
21 businesses, all kinds of things.

22 THE CHAIRPERSON: What seems to be at the
23 heart of all of this is that there are two visions of what
24 people want to see here in this area. I mean, some people
25 see a vision for the future that's built around the

1 environment, and others see it built around a job-based
2 prosperity I suppose is a way of saying it.

3 And don't those people ever get together
4 and talk to each other about kind of working out... I mean,
5 I know the quarry has created divisions, but before then, or
6 you think it'll happen after then? I mean, it seems to me
7 that you've got one camp believes this is the future, and
8 another camp believes that's the future.

9 At some point, they're going to have to
10 talk to each other. Things like land use planning, for
11 example, or what they want to see the future.

12 Ms. CINDY NESBITT: I agree this never
13 should have come to this, and it's a silly way to conduct
14 business, but I think it's just a different way of looking
15 at things. A lot of the people that are supporting this
16 Project have young families, and haven't enjoyed the success
17 that some others have, and they want to see development
18 here.

19 From the other side of the camp, there's
20 no need for change, because everything is fine, and status
21 quo works. But right now, our fishing industry, our tourism
22 and our forestry are the main industries on Digby Neck and
23 the Islands. They are failing. If we just go with what's
24 there now, things are going to get worse, and it's going to
25 get worse for everybody.

1 So it's important that we bring
2 something in to diversify our economy. Yes, something
3 different. This is just one thing different. There are
4 other things that could have come here. In 1969, Digby
5 could have had Michelin. We could have had Britech, an
6 elastic manufacturer. We could have had a woodchip factory,
7 and we could have had a water-bottling plant in Gulliver's
8 Cove, but in this County, we are great at saying no for
9 whatever reason.

10 And this is time maybe that if we don't
11 consider this Project, and work with this group to make this
12 happen well, and it can be done, because there are quarries
13 all over the world, and it works, then I don't know when the
14 next opportunity is going to put itself forward for us. And
15 we better start thinking about that, as well.

16 THE CHAIRPERSON: Let me try another
17 argument on you, that this is not our argument. This is
18 offered to us. Some people feel that there are 34 jobs
19 planned, but let's say some of those jobs, I don't know how
20 many, would require specialized skills which are not here,
21 and that you would expect some individuals to come in from
22 away to deal with those jobs.

23 So instead of 34, let's say it's 25, or
24 20 or so. The 25 or 20 would be jobs for which people here
25 could be trained for, but the other jobs like specialized

1 blasting perhaps, or maybe somebody who is a specialist in
2 computer machinery that loads the ship, that sort of thing.

3 And so the attraction for this is that
4 you have 34 jobs, but what if it's not 34 jobs? What if
5 it's, you know, 20 jobs? Is the change in the environment,
6 and all of the potential changes that would come with that,
7 would that, in fact, be worth 20 jobs, let's say?

8 Ms. CINDY NESBITT: The CLC has gone over
9 this many times with the Proponent. We had 16 meetings
10 before we stopped meeting. During that time, we confirmed
11 and re-confirmed ---

12 THE CHAIRPERSON: Sorry.

13 Ms. CINDY NESBITT: --- the 34, the
14 number 34 for jobs, with only one person coming in from
15 away, and the rest of the people being trained. The
16 specialized blasting, that's handled outside under contract.
17 That doesn't... Nobody in the quarry will be doing that.
18 That's for a specialist.

19 The only person that's coming from away
20 that we've been told is John Wall, who will be the quarry
21 manager. The rest of the employees will be hired from the
22 Neck and the Islands, and the surrounding area.

23 To us, those 34 jobs, just without
24 overtime, or without anything else, so base salary for those
25 34 people is \$1,257,000 a year. The Proponent has an

1 estimate of \$400,000 that would be given in annual property
2 taxes to the Municipality, and an estimate of \$1.8-million
3 for Federal and Provincial taxes.

4 We are getting something out this
5 quarry. It will help our community. It does put our people
6 to work, and it helps diversify our economy.

7 If we keep shrinking our tax base, we're
8 in trouble.

9 THE CHAIRPERSON: Well, I can see you've
10 given it an awful lot of thought, and all of your statistics
11 that you used are identical to the ones we've been using
12 here all week so, I mean, at least you're making your
13 calculations based on exactly the same numbers that are
14 being used by everyone else here as well.

15 So I don't have any. Gunter?

16 Dr. GUNTER MUECKE: Yes. I'm still a
17 little bit puzzled.

18 Two of the main industries on the Neck
19 and the Islands are fishing and tourism, and you had just
20 indicated that they're on the decline.

21 And I guess my question is, when we talk
22 to fishing and tourism operators who have been giving
23 presentations, that is not the impression that we get, so
24 there seem to be two different visions here as to what is
25 happening in this region.

1 If you take the fishing as an example,
2 the lobster fishery, we are told, you know, that it has been
3 doing quite well in recent years, for instance, and that
4 tourism, although it's declining, there are still new
5 operators starting, so I have a bit of a disconnect in my
6 mind as to what the real situation is.

7 Ms. CINDY NESBITT: My husband owns
8 Wilson's Gas Stop on Digby Neck. I work in a lobster pound,
9 and I know that the numbers this year were down from what
10 they were last year in LFA34.

11 I can't speak to tourism, although
12 speaking to people in the store, hearing the tourism
13 operators, listening to Linda and David Graham, and the
14 closure of the Old Village Inn in Sandy Cove.

15 I listened to the campgrounds at Whale
16 Cove. Their numbers are not as high as what they were last
17 year. Comparable, but not as high. And so you wonder how
18 the season's going to go.

19 As far as the fishery goes, I think Mr.
20 Ivens could probably answer that question better than I, but
21 I believe that just because I interact with people in the
22 community, I hear, and this is what they're saying.

23 Dr. JILL GRANT: Actually, I have a
24 question for Mr. Buxton.

25 Ms. Nesbitt mentioned that the quarry at

1 Martin Marietta employs about 110 full-time and the average
2 statistics from the US in terms of aggregate production
3 indicate a higher rate of employees per tonne produced than
4 what the new quarry is proposing, so I wonder if you could
5 tell us why there's 34 jobs rather than more for this
6 particular quarry.

7 Mr. PAUL BUXTON: Yes. Thank you, Dr.
8 Grant.

9 The main issue, really, is the vintage
10 of the plant itself. Many of these quarries have been in
11 operation for 20, 30, 40, 50 years, and I think Martin
12 Marietta was first opened to grade the rock for the Canso
13 Causeway, so it's been in business for 50 years.

14 And what inevitably happens is that it
15 sort of gets expanded piecemeal. Operators don't seem to
16 want to throw out everything and build an entire new
17 operation, and inevitably, using older type equipment, less
18 efficient equipment, you need more people.

19 One of the main things that we have at
20 Whites Point which is very useful is the loading operation.
21 The loading of the ship is essentially done by one man, who
22 sits up in the operating tower and simply starts up the
23 conveyor and loads the ship. He operates everything.

24 So it really is a function of the
25 quality and the modernity of the plant.

1 Dr. GUNTER MUECKE: We have asked many
2 other residents, Ms. Nesbitt. How far is your home and the
3 store is it going to be from the quarry site?

4 Ms. CINDY NESBITT: The store is
5 approximately 16.5 kilometres from the quarry site. Our
6 home is in Freeport on Long Island, and I would estimate it
7 to be perhaps 25 kilometres away. That's an estimate. I'm
8 not great with distance.

9 Dr. GUNTER MUECKE: And perhaps as a
10 final point, when you first became involved in the CLC,
11 discussions centred around the four hectare quarry.

12 Was it understood at that time that it
13 was going to be a bigger operation, or did that develop at a
14 later date?

15 Ms. CINDY NESBITT: No. When we first
16 met, the purpose of the Liaison Committee was to discuss the
17 four hectare quarry, but at our first meeting we did discuss
18 that the reason that that permit had been applied for was to
19 obtain core samples and to do the testing that was necessary
20 to potentially develop a larger site.

21 And that's when we began talking about
22 the larger quarry.

23 Dr. GUNTER MUECKE: So you began talking
24 about it right at the first meeting.

25 Ms. CINDY NESBITT: Perhaps not at the

1 first one, but it wasn't maybe the second one.

2 THE CHAIRPERSON: Okay, Mr. Buxton, to
3 you.

4 **PRESENTATION BY Ms. CINDY NESBITT AND Mr. JOHN IVENS -**
5 **QUESTIONS FROM THE PROPONENT**

6 Mr. PAUL BUXTON: Thank you, Mr.
7 Chairman.

8 Ms. Nesbitt, you have a petition there
9 which I think you're going to present to the Panel.

10 Could you tell me how many names are on
11 the petition?

12 Ms. CINDY NESBITT: Yes. There are 316
13 names on the petition, and 309 of them are from the local
14 area.

15 There are some from Weymouth, a couple
16 from Weymouth and a couple from Plimpton that have moved
17 over there. They moved from Freeport and asked if they
18 could sign.

19 But the majority are all from the Neck
20 and the Islands, and they are all full-time residents.

21 Mr. PAUL BUXTON: Thank you. I wonder if
22 you could tell the Panel how the petition was produced.

23 Did you go around asking people to sign
24 it, or did people come into your store to sign the petition?

25 Ms. CINDY NESBITT: There was a group of

1 us talking one day and said, you know, we really need to put
2 something forward. We need to stop young people leaving the
3 area. We need to have jobs for them to stay here to do it.

4 So it was mentioned that perhaps a
5 petition should be started, and it was done by word of
6 mouth, not door to door.

7 And the one criteria was that all of the
8 people that signed it had to be in full-time residence in
9 the area, within the County of Digby, and we preferred the
10 numbers to come from Digby Neck and Islands to provide a
11 more representative sample of the number of people who were
12 in support of the project.

13 There are a number of people that still
14 would have signed the petition, but for one reason or
15 another, we didn't get a chance to speak to them or they
16 were intimidated and didn't want to sign, and they weren't
17 sure of where these names were going to go.

18 And we put on the top of the petition
19 that it was coming to the Panel and to the Minister of the
20 Environment, Federal and Provincial.

21 So that's where the petition was going
22 to go.

23 Mr. PAUL BUXTON: Okay. Thank you, Ms.
24 Nesbitt.

25 The PowerPoint that you showed, you

1 didn't really explain to us who the people were on the
2 PowerPoint.

3 You showed a lot of people, some of them
4 in your store, some in front of the houses, et cetera. Who
5 were all these people?

6 Ms. CINDY NESBITT: All of the people are
7 local people. All of them made requests for signs or wanted
8 more information, wanted to sign the petition.

9 And if they came in and they said, "I
10 would really like to sign that petition", I asked if I could
11 take their picture and use it in my presentation this
12 evening.

13 When they asked if they could have a
14 sign put on their property, we also took a picture of the
15 sign when it went on their property so that we would have a
16 record of the local support and the people that wanted this
17 project to go ahead.

18 We thought that because a number of
19 people probably wouldn't be able to get here to come and see
20 you and speak out to you that showing their homes and their
21 faces and their signatures, that you would have a sense that
22 there is a great deal of support for this project out there
23 and a number of people who are of the belief that we can
24 make this work.

25 Mr. PAUL BUXTON: Thank you.

1 You acted as Chair of the CLC throughout
2 its life. What were the consequences to you, Ms. Nesbitt,
3 for doing that?

4 Ms. CINDY NESBITT: Well, at times things
5 went quite well and at times I was treated like a pariah.

6 My car was keyed. When I was invited
7 back to see the sediment ponds early on, my car was keyed.

8 Our business has been boycotted. That's
9 not exclusive to me, though.

10 One of our other representatives had her
11 car keyed, and a number of people on the committee have
12 found less than friendly responses at times from people who
13 are opposed to the project.

14 The people who joined the committee were
15 pleased to have an opportunity to bring transparency to the
16 process. We thought we were helping.

17 We thought our function was to bring
18 this information to the community, and then, whatever the
19 case may be, let people decide.

20 Not everybody's going to come to the
21 same conclusion on this project, and I respect their
22 decision just as I do my own.

23 But to make a decision based on
24 information instead of propaganda or fear, I think, is the
25 best way to make any decision.

1 Mr. PAUL BUXTON: Thank you, Ms. Nesbitt.

2 I wonder, Mr. Chair, we've got a young
3 man at the table, and I know he's not registered as an
4 Intervenor, but he's the first young person that we've seen
5 at the Intervenor table, and I wonder if I might ask him,
6 first of all, how old he is and when he graduates.

7 Mr. TYLER NESBITT: Hello. My name is
8 Tyler Nesbitt. I'm graduating this year at Islands
9 Consolidated School down in Freeport. I'm 18 years old.

10 Mr. PAUL BUXTON: Thank you.

11 It's been said that, you know, there was
12 the impression on the Neck and perhaps Islands as well that
13 Bilcon does not intend to hire local people, that it says so
14 and then will bring people in from the outside.

15 Now, you live on the Neck and Islands.
16 What impression do you get?

17 I mean, do you think that you would be
18 shown any kind of courtesy in terms of job application?

19 Mr. TYLER NESBITT: I believe I would.
20 As soon as I head off to college and get my electrician
21 ticket, I believe that I would have a very good chance of
22 getting a job at this quarry.

23 I've met the people that are going to be
24 running it, and I have confidence in them that they are
25 going to do what they're going to say. They are going to

1 hire the local people.

2 Mr. PAUL BUXTON: Thank you very much for
3 allowing that, Mr. Chair. No further questions. Thank you.

4 Dr. GUNTER MUECKE: Just two points of
5 clarification to Ms. Nesbitt.

6 One is, on what date was the petition
7 started?

8 Ms. CINDY NESBITT: The petition was
9 started approximately 10 weeks ago.

10 Dr. GUNTER MUECKE: Okay. You may not be
11 able to answer this, but this afternoon we had David and
12 Linda Graham talking to us. Do you know them?

13 Ms. CINDY NESBITT: Yes, I do, and I was
14 here for their presentation.

15 Dr. GUNTER MUECKE: At the time, I asked
16 them about petition, and they indicated no knowledge of a
17 petition. I find that rather curious.

18 Ms. CINDY NESBITT: They didn't want to
19 spoil my surprise.

20 Dr. GUNTER MUECKE: I see.

21 Dr. JILL GRANT: One other clarification,
22 Ms. Nesbitt.

23 You indicated that you only accepted
24 signatures from full-time residents. Why would you want to
25 discriminate in the community in that way?

1 Can you clarify that for us?

2 Ms. CINDY NESBITT: Well, we didn't
3 intend to discriminate, but it's just the time of year that
4 the petition was taken, and the summer residents hadn't come
5 home yet.

6 And we just felt that because, we didn't
7 intend to discriminate in this way, but what happens with
8 people that live in our area year round is for three months
9 out of the year they do quite well, but they have to support
10 themselves for the rest of the year as well.

11 And because this affects them so
12 directly, it just seemed to make more of an impact to say
13 that these people really do want these jobs.

14 THE CHAIRPERSON: Okay. We have now
15 questions from the floor.

16 **PRESENTATION BY Ms. CINDY NESBITT AND Mr. JOHN IVENS -**
17 **QUESTIONS FROM THE PUBLIC**

18 THE CHAIRPERSON: Mr. Marcocchio, any?
19 Sister Barbara? Yes, please. Just line up behind there.

20 Mr. BRUNO MARCOCCCHIO: Bruno Marcocchio
21 of the Sierra Club of Canada.

22 I'd like to start and then follow up
23 with a question, a question, I think, that was put to
24 Bilcon, the Proponent, earlier on. I think it was by the
25 Panel.

1 And the response that was received was
2 that that question was better put to Ms. Nesbitt.

3 That question was why did the CLC cease
4 meeting three years ago. I haven't heard the answer to that
5 question. Would you mind addressing it?

6 Ms. CINDY NESBITT: I would be happy to.

7 At that time, there was really nothing
8 else that was going to be needing to be discussed. We had
9 gone through all of the questions that we had been asked
10 locally, the hydrogeology reports, the ballast water, et
11 cetera, et cetera.

12 But the reason that the CLC, we made a
13 judgment. At that time we felt that there wasn't a lot of
14 new information, not a lot of new things happening. And at
15 that time, people were being given a very hard time.

16 This is when a lot of the tires were
17 being slashed and the cars were being keyed, and people were
18 not being spoken to at the grocery store. And we felt that
19 until something else came up, that we would just reserve and
20 if there were more situations in the community that needed
21 addressing, we would have reconvened.

22 But that was the reason for us stopping
23 meeting. We'd had 16 meetings, and we'd had a lot of
24 information to digest. And a lot of the members of the
25 committee went on their own as well and researched different

1 things in the absence of formal meetings.

2 But the real reason was because people
3 were given a hard time over participating in this Department
4 of the Environment committee.

5 Mr. BRUNO MARCOCCHIO: That leads me into
6 a follow-up question. Thank you very much.

7 I come from the other end of the
8 province, in Cape Breton Island, and there are a number of
9 very contentious proposals there that are causing similar
10 strife in the community that we're seeing here.

11 In our case, over strip mining on Cape
12 Breton. The CLC is a secret CLC where the membership in the
13 CLC is not disclosed to the community, where they meet not
14 publicly, but privately and publish no minutes.

15 I want to ask you a question about what
16 role you think this current structure of Citizens Liaison
17 Committees that are currently constituted, particularly by
18 the Province of Nova Scotia, to be a vehicle for the
19 Proponent that inevitably, it seems, not only here in Digby
20 but at the other end of the province and across the
21 province, is causing a tremendous amount of strife, division
22 in the community.

23 Do you think much of this could have
24 been avoided if Citizens Liaison Committees were funded by
25 the Proponent but independent vehicles with the resources to

1 do their own research, to ask the question and to constitute
2 their membership representative of not only the cheerleaders
3 for a proposal, but the whole of the community?

4 Do you think a Citizens Liaison
5 Committee process that was independently funded and not a
6 vehicle of the Proponent would help address many of the
7 divisive social issues that we see not only in this
8 community, but across the province?

9 Ms. CINDY NESBITT: I think in this
10 community it was just a case of the, well, let's find out
11 about its being against the nos. And I don't really think
12 that our meetings were compromised in any way.

13 We asked for certain people to come, and
14 they were made available to us. We asked the questions.
15 The minutes were ours.

16 We didn't ask all positive questions.
17 We had a lot of concerns that were brought to us by
18 different people who would come and say, "Why don't you ask
19 this?" or "Can you look at this because I'd really know to
20 know". And we asked those questions. We brought them
21 forward.

22 And I guess the reason that perhaps the
23 people that were on the CLC became somewhat disillusioned is
24 we really believed that we were providing a service to the
25 community by making this information available.

1 It was just available. You could do
2 with it what you wanted.

3 There were certain things that maybe you
4 wanted to explore a little bit more on your own, but we
5 honestly believed that what we were doing was something good
6 and positive for the process.

7 And I don't think it had anything to do
8 with who was paying the bills. Do you, John?

9 Mr. JOHN IVENS: I don't know who else
10 other than the Proponent should pay for this. I don't think
11 the taxpayers should.

12 Mr. BRUNO MARCOCCHIO: No, no. [Inaudible
13 - off mic] for by the Proponent, but my question was, if it
14 was independent of the Proponent, that is, a vehicle of the
15 community rather than a vehicle of the Proponent.

16 And I don't think I heard an answer to
17 that question.

18 THE CHAIRPERSON: Okay.

19 Mr. BRUNO MARCOCCHIO: Thank you.

20 THE CHAIRPERSON: Thank you, Mr.

21 Marcocchio. Next.

22 Ms. SUNDAE WIDER: Good evening. My name
23 is Sundae Wider. I now live in Yarmouth. However, my home
24 is Little River, Digby Neck, and my former name, my maiden
25 name, was Nesbitt.

1 It is said this quarry stuff is
2 splitting the community and it is also splitting families.

3 I have some difficulty and some
4 questions for Cindy about some of her calculations, and one,
5 as you had mentioned, about the quarry and her checking into
6 other quarries.

7 I have a brother who lives near a quarry
8 and that's in Nova Scotia, also. Not exactly the same
9 thing.

10 And my concern with your comments on the
11 quarry and making them sound like, oh, they're all just
12 lovely is that my parents' home is within a quarter of a
13 mile from the quarry. And in fact, I think the quarry would
14 quite love to buy my parents' home.

15 But it has been their home forever. My
16 dad is 85, my mom is 77. And they darn well intend to stay
17 there for as long as they can.

18 So I think that you're being unrealistic
19 that there will not be shaking of their house. Why is the
20 quarry wanting to buy houses within a certain radius if, in
21 fact, there will be no effects from this quarry?

22 THE CHAIRPERSON: Do you have a question
23 for Ms. Nesbitt?

24 Ms. SUNDAE WIDER: Yes. So I'm expecting
25 that you have done some of that research.

1 So you know that my parents' house will
2 not have shaken windows, will not have things falling from
3 the ceiling? You know, is that a guarantee?

4 Ms. CINDY NESBITT: I think you probably
5 want to ask that question of the Proponent, but there are
6 Department of the Environment guidelines for noise,
7 vibration, everything, Sundae, and there are strict rules
8 about what can go in on a quarry.

9 It's not just the old west quarries of
10 years ago.

11 Ms. SUNDAE WIDER: And again, I'm
12 familiar with other people who live near quarries, and
13 yes...

14 THE CHAIRPERSON: You're allowed one
15 follow-up question, and that's it coming now.

16 Ms. SUNDAE WIDER: Thank you. Yeah.

17 And the job thing. I guess it's more
18 specifically, can you explain what these jobs will entail,
19 what kind of jobs? I mean, should I be looking for a job?

20 I guess I hear so much the 20 or 30
21 jobs. What are the jobs?

22 Ms. CINDY NESBITT: Well, there were
23 lists that were put out by the Proponent of what they were
24 going to hire for, a job description with each, and an
25 hourly wage that went along.

1 This was not something that we put out.

2 We did ask for that information.

3 And it was made available, and it is out
4 there. I can certainly get you a copy of it.

5 Ms. SUNDAE WIDER: Yeah, that would
6 be...

7 Ms. CINDY NESBITT: Now, as far as
8 anything that would go on about families dividing families,
9 Sundae, I don't feel that way with anybody. I respect
10 everybody's right to their own opinion, and I certainly
11 wouldn't ostracize anyone because they came to a different
12 conclusion than I did.

13 Ms. SUNDAE WIDER: And that's fine. It's
14 just, again, I think, you know, your comments about the
15 quarry being nice considering my family happened to live,
16 you know, probably closest...

17 THE CHAIRPERSON: We're moving on to the
18 next questioner. Thank you.

19 Ms. TINA LITTLE: Hi. My name is Tina
20 Little, and my question is for the gentleman.

21 I'm one of the scary faces that you
22 should be afraid of, so watch out for me, okay. Just
23 kidding.

24 I am seasonally here and I live in a
25 very seasonal community in Florida, and I totally understand

1 how hard it is to make a given amount of money in three
2 months and hold onto that and make it through the summer for
3 me. It's really hard, okay. I do understand that.

4 I also understand the problem of your
5 children going to college and leaving and not staying in the
6 community. We have the same problem in Sarasota, and much
7 of the world in rural communities is suffering from that
8 today, so I do sympathize with you.

9 My question is that I think that you
10 went to the meetings and you listened to what Bilcon had to
11 say to you and you asked as many questions that you thought
12 were relevant to the quarry and probably asked really good
13 questions.

14 But my only problem is that if they
15 satisfied you, did you read the EIS, the Environmental
16 Impact Statements, or did you just trust Bilcon's experts
17 with the results and the answers that they gave you?

18 And if your trust in this came from
19 Bilcon, why do you trust them and what have they done that
20 would lead us to believe that we could believe them in the
21 future because it seems that there's so many inconsistencies
22 to take the word of someone who wants something, I mean,
23 we're all human.

24 They're going to tell you anything that
25 they feel will satisfy you.

1 How do you feel about that?

2 THE CHAIRPERSON: Ms. Little, you managed
3 to get about five questions in there.

4 Ms. TINA LITTLE: I did?

5 THE CHAIRPERSON: Yeah.

6 Ms. TINA LITTLE: And I thought it was
7 one. Okay. I'm sorry.

8 So the question is, how can you put such
9 faith in a company that has the possibility of destroying
10 the ecology of a beautiful community? How can you put such
11 faith in their answers alone to your questions when they're
12 the ones that want to do it?

13 I mean, like, you know, we all put our
14 best foot forward when we want something, right?

15 THE CHAIRPERSON: Okay. It's over to
16 you, Ms. Nesbitt.

17 Ms. TINA LITTLE: For the gentleman.

18 THE CHAIRPERSON: Oh, it's Mr. Ivens.
19 Yes.

20 Mr. JOHN IVENS: Every meeting that I
21 went to, it was one of the most open and transparent, I
22 mean, anything you wanted to ask, if they couldn't answer
23 right then, they would come back.

24 Ms. TINA LITTLE: Wait a minute 'cause I
25 only get this one question, so let me get it right.

1 Mr. JOHN IVENS: Okay.

2 Ms. TINA LITTLE: Okay?

3 Mr. JOHN IVENS: You're asking me how I
4 could trust them, okay.

5 Ms. TINA LITTLE: Since all the answers
6 are coming from the experts that they paid for.

7 Mr. JOHN IVENS: Yes. And they would say
8 who they hired to do it as an independent to do it, right.

9 I mean, you've got to have a little bit
10 of faith in people in this world or you might as well...

11 Ms. TINA LITTLE: So it's general faith
12 which is the beauty and the grace of some of the Nova Scotia
13 people.

14 Mr. JOHN IVENS: Well, when someone makes
15 a document and they sign it with their name, you assume that
16 the document that they signed is done to the best of their
17 knowledge, right.

18 Ms. TINA LITTLE: Because you are a
19 trusting and true Nova Scotian.

20 THE CHAIRPERSON: I think you've gotten
21 your answer.

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

23 THE CHAIRPERSON: Okay. Sister Barbara?

24 SISTER BARBARA: Thank you, Mr. Chair.

25 Thank you, Ms. Nesbitt. Thank you for your address tonight.

1 And I, for one, did not boycott your
2 store. I was so glad last summer when I needed gas for my
3 lawn mower and I didn't have to go to Digby for it, just
4 down to Centreville and I was on my way.

5 It's not so much a question. It's just
6 a point of clarification.

7 I think in your address you said that
8 the quarry will delivery about 400,000 a year in municipal
9 tax revenues.

10 But we had the Warden of the
11 Municipality of Digby yesterday, Mr. Jim Thurber, and he
12 said it might, might amount to \$130,000 and that might go
13 for repairs to wells of people in Little River if the quarry
14 affects them.

15 Just a point of clarification.

16 THE CHAIRPERSON: Thank you, Sister
17 Barbara.

18 SISTER BARBARA: Thank you.

19 THE CHAIRPERSON: Kemp Stanton.

20 Mr. KEMP STANTON: Yes. I've suffered a
21 little bit of vandalism. I've lost about seven signs and
22 about 14 flags on a building in Digby.

23 And wouldn't you agree that there's been
24 unfortunate incidents on both sides, not just the people
25 that are for the quarry?

1 Ms. CINDY NESBITT: I think it's been
2 very unfortunate that there's been so much animosity, and it
3 doesn't need to be that way.

4 There's no reason to... And yes, I'm
5 sure that there has been some sign removal, but not by
6 anybody that I know.

7 I do know that the green signs went down
8 as fast as they went up, though.

9 THE CHAIRPERSON: Okay. Please come
10 forward.

11 Ms. SHARON PAILLARD: Hello. My name is
12 Sharon Paillard. I'm a seasonal resident.

13 When I heard that there were 319
14 signatures, I would just like to know how many adults over
15 the age of 18 were the signees. Thank you.

16 Ms. CINDY NESBITT: There were a couple
17 of people that signed who were 18, a couple that were 17.

18 THE CHAIRPERSON: Ms. Nesbitt, this
19 document will be ---

20 Ms. CINDY NESBITT: Yes.

21 THE CHAIRPERSON: --- in the public
22 record.

23 Ms. CINDY NESBITT: Then people can
24 verify that for themselves.

25 THE CHAIRPERSON: Anybody can look at

1 this document, okay, so they can make their own judgment of
2 it.

3 Ms. CINDY NESBITT: Thank you, sir.

4 THE CHAIRPERSON: You're welcome. Close
5 of questions?

6 If so, I would like to thank Ms. Nesbitt
7 and Mr. Ivens. Thank you for your presentation and your
8 questions. It's been very helpful.

9 Ms. CINDY NESBITT: Thank you for your
10 time.

11 THE CHAIRPERSON: Thank you.

12 Okay. We've come to the next
13 presentation. Harold Theriault and Leo Glavine.

14 Gentlemen, could you identify yourself
15 and spell your name out for the benefit of the transcription
16 service?

17 **PRESENTATION BY Mr. HAROLD THERIAULT AND Mr. LEO GLAVINE**

18 Mr. HAROLD THERIAULT: My name is Harold
19 Theriault, T-h-e-r-i-a-u-l-t.

20 Mr. LEO GLAVINE: Leo Glavine; L-e-o, G-
21 l-a-v-i-n-e.

22 THE CHAIRPERSON: Proceed, please.

23 Mr. HAROLD THERIAULT: Thank you. And I
24 want to start off by saying I don't envy your job, and I've
25 had the same thing about my job.

1 My name is Harold Theriault, and I've
2 been the MLA for Digby/Annapolis and the Nova Scotia
3 Fisheries Critic for the past four years.

4 I want to thank the Panel for this
5 opportunity to express some concerns of this area regarding
6 the proposed Digby Neck Quarry.

7 My family has lived and fished in this
8 area for 15 generations, and hopefully that will continue
9 for many more. I've heard from many people concerning this
10 quarry over the last number of years, and it's clear that
11 the matter is somewhat divided, and is on the forefront of
12 people's minds in our community.

13 I believe people are against this
14 proposed quarry for fear of harm it may cause to what many
15 have worked hard to establish in this area. However, there
16 are a number of people in favour of it, 'cause they believe
17 the jobs may help our community's economy, and jobs are the
18 only positive thing I've heard from people concerning this
19 quarry; the jobs.

20 People need a job for income to support
21 their families, and nobody should blame anyone for wanting
22 this. But those who are against it say Digby Neck and the
23 Islands has been compared to places such as the Florida Keys
24 of the United States, and why would we risk this for a few
25 jobs?

1 People have worked hard in the past 20
2 years toward making this region a first-class tourist
3 destination, and they are succeeding, but they are wondering
4 if they should continue.

5 Digby, Nova Scotia, was recently
6 selected as the most romantic town of Canada. Annapolis
7 Royal was picked as one of the best small towns to live in
8 North America.

9 People are asking me, will a mining
10 project in this same community destroy this image?

11 I've also heard from many concerned
12 fishermen about the proposed quarry. They are asking me,
13 what will silt do to the last fisheries that we have left on
14 this Bay of Fundy shore for generations to come?

15 They are also saying the proposed
16 shipping route to the quarry will be travelling over miles
17 and miles of lucrative lobster grounds. How much lobster
18 gear will be cut loose from this massive ship travelling
19 over these grounds?

20 This lobster gear can run upwards of
21 \$150 per trap, with thousands of them being fished in the
22 proposed shipping lane.

23 Another question I hear is what will
24 major quarrying do for future plans of this area becoming a
25 retirement community of Nova Scotia? If we look at other

1 areas in Canada where mining is going on, do we see any
2 retirement communities nearby?

3 Questions from other concerned people
4 are why are we giving our rock away to another country for
5 just the promise of a few jobs? This Province's roads are a
6 mess and we are four billion dollars behind in road
7 building. Why can't we receive a royalty from this material
8 to rebuild our own roads?

9 Another question is, why is the United
10 States coastline protected from this sort of quarry and our
11 costs aren't? Do the American people know there is
12 something wrong with this that we don't?

13 Another question I've been asked, if you
14 have a pile of rocks 30 miles long, one mile wide, and 200
15 feet high, and you take two million tonnes away from that,
16 how many generations would it take to make this pile of rock
17 disappear?

18 Last but not least, a few years ago the
19 Federal Government seen it wise to stop fresh water from
20 leaving this country in bulk. So why are we letting our
21 land be taken away in bulk?

22 And I could go on and on with the
23 questions I've been asked, but I'm sure by now the Panel has
24 heard them all.

25 Now, on the other side of the issue are

1 the concerned citizens in favour of this proposed quarry.
2 I've not heard from many of these people, but those I have
3 heard from are desperate for a job, especially since the
4 downturn of our ground fishing industry in this area.

5 I've been asked, what is wrong with a
6 quarry that will create some jobs? I've been told that
7 there have been 400 resumes submitted for the jobs this
8 quarry would provide. At the same time, I hear that only 34
9 jobs will be available. If this is true, 366 people that
10 believe they may get a job are going to be very
11 disappointed, and I believe this will create even more
12 division in this community.

13 I want you to know that I am fully in
14 favour of creating more employment in western Nova Scotia.
15 For 15 generations, my family and many others has worked and
16 survived in this community, and my hope is they can continue
17 on for many more. I believe we must do everything we can to
18 keep our families together in western Nova Scotia in a
19 sustainable way.

20 Many of these people that want a job are
21 not cut out to work in call centres. How many people have
22 gone to Alberta, Ontario, or other places looking for work
23 because of a lack of jobs here? We're not happy about it,
24 but it's called survival, and people in this region will do
25 what they have to for survival. Some people will leave this

1 land to survive and others will think about giving it away
2 to survive. It's partly to do with desperation because of
3 no ground fishery.

4 We need to explore every option to
5 increase economic development and job opportunities in this
6 area, but in a sustainable way. I believe the opportunities
7 are already here. We just have to convince the Federal
8 Government and others to help us revive an industry that
9 helped to build this Province and Country.

10 Nova Scotia was one of the original
11 provinces in Confederation, and it was our fishing industry
12 that supplied trade and commerce to the rest of Canada, and
13 we've done so for many generations.

14 We used to have one of the prosperous
15 fishing industries in the world, and many believe that can
16 happen again.

17 In the past decade or so, our ground
18 fishing industry has fallen on hard times, but we could
19 bring it back to a sustainable level if our Federal
20 Government and others would listen to some common sense.

21 Our lobster and scallop fisheries are
22 still viable and sustainable, but we must bring our ground
23 fishery back to complement it, like it was for many
24 generations in this community.

25 The Department of Fisheries and Oceans

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1 in Ottawa has mismanaged our ground fishery for a number of
2 years, and is still doing so, with no will to correct it.
3 Many believe if the fishery was doing well, people would not
4 feel the desperation for jobs and probably wouldn't support
5 this quarry.

6 Before the collapse of our ground
7 fishery in this area, 20 fish plants operated between Digby
8 and Brier Island, employing approximately 30 people per fish
9 plant. Today, that number is three part-time fish plants.

10 Keep in mind that this proposed quarry
11 is just the equivalent in labour as one fish plant.

12 The vast majority of people in this
13 fishing industry know that if some proper management was
14 used we could put a lot of these 20 fish plants back into
15 operation.

16 Over the years, with DFOs mismanagement
17 plans and fishermen, myself included, who followed them
18 plans, helped bring a ground fishery down by thinking it
19 could never end. Now we now better, but we also know we are
20 not keeping it down.

21 Since the downturn of the ground fishery
22 in Nova Scotia, a predator to ground fish called seals has
23 exploded to a population ten-fold of what it was before the
24 collapse of the ground fishery. What has caused this?

25 Many fishermen and others around the

1 coast can tell you that sharks that have been caught up were
2 the predators to the seals. There may be other reasons
3 also, we're not sure, but one thing we are sure of, the
4 number of grey seals in our coastal waters of Nova Scotia
5 have gone from 25,000 ten years ago to 250,000 today.

6 This is a low figure I'm using, and
7 fishermen and others living around our coastal communities
8 would tell you it's much higher than this, possibly 450,000
9 of them and growing. These animals grow to a weight of
10 1,000 pounds, and need a food supply of at least 20 pounds
11 of fish per day, and many say up to 40 pounds of fish.

12 But just at 209 pounds each, this
13 calculates out to 5 million pounds of fish per day being
14 eaten by these animals while fishermen and fish plant
15 workers sit on the wharves wondering where they're going to
16 get a job.

17 One fish plant employing 30 people needs
18 approximately 50,000 pounds of fish per day to operate. The
19 five million pounds of fish that's being eaten by seals
20 around our coast would operation 100 fish plants, employ
21 3,000 people 365 days per year.

22 Remember, these are low figures I'm
23 using.

24 We may not be able to bring our ground
25 fishery back to the glory days of having 20 fish plants on

1 Digby Neck and the Islands, but we could bring it back to
2 half of that, if the powers that be and others would
3 recognize this problem.

4 If the fishing industry would have had
5 the amount of attention this quarry has received over the
6 last five years, we could've maybe generated thousands of
7 jobs back into the fishing and processing industry of
8 coastal communities, including Digby Neck.

9 Over the past few years, very few
10 fishermen have been fishing for ground fish, and there's
11 less of them fishing every year, let fish and the fish
12 quotas are still in decline. With the ground fishing
13 industry nearly gone from Nova Scotia's coastal communities,
14 some people feel they have no other choice than to use the
15 land in whatever way they can to survive.

16 They can't understand why our Federal
17 and Provincial Governments won't work to help us re-
18 establish our main economic generator; the ground fishing
19 industry. They can't understand why they won't help us grow
20 our aquiculture industry that could create even more jobs
21 for our coastal communities. Nova Scotia is supposed to be
22 the best fish-producing province of Canada, and it's a
23 natural place for doing so.

24 A lot of people in coastal Nova Scotia
25 believe it has come to the point that if the powers that be

1 and others want to save seals, then we'll have to give our
2 land away to survive. We have a serious problem with seals
3 in Nova Scotia's coastal waters with regard to our ground
4 fishery and all the sustainable jobs that it should be
5 creating.

6 The fishing industry doesn't want to see
7 the seal herd disappear. They just want to be brought down
8 to a manageable level, and in doing so, we can create
9 sustainable way of life again in coastal communities of this
10 province and Digby Neck.

11 There are examples of this in industries
12 in Canada. For example, in Saskatchewan, the agriculture
13 industry had a serious problem with gophers eating their
14 crops. They had a fear there of losing jobs in that
15 industry. The damage to Saskatchewan's economy was reported
16 at being \$200 million per year.

17 And here, in Nova Scotia, we're talking
18 about billions of dollars per years, and our coastal waters
19 being destroyed by the overabundance of wild animals.

20 The Federal Government stepped in to aid
21 the farmers of Saskatchewan, and they planned to exterminate
22 80 percent of the gopher population in that province so no
23 jobs will be lost.

24 We are not asking the Federal Government
25 to help us exterminate our seal population. We are asking

1 to harvest and sell 50 percent of the seal population in our
2 waters. And this still won't bring it down to the normal
3 level it was before the ground fishery collapsed. But it
4 would give our coastal communities a fair chance to survive
5 without destroying our land.

6 In turn, the fishing industry believes
7 that this could create many jobs in our coastal communities
8 of Nova Scotia, including Digby Neck.

9 We know of two other countries that have
10 gone similar experiences in the past with lack of jobs in
11 their coastal communities. Iceland and Norway both had the
12 will and common sense to return their fisheries back to two
13 of the best fisheries on earth after their ground fishery
14 collapsed over 20 years ago.

15 Their seal population exploded, just
16 like ours has. They now harvest their seal in their coastal
17 water, similar to how we harvest our wild animals on our
18 land here. If we didn't control the population of our
19 moose, deer, and rabbit, you wouldn't be able to grow a
20 garden in this province. It's just common sense.

21 We don't let animals eat us out of house
22 and home on our land. Why are we letting this happen in our
23 coastal waters?

24 Today, Norway employs 20 percent more
25 people in their fishing industry than they did two decades

1 ago before their fishery collapsed, all from a Government
2 and others that recognize the problems faced by that fishing
3 industry, and had the will to find the proper balance in
4 their coastal waters of their countries.

5 People in this area who are for this
6 proposed quarry are seeking employment to feed their
7 families. If it's not going to be the fishing industry,
8 then it'll have to be whatever else comes along, and it just
9 happens to be this quarry. To them, it's about jobs and
10 survival, which everybody needs and deserves.

11 As MLA, I know this proposed quarry has
12 created some division in this community, amongst family,
13 friends, and neighbours, and that's not right. There are
14 people opposed to this quarry, and people who are in favour
15 of it. We need to find a solution for our lack of jobs in
16 our coastal communities. We know rebuilding our ground
17 fishery and growing our own fish here are two of them.

18 We need to find a solution or keeping a
19 healthy, balanced environment, and that includes our coastal
20 waters and its shorelines. If this would've been corrected
21 ten years ago when the fishing industry first brought it to
22 the attention of Ottawa, I don't think we would be in this
23 process today, wasting time, money and energy over whether
24 we should give our land away or not for the sake of a few
25 jobs to feed our families.

1 A lot of division has been created in
2 this community because of a lack of not understanding what
3 this proposed quarry will mean for its future. The average
4 person, including myself, do not know what silt will do to
5 the Bay of Fundy for generations to come.

6 We don't know what the ship will do on
7 the shores of the Bay of Fundy this winter. We don't know
8 what it'll do to tourism on Digby Neck and the Islands. We
9 don't know what it'll do for the future of our... For a
10 retirement area.

11 And we don't even know if any land
12 will be left here in the next 15 generations to do anything
13 with.

14 There is fear from this, and there is
15 fear that many people will have to leave here for lack of
16 jobs. There are many in this community do not understand
17 what this all means for generations to come.

18 One thing a lot of us do understand is
19 that we have a lack of jobs in our coastal communities of
20 Nova Scotia because we are being driven out from the over-
21 abundance of wild animals in our coastal waters. We also
22 know this quarry will create a few jobs that people
23 desperately need because of this.

24 I believe if a similar assessment
25 would've been held concerning the problems in our coastal

1 waters of Nova Scotia we would be a lot farther ahead here
2 today. Hopefully that can be one of the Panel's
3 recommendations, if part of this process is concerning jobs
4 in our coastal communities.

5 We have had information concerning this
6 quarry both for and against, both making good arguments, and
7 I hope it is the Panel's job to explain this out fully and
8 clearly so all the people in this community can understand
9 the truth of it.

10 Hopefully, the people of this area will
11 accept your recommendations, whatever they may be, and we
12 are also hopeful that your recommendations concerning this
13 proposed quarry will be fair for the good of this area and
14 all of its people for many, many more generations to come.

15 Thank you for your time.

16 THE CHAIRPERSON: Thank you, Mr.
17 Theriault.

18 Mr. Glavine?

19 Mr. LEO GLAVINE: Thank you very much,
20 Mr. Fournier, and I really came in a supporting role for Mr.
21 Theriault this evening.

22 I am the Natural Resources Critic for my
23 party, the Liberal Party of Nova Scotia, and I think that
24 perhaps it may have been more appropriate to have had our
25 Environment Critic here, but he was unavailable.

1 I first must say that Bilcon provided
2 our caucus with a meeting where they were able to explain
3 their position and lay very clearly for us the information
4 that they had available at that time.

5 Certainly, five years ago we opposed the
6 quarry. At that time, we didn't have the same body of
7 knowledge from the Proponent, nor from a growing body of
8 environmental evidence that certainly questions whether or
9 not this quarry development should go ahead.

10 In fact, presently, we are continuing to
11 listen, but with the growing body of scientific information,
12 which certainly I don't have available here, and I know it's
13 been heard through the week, that says that we should indeed
14 hold presently to that position that we took some five years
15 ago.

16 As a party, certainly we are not against
17 the development of pits and quarries, and in fact we
18 basically hold the position currently where we investigate
19 the merits of each of the pits and quarries as they are
20 proposed to the Province, and that is to have it evaluated
21 on good signs and environmental sensitivity.

22 There is no question that as we look at
23 the development, at White Point Quarry, there are three
24 areas that I want to address briefly this evening. When we
25 take a look at this area, it is difficult to separate it

1 from the total environ of the Bay of Fundy, which as we know
2 is regarded as one of the four natural wonders of North
3 America, and one of the fourteen around the world.

4 That in itself begs the question, how
5 much disruption can we ever allow through mining, through
6 quarries, through pits, to this type of environment? And so
7 for that reason, we question whether this development should
8 indeed go forth.

9 I would make the contention that in fact
10 we have only scratched the surface of bringing people to the
11 shores of the Bay of Fundy. In fact, only two years ago did
12 Tourism Nova Scotia start to make more of concerted effort
13 to bring tourists to the Bay of Fundy, and I think there
14 certainly is there many opportunities for the growth of jobs
15 in the tourist sector, and in fact people who indeed may
16 come to populate some areas of the Bay of Fundy shore.

17 I know it is certainly the role of
18 Government to investigate pro and con of any proposed
19 development. I certainly was against that consideration in
20 this case. I felt that we should keep this natural jewel in
21 as close to as pristine a condition as is humanly possible,
22 with of course some development, as a way of sustaining the
23 way of life around the Bay of Fundy.

24 One of the areas that certainly, there
25 again, a growing scientific body of evidence to show that

1 increased shipping is having a detrimental effect on the
2 right whale population. And in a recent book, "Natural
3 Portrait of the Bay of Fundy", Scott Leslie makes a
4 compelling case for the protection of the right whale. And
5 this alone should summon us to reject the quarry
6 development.

7 Deep water and abundant food make the
8 Bay the select area for the rare North Atlantic Right Whale
9 during summer months. This whale is one of the most
10 endangered species on earth. In Leslie's book, he says
11 that:

12 "For thousands of years, we have held
13 whales in awe; these huge bodies are so
14 overwhelming, that deep blue home so
15 unfathomable, their ocean language so
16 undecipherable, their intelligence so
17 indisputable. They are one of the
18 mysteries of the sea."

19 The present population of only 300 or so
20 mammals is under the threat of increased human activity.
21 The increased shipping is one of those activities that has
22 impacted on the remaining right whales. The Bilcon project
23 obviously increases the odds of mortality.

24 Every right whale that dies from being
25 struck by a passing ship represents a significant reduction

1 in the continued evolution of the species.

2 The jobs, indeed. I think, as my
3 colleague has versed us very well in tonight, is indeed at
4 the centre of this development. 34 jobs in any area that is
5 going through economic difficult times is certainly a ray of
6 hope, a ray of light for the community.

7 But I think it's important that we take
8 a look at this in the context of just our province; not just
9 nationally or internationally. Only five counties in Nova
10 Scotia continue to sustain its current population and, in
11 fact, have some growth. 13 counties in Nova Scotia continue
12 to lose their population.

13 This is not a phenomena to Digby County
14 nor to Digby Neck, but it is one which challenges us all to
15 work to create jobs.

16 As an MLA five years ago looking at this
17 particular quandary, do we develop the quarry or not, I was
18 a proponent of saying to Government, "Let's work to create
19 seven sustainable jobs a year". That's all it would've
20 taken to create 35 jobs.

21 And I certainly have seen, in one of the
22 Bay of Fundy communities, what can take place when small
23 elements of positive growth and action are taken.
24 Harbourville, eight years ago, before the wharf
25 reconstruction, only four lobster boats worked out of

1 Harbourville. Today, since half of the wharf, just half the
2 project complete, the other part of it's future, there are
3 nine lobster boats now working out of that community.

4 There are anywhere from eight to ten
5 dogfish boats that come down from Yarmouth and Wedgeport and
6 spend five or six weeks. It adds to the local economy.
7 There is a fish shop that has opened. A restaurant has
8 opened. And other support industries, the oil truck is
9 busy, going back and forth to the wharf. There aren't a
10 great number of jobs there, but some jobs have been created
11 because of the increased activity.

12 And I think that's the kind of small,
13 gradual change that we need to be proponents of in re-
14 establishing a strong, rural economy.

15 It is unfortunate that in 2007, in this
16 province, and ask any member of Government, all of us in
17 opposition, the 23 members in Government, is there a rural
18 economic development plan for Nova Scotia? And that is one
19 of the real deficiencies that we currently have, and that's
20 why the appeal of these 35 jobs are, indeed, very, very
21 strong to us.

22 I would like to see us in this province
23 start to take on, once again, some of the philosophy of
24 Moses Coady, who went into the communities of Cape Breton
25 that were in economic despair. I mean economic despair.

1 And gradually, by pulling small community development
2 projects together, there was a renewal of jobs and spirit
3 and strength in those communities. And that can happen here
4 on Digby Neck, and in other parts of Nova Scotia.

5 I would just like to say, in closing,
6 that I have been to Digby Neck several times, and a revival
7 of their economy without negative impacts on the
8 environment, and this wonder of the natural world, is
9 desirable and possible. Will our legacy be 100 million
10 tonnes of rock taken from Digby Neck, or will it be the
11 legacy of sustainable development?

12 Thank you.

13 THE CHAIRPERSON: Thank you, Mr. Glavine.

14 **PRESENTATION BY Mr. HAROLD THERIAULT AND Mr. LEO GLAVINE -**
15 **QUESTIONS FROM THE PANEL**

16 Dr. GUNTER MUECKE: I assume, hearing
17 both of you speak, that the position that you have taken
18 regarding the quarry is that of your party?

19 Mr. LEO GLAVINE: Yes. We, based on all
20 of the evidence that we have to date, our party has taken
21 the position that we are against development of the quarry.

22 Dr. GUNTER MUECKE: Thank you. Could I
23 ask what your position is regarding coastal zone management
24 planning in Nova Scotia?

25 Mr. LEO GLAVINE: Certainly at the heart

1 of protecting the coastal zone in our province, and of
2 course we are only a steward of part of the Bay of Fundy, as
3 we know; we share this with New Brunswick and in fact a
4 small part with Maine.

5 And I think at the heart of it is
6 working to keep our small communities viable, and I regard
7 that as an immense challenge where really no one person
8 certainly has the answer.

9 But when I take a look at communities
10 like Harbourville, like Halls Harbour, those communities
11 have gone through some transformation and are more than
12 holding their own.

13 And I think there are models out there
14 that we can look at and that we must embrace the good
15 practices that they currently have.

16 It is not about the mega-project, there
17 are no silver bullets to finding the correct fix, but when
18 good community development combines with economic expertise,
19 then certainly I have seen it in at least the upper part of
20 the Bay of Fundy, be very, very beneficial to those
21 communities.

22 Dr. JILL GRANT: Mr. Theriault, I wonder
23 if you could tell us, was the quarry an issue in the last
24 election campaign, and if so what kind of feedback did you
25 get in the community to indicate what the relative support

1 for the quarry was?

2 Mr. HAROLD THERIAULT: It was a very big
3 issue. There was a Minister of the government in this
4 riding, and I ran against that man and I won, because of
5 standing up for...

6 My thing has always been to deal with
7 this fishery. I have been fighting the Department of
8 Fisheries and Oceans for 15 years, and that's why I spoke on
9 that today, because it's all about jobs, we need jobs, jobs,
10 jobs, jobs.

11 We had jobs. If DFO had the will, we
12 could bring jobs back to these communities with no problem
13 because other countries have done this.

14 My stand has been that if we can bring a
15 natural renewable resource back here, that's the way we've
16 got to go. And why take a chance? I don't know. I don't
17 know what this quarry is going to do, and neither do the
18 people here sitting behind me.

19 All we're doing is surmising what this
20 could do. You know?

21 And some of the people here want a job.

22 It's all they're after, is a job, everybody deserves a job
23 and a right to feed our family, and we had that, but DFO has
24 been against this...

25 Their message still rings in my ears at

1 night when I go to sleep. "Too many people chasing too few
2 fish. Get rid of the people."

3 And they're still trying to get rid of
4 the people on these coastal communities. That's what my
5 thing is, my fighting.

6 Other countries have changed that and
7 have gone the opposite way, yet we're still going backwards
8 here.

9 And people want to come in and blow the
10 land up and God only knows what they want to do in the
11 offshore and the oil sector. And who is pushing DFO's
12 agenda?

13 I could write a book on this.

14 THE CHAIRPERSON: Could the audience
15 reduce the conversation level? We're having trouble hearing
16 up here, even with the microphones. The acoustics in this
17 room are absolutely dreadful, so if you want to talk, maybe
18 you could just go out there or in the back or something,
19 because we can't hear what is going on.

20 Over to you Mr. Buxton.

21 Mr. PAUL BUXTON: I have no questions,
22 thank you Mr. Chair.

23 THE CHAIRPERSON: The floor is opened for
24 questions. Mr. Farnsworth? Is this about the quarry or
25 about the fishery? Because we really want to hear about the

1 quarry, and the fishery, as amazingly interesting as it is,
2 it's not germane, it's not the information we're looking for
3 so...

4 If you're going to ask a fisheries
5 question, it better be quick because otherwise I'm going to
6 ask you to sit down, okay?

7 I know that fishery is absolutely
8 critical, but this Panel needs information about the quarry,
9 not about the fishery. We can't do anything about the
10 fishery. We have no mandate for the fishery.

11 **PRESENTATION BY Mr. HAROLD THERIAULT AND Mr. LEO GLAVINE -**
12 **QUESTIONS FROM THE PUBLIC**

13 Mr. TERRY FARNSWORTH: No, not
14 necessarily, but before coming over here this evening, I'm
15 asking myself: "Am I required as a representative of our
16 association to negotiate will Bilcon on our grave
17 concerns?"

18 And I'm not sure who can answer that,
19 but from what I gather, there's a lack of trust in something
20 that you can either be for or against, it's like you don't
21 have no vote, and I guess that's why you're doing this job
22 now.

23 THE CHAIRPERSON: But the answer to your
24 question, I thought we answered that last night. Last night
25 what we said was negotiations within this room between

1 anybody in the fishery and Bilcon, this isn't the place to
2 negotiate.

3 What you want to do is ask questions
4 that will provide information that helps us to make a
5 decision.

6 The negotiation that you want to do,
7 they're important, but they're best done by dealing with
8 Bilcon on a one-on-one basis. I mean, this isn't the place
9 for it.

10 All these people are here for different
11 reasons.

12 Mr. TERRY FARNSWORTH: I won't take
13 anymore of your time.

14 THE CHAIRPERSON: Are there anymore
15 questions? Questions that relate to the quarry.

16 Mr. ARNOLD DOTY: Yes. Junior, I would
17 like to ask you a question. You say how many traps...

18 THE CHAIRPERSON: Could you... Sorry,
19 could you identify yourself please?

20 Mr. ARNOLD DODIE: Okay. My name is
21 Arnold Doty, and it's spelled D-o-t-y.

22 And you say how many traps and stuff
23 that you would lose from the ships, but what about the
24 Princess of Acadia, when it's logging tourists in here, the
25 amount of rope and stuff that they have to cut off the

1 props?

2 Mr. HAROLD THERIAULT: I don't know if I
3 can answer that. All I'm saying, all I said in this
4 document was the questions I've been asked by many
5 fishermen, and many people in the community, and that was
6 one of the big questions from the fishermen.

7 That is the question, how many will it
8 cut off?

9 Mr. ARNOLD DOTY: Well, the Princess of
10 Acadia cuts off quite a bit because, like I've seen it, but
11 is there anything against the Princess of Acadia doing
12 this?

13 Mr. HAROLD THERIAULT: I don't know, but
14 I think that should probably be part of the recommendations
15 from the Panel, to figure this out. What is going on there?
16 What will go on?

17 THE CHAIRPERSON: This isn't relevant to
18 the quarry. I mean, this is a discussion that you can have
19 with Mr. Theriault privately.

20 I mean we're interested in Bilcon's
21 project and that project in relation to the community, so
22 this other issue is important, I'm not saying that it isn't
23 important, but it really does not help us.

24 Mr. ARNOLD DOTY: Okay. I've got one
25 more quick question.

1 THE CHAIRPERSON: If it's about the
2 quarry.

3 Mr. ARNOLD DOTY: Yes, it is about the
4 quarry. Right from day one, he's had a sign on yards where
5 he is opposed of the quarry.

6 When we have a problem, we're supposed
7 to go see our local MLA for this particular purpose. How do
8 we talk to an MLA that has a sign that says: "Stop the
9 quarry" on it?

10 Mr. HAROLD THERIAULT: That's the
11 division I talked about in my document here, of families,
12 friends and neighbours, the division.

13 Well, I am one of them families, and for
14 the last four years, there's been division between my wife
15 and I in this. Now believe me, we have had many arguments
16 over this.

17 You know, I know the jobs are needed in
18 the area, and I know... I wanted to stay neutral, but this
19 is my land too and this is my house too, and that's the
20 division we have caused right in our own family.

21 Mr. ARNOLD DOTY: Okay.

22 THE CHAIRPERSON: Please. Please.

23 Mr. WARREN PATON: My name is Warren
24 Paton, I live here in Digby. I would like to ask Mr.
25 Theriault a question about the previous election that he was

1 in, and I'm wondering if you feel that the reason that
2 you're our representative today is because you took a stand
3 against the quarry?

4 Mr. HAROLD THERIAULT: I did take a
5 public stand against the quarry. I certainly did, and I
6 believe everybody in this community knows that.

7 I don't know just how to answer that,
8 but I took a public stand.

9 THE CHAIRPERSON: I think you answered it
10 Mr. Theriault.

11 Ms. LINDA GRAHAM: Hi, my name is Linda
12 Graham, and I have a question for Mr. Theriault.

13 Mr. Theriault, if you wanted to make an
14 informed decision, why didn't you come to the CLC meetings
15 then?

16 Mr. HAROLD THERIAULT: I was getting lots
17 of information without going to meetings. I go to a lot of
18 meetings about everything.

19 But I get the meetings, the information
20 came in my mailbox every meeting there was.

21 I never went to any "stop the quarry"
22 meetings either. I did go to help them with a few
23 fundraisers, but I didn't go to any information meetings
24 that I know of.

25 Ms. LINDA GRAHAM: But as our MLA, don't

1 you think you should have been at least at the CLC
2 meetings?

3 Mr. HAROLD THERIAULT: I go everywhere
4 I'm invited, and I never really had a formal invitation from
5 Bilcon to go to any meetings, and usually I try not to go
6 where I'm not invited.

7 But I go where everybody invites me. I
8 go there.

9 THE CHAIRPERSON: Any additional
10 questions?

11 Mr. BRUCE TITUS: Well, I've got a
12 couple, one to do with... Hi, my name is Bruce Titus.

13 THE CHAIRPERSON: Yeah, the way this
14 works is you get a question and you get a follow-up, and
15 then after that you have to make room for somebody else.

16 Mr. BRUCE TITUS: Okay. Due to Mr.
17 Doty's question earlier about the lobster traps being cut
18 off by the Princess of Acadia, the same question follows.

19 There's a stink put about this boat
20 that's coming in to take their rock, about cutting off the
21 traps and this and that.

22 You don't hear nothing up here. There's
23 people up here who have lost gear wholeheartedly, time and
24 time and time again from this boat coming in across, but you
25 don't hear nothing about it.

1 All of a sudden, you're starting to hear
2 it about this down here. Why is there a difference between
3 that ship and this ship?

4 The ship for the quarry, the ship for
5 the people, it's...

6 THE CHAIRPERSON: It's because this
7 particular hearing, the three of us have been asked to make
8 a judgement on a particular project, and the details of that
9 project.

10 In other words, what happens outside of
11 the Project is not relevant to us. The only reason...

12 The answer to your question is the
13 reason why you hear it here is because we've been asked to
14 find out about it. We've been asked to investigate it, only
15 the Project.

16 That's all we're interested in.

17 Mr. BRUCE TITUS: Can I ask one more?

18 THE CHAIRPERSON: Yes. Your follow-up,
19 yes.

20 Mr. BRUCE TITUS: Yes, about this
21 tourism, what are you placing all this tourism on, whale
22 watching or what? That's all I see here, is whale watching.

23 If these boats disturb this whale
24 watching, what's going to happen to that then?

25 It's already been reported on the

1 television about all these vessels out here watching these
2 whales disturbing their breeding grounds, but that's as far
3 as it went. You never heard no more.

4 That's the Americans, us, New Brunswick,
5 the whole works of us. So when this goes to hell, where are
6 them jobs going to go? Where are they going to work?

7 Mr. HAROLD THERIAULT: I've been asked
8 questions from all sectors of the tourism, from hotels to
9 bed and breakfasts to craft shops, even from an American who
10 bought the tip end of Digby Neck and is going to build
11 cabins there and a lodge, and he's been concerned because he
12 doesn't know whether to continue on or what is going to take
13 place here, if this quarry is going to expand and get bigger
14 in time to come.

15 But it's been from all sectors in the
16 tourism, not just whale watch.

17 Mr. BRUCE TITUS: Okay. That's what I
18 was wondering, because if we're going to depend on the
19 whales, we may as well stop now because once you disturb
20 their breeding, what's going to be for the future?

21 Mr. HAROLD THERIAULT: True enough, you
22 know? Just like we depended on the ground fishery here,
23 and...

24 Mr. BRUCE TITUS: Exactly, and what did
25 we do with that? Ditched it over the side of the boat

1 because we got a phone call telling us not to bring them to
2 shore.

3 THE CHAIRPERSON: Thank you.

4 Mr. BRUCE TITUS: Thank you very much.

5 THE CHAIRPERSON: Any questions
6 additionally. If not, we've been at this for two hours and
7 15 minutes, we're only halfway done this evening, so we're
8 going to stop for five minutes, stretch your legs and then
9 we'll start up again, okay?

10 --- Recess at 8:15 p.m.

11 --- Upon resuming at 8:22 p.m.

12 THE CHAIRPERSON: Ladies and gentlemen,
13 please. Can we get back? Please. Okay. The meeting will
14 come back to order.

15 The next presenters for this evening's
16 meeting are Brian and Andrea Meeson.

17 **PRESENTATION BY BRIAN AND ANDREA MEESON**

18 Ms. ANDREA MEESON: Good evening, my name
19 is Andrea Meeson; A-n-d-r-e-a; M-e-e-s-o-n.

20 Mr. BRIAN MEESON: And I am Brian Meeson,
21 with an "i", and the surname spelled the same way.

22 Ms. ANDREA MEESON: We are one of the
23 many sustainable resources of Digby Neck, people who came as
24 tourists and stayed as annual returnees.

25 We are here as witnesses to a form of

1 tourism which does not feature in the yearly ups and downs
2 of the in by 5:00 and out by 9:00 motoring trade.

3 We may be characterized as non-
4 residents, but like offshore capital, we have invested in
5 the Province. Collectively, our contribution, and we
6 include many others like us, has been significant to the
7 economy of Digby County and to Nova Scotia.

8 We are examples of sustainable
9 development. We don't cruise by in SUVs and buses, never to
10 return. We are here three to four months. Over 40 years,
11 we have averaged 10 weeks per year, every year. By the way,
12 we live in Sandy Cove.

13 It's difficult to develop being an
14 acquaintance a passing visitor. The Digby Neck and Islands
15 however has been the basis for significant sustained human
16 development, generation after generation.

17 We feel that the Proponent's
18 environmental impact statement underrates the human
19 component, and particularly avoids that aspects of which we
20 are part.

21 We live much of the year in Toronto, a
22 city characterized by the worship of concrete.

23 There, we have fought successfully in
24 the downtown to preserve aspects of the wilderness, but
25 despite the considerable greenery, the average temperature

1 in the centre of the city is three to five degrees higher
2 than the surrounds.

3 Temperature inversions and smog are
4 standard features and traffic noise is constant.

5 We wanted a footprint for our children,
6 a place where they could plant their bare feet and plant the
7 feet of their children, knowing that the needs of the heart
8 and body were respected.

9 Regardless of whether you're regarded as
10 a myth or a truth of faith, the Garden of Eden and the urge
11 to return to it is deep and abiding in human experience.

12 And so in 1966, we purchased our Eden
13 and have returned to it ever since.

14 It is quiet, clean, wild and we wish it
15 to remain so for as long as our descendants have the same
16 connection to it or heart and hand as we do.

17 We have invested for the long haul.

18 Mr. BRIAN MEESON: We are part of the
19 community of Digby Neck. We're not just passers by. We
20 constantly hire people, create work, buy product, and we do
21 this year after year.

22 We're not just one family, we're dozens
23 of families who have decided that this is the place they
24 want to keep close to their heart.

25 It's a part of our investing in the

1 community.

2 Of course, our investment is threatened
3 by industrialization in the form of Bilcon's proposal.

4 The inshore fisheries, which used to be
5 the mainstay of employment in the area, were destroyed by
6 the industrialization of fishing and wasteful catch
7 regulations, which resulted in larger and larger draggers,
8 and increasing wastage of dumped non-quota fish.

9 This new industry threatens to damage
10 the lobster fisheries and will dump a whole lot of not
11 wanted heat and muck into the atmosphere.

12 At what end? The facilitation of more
13 heat and muck in the form of roads and parking lots.

14 Mr. Buxton on Friday adamantly denied
15 that Clayton, Bilcon's owner, was in the road construction
16 business.

17 This struck me as rather deceptive. To
18 characterize the use of two million tonnes of crushed basalt
19 as necessary for a concrete block manufacturer doesn't make
20 a great deal of economic sense. That's up to one million
21 blocks per year.

22 It's far more profitable to market
23 aggregate to those who build roads.

24 Mr. Buxton's other strong assertion, the
25 roads are surfaced with asphalt, not concrete, simply

1 ignores reality.

2 The eastern seaboard states,
3 particularly New York and New Jersey, both of which I worked
4 in, surface a considerable percentage of their roads with
5 concrete, and the substrate on which the surface is laid is
6 100 percent aggregate crushed rock.

7 Even asphalt, I believe, can contain a
8 portion of aggregate.

9 The quarrying, processing and exporting
10 of Nova Scotia basalt not only contributes to carbon gases
11 locally, but also globally in the transportation and in the
12 final use of the product.

13 The purpose of a corporation is to make
14 profit for its owners. One of the main purposes of
15 Government, at least theoretically as I understand it, was
16 or is to ensure profit for its citizens.

17 In the case of resources, it's through
18 royalties and taxes on corporate profits. British Columbia
19 has stumpage fees for timber, and the United States insisted
20 that these were too low and placed U.S. producers at a price
21 disadvantage.

22 Nova Scotia removed basalt from royalty
23 fees, and so collects nothing for the advantage of its
24 citizens.

25 Who knows, we may be facing a NAFTA

1 dispute launched by the American aggregate industry that
2 Nova Scotia basalt enjoys an unfair advantage in the
3 market.

4 What we do know is that Nova Scotians
5 will swallow the unfair disadvantage of little or no
6 contribution to its debt load. This is governmental
7 dereliction of duty to its citizens.

8 But if Bilcon of Nova Scotia makes a
9 profit, will the Province not levy corporate taxes and so
10 profit?

11 Significantly absent from the
12 Proponent's presentation has been adequate costing of this
13 project, but the norm of profitable corporate structures is
14 to establish local subsidiary companies which show no
15 profit.

16 Any money made by the subsidiary is used
17 to defray expenses incurred by the corporation.

18 Indeed, ideally, a profitable subsidiary
19 should, once its annual expenses and labour, equipment and
20 maintenance are charged against it, post consistent losses.

21 Over the 50-year operation of the
22 quarry, it defies logic to assume that the Province will see
23 much return to the public purse.

24 Of course, this is not a criticism of
25 Bilcon or Clayton. It's a criticism of the general

1 governmental attitude of not getting value for resources.

2 But maybe the Federal Government will
3 see revenue from taxes on profits from the freighting
4 company, likely to be Canada Steamship Lines. However, CSL
5 is registered in an offshore tax haven, and thus not
6 taxable.

7 Apart, then, from the realty tax paid to
8 the Municipality, which varies between 400,000 and 100,000,
9 and the licensing fees, only a miniscule percentage of the
10 final value of the resource is returned to the people of
11 Nova Scotia and the people of Canada in the form of taxes,
12 which is paid on income from those employed by the project.

13 This, we suggest, is a massive under-
14 selling of the value of the greater good principle.

15 Ms. ANDREA MEESON: To conclude, we want
16 to highlight the positive global advantages to the area of
17 stopping this project.

18 Mr. BRIAN MEESON: First, Digby Neck will
19 be marked as a community which reversed the production and
20 facilitation of increased carbon gases and atmospheric
21 pollutants.

22 Ms. ANDREA MEESON: It will become a
23 beacon for bottom up decision making.

24 Mr. BRIAN MEESON: Nationally and
25 internationally, it will be a focus for those who, wishing

1 to find peace, beauty and wilderness, will come to invest
2 and live.

3 Ms. ANDREA MEESON: It will become a
4 magnet for those who care for the planet.

5 Mr. BRIAN MEESON: It will be celebrated
6 as an area with a significant reduced ecological footprint.

7 Ms. ANDREA MEESON: As a result of the
8 above factors, it will enjoy a new influx of sustainable
9 developers bringing with them strong, out-of-province
10 revenue.

11 Mr. BRIAN MEESON: Despite the
12 Proponent's fancy footwork in designating local impacts as
13 largely insignificant, the local impact of rejecting this
14 project will be internationally highly significant.

15 Ms. ANDREA MEESON: Thank you, members of
16 the Review Panel, for finding time in the enormous
17 responsibilities you have so fairly shouldered to hear our
18 brief.

19 Mr. BRIAN MEESON: Thank you.

20 THE CHAIRPERSON: Thank you.

21 **PRESENTATION BY Mr. BRIAN MEESON AND Ms. ANDREA MEESON -**
22 **QUESTIONS FROM THE PANEL**

23 Dr. GUNTER MUECKE: Could you tell us
24 where you're residing when you come on Digby Neck?

25 Mr. BRIAN MEESON: Yes. We reside in

1 Sandy Cove.

2 Dr. JILL GRANT: And can you give us an
3 idea of what, in your experience over the last few years,
4 what has the quarry done to the community in Sandy Cove?

5 Has there been a split in Sandy Cove in
6 terms of how people see the quarry issue?

7 Ms. ANDREA MEESON: I don't feel there is
8 a huge split in Sandy Cove. I may be wrong, but I'm not
9 aware of a huge split there.

10 THE CHAIRPERSON: Mr. Buxton?

11 Mr. PAUL BUXTON: Thank you, Mr. Chair.

12 I have no questions.

13 THE CHAIRPERSON: Questions from the
14 floor? Anyone? Yes, please.

15 **PRESENTATION BY Mr. BRIAN MEESON AND Ms. ANDREA MEESON -**
16 **QUESTIONS FROM THE PUBLIC**

17 Mr. RANDY NESBITT: I have a couple. Oh,
18 my name is Randy Nesbitt, and I live in Freeport. I have a
19 couple of questions.

20 I attended school in Sandy Cove growing
21 up. Every room was full.

22 Now, since 1966, have you noticed any
23 change in the school registration in Sandy Cove, Digby Neck
24 Consolidated?

25 Mr. BRIAN MEESON: Oh, certainly. It's

1 dropping.

2 Mr. RANDY NESBITT: Second question.
3 Would you recommend to your children or grandchildren to
4 look for employment in Sandy Cove?

5 Mr. BRIAN MEESON: I would certainly
6 recommend that they come to the area and try to use what
7 intelligence they have.

8 Mr. RANDY NESBITT: The question was
9 employment.

10 Mr. BRIAN MEESON: There is no employment
11 in Sandy Cove beyond that which is provided by those of us
12 who, in the large part, come here as out-of-province
13 residents and hire people.

14 Mr. RANDY NESBITT: May I ask one more?
15 Okay.

16 This lack of employment, how has it
17 affected the Sandy Cove school when you look at Digby Neck
18 outside of Sandy Cove proper?

19 How's the school doing, is what I'm
20 asking.

21 Mr. BRIAN MEESON: Well, look, the school
22 is rated as number 1 elementary school in the province,
23 regardless of how many people there are in it.

24 Mr. RANDY NESBITT: It is.

25 Mr. BRIAN MEESON: So it's doing

1 extremely well as a school.

2 Mr. RANDY NESBITT: I think you mean the
3 Freeport school is rated number 1.

4 Ms. ANDREA MEESON: As well.

5 Mr. BRIAN MEESON: As well.

6 Ms. ANDREA MEESON: The Freeport school
7 as well is doing very well.

8 Mr. RANDY NESBITT: I believe there's
9 only like maybe 40 kids in the Sandy Cove school.

10 Mr. BRIAN MEESON: It's an ideal number
11 for education.

12 Mr. RANDY NESBITT: Thank you.

13 THE CHAIRPERSON: Any additional
14 questions?

15 If not, thank you, Mr. and Ms. Meeson.

16 Okay.

17 Next we have Fred Ganley.

18 **PRESENTATION BY Mr. FRED GANLEY**

19 Mr. FRED GANLEY: Good evening. My name
20 is Fred Ganley.

21 I want to talk to you tonight about two
22 areas of the Bilcon Environmental Impact Statement that I
23 believe are seriously inadequate.

24 One, the problem of dust, and, two, the
25 problem of assuring reclamation of the site at the end of

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1 quarrying operations.

2 I have been coming to the Digby Neck for
3 37 years as a summer visitor. 13 years ago, my wife and I
4 bought a house in Sandy Cove and, like most summer
5 residents, we spend the entire summer here.

6 While I have an engineering degree, I do
7 not intend to make a technical presentation this evening,
8 but I've been looking into these two issues because they
9 concern me deeply and because I am so committed to the
10 quality of life that I've come to know and love on the Digby
11 Neck.

12 First I will address my concerns about
13 dust during the quarrying operations, and then I will
14 suggest two approaches to assuring that the property would
15 be restored to a useful condition at the termination of the
16 project, if it were approved.

17 First, dust. I believe that dust is
18 potentially one of the more serious environmental hazards
19 presented by the proposed quarry, yet Bilcon's discussion of
20 dust in the EIS is anything but thorough.

21 We have been told that they will
22 mitigate the potential spread of dust by spraying and by
23 enclosing both the conveyor to the ship and the crushing
24 equipment.

25 No doubt they will tell us that there

1 are other steps that they will take to assure that dust is
2 not an issue.

3 These steps will help but,
4 unfortunately, they will not be enough to eliminate dust
5 sufficiently. Dust is an inherent byproduct of all
6 quarrying.

7 That Bilcon cannot control the dust does
8 not reduce the potential risk to the environment or to the
9 citizens, particularly when we are speaking of a project of
10 this magnitude.

11 Every step of the quarrying operations
12 create dust. Picture the following, first in blasting.

13 Blasting is, by its very nature, a
14 violent method of releasing the basalt from the bedrock for
15 processing.

16 We have all seen of blasting operations
17 where large chunks of rock are thrown high into the air,
18 accompanied by a large rush of dust that can rapidly expand
19 to cover a huge area. I'd liken it to a small pyrocrastic
20 flow from a volcano.

21 Simply put, there is no economically
22 effective method to contain dust during blasting operations.

23 Then there's loading and unloading of
24 trucks. This activity involves at least three dust-creating
25 situations.

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1 The blast rabble will be loaded onto a
2 truck at the blast site, transported to the crusher, and
3 then dumped into the crusher hopper. Every movement
4 precipitates dust.

5 Just driving a truck round the quarry
6 creates dust. Spraying the roadway can help for a short
7 time, but the operator cannot afford to spray on a
8 continuous basis.

9 There is no economically effective dust
10 mitigation during loading and unloading, or existing
11 quarries would have eliminated this as a problem.

12 The rabble will not be moved directly,
13 however, from the blast site to the crusher but, rather,
14 will be moved to a holding area.

15 In this case, the basalt will have to be
16 moved two extra times, resulting in additional dust.

17 During crushing, rock creates dust
18 particles of all sizes. If the operator encloses the
19 crushers, dust can be partially contained and modern
20 crushers have dust abatement designs.

21 Nevertheless, prevailing winds and
22 openings in the enclosure will prevent total containment and
23 the crushers will be operating continuously.

24 During ship loading, the crushed basalt,
25 which will hopefully have undergone washing prior to

1 loading, will be loaded onto the ship via a conveyor.

2 The Proponent has included an enclosed
3 conveyor in his proposal, but at the end of the conveyor,
4 the crushed basalt will be dumped on a continual basis into
5 the ship's hold. This, too, will create dust, and in this
6 case, it will be a worst case scenario over the open sea.

7 If the aggregate is sprayed at this
8 point, the spray water, with its dust sediment, will become
9 part of the bilge water, and eventually pumped into the sea.

10 The crushed basalt will not move
11 directly to the ship from the crusher, however, but will,
12 rather, be moved into a stockpile resulting in at least two
13 more handlings and additional dust.

14 As you heard from Mr. Scott on Saturday,
15 the Proponent has not adequately addressed the prevailing
16 winds in the area of Whites Cove. Further evidence of the
17 constant wind in this area is the new wind turbine that has
18 just gone operational further down the Neck.

19 As Mr. Scott suggested, high winds have
20 a significant impact on ship handling. These same winds
21 also have a significant impact on dust dispersion.

22 Quarry dust particles can be carried by
23 the wind for a considerable distance and, over a 50-year
24 period, there is a potential to coat the surrounding area
25 with a layer of basalt dust.

1 We have all seen pictures of areas
2 surrounding quarries that are tinted in the colour of the
3 product being quarried. This will certainly happen here.

4 As the nearly constant winds will spread
5 the dust over a larger area, the potential to destroy both
6 flora and fauna is almost incalculable.

7 Because this will be a coastal quarry,
8 those winds will carry the dust out over the sea, where it
9 will settle to the bottom.

10 The high tides with their great lateral
11 movement have the capability of dispersing this dust over a
12 much larger area of the sea bottom than would normally be
13 true.

14 As this dust continues to settle onto
15 the bottom of the Bay of Fundy, it will begin to kill the
16 marine growth. It is in this marine growth that small
17 lobsters and fish feed and are sheltered.

18 Without this marine growth, the health
19 of the Bay of Fundy will be affected, as will the future
20 welfare of the local lobstermen and fishermen.

21 This marine growth also provides shelter
22 and food to the krill, which is a staple in the diets of
23 many of the whales for which this area is famous.

24 The disappearance of the whales would be
25 a tragic loss to the Digby Neck tourism community, who

1 depend on whale watching and the feeding and sheltering of
2 whale watchers for a major source of their income.

3 Mr. Stanton, Mr. MacKay and others have
4 made detailed presentations about these factors. I will
5 only add my voice to theirs by emphasizing the significant
6 role that dust would play in the demise of these essential
7 components of life here on the Neck.

8 Finally, in the Bilcon EIS there is
9 information on the chemical elements present in the quarry
10 materials.

11 I heard a discussion regarding copper,
12 which was judged not to be a significant hazard. Maybe so,
13 but what about all the chemical compounds and even
14 biological materials that might be contained in the dust?

15 We know for certain that the dust will
16 contain explosive residue which, of its nature, contains
17 hazardous properties.

18 I'm aware of a quarry in New Jersey that
19 operated for several decades before it was learned that the
20 rock and, therefore, the dust might contain tremolite, a
21 microscopic asbestos fibre that can cause lung cancer and
22 other potentially fatal diseases.

23 While I'm not suggesting that Whites
24 Cove basalt contains asbestos, it would seem foolhardy to
25 allow a quarry of this magnitude to begin 50 years of

1 operation until there has been a much more extensive
2 analysis of potential chemical and biological hazards.

3 This extensive investigation should be
4 carried out by an entirely impartial and independent
5 contractor, fully experienced in this type of work.

6 The effect of even trace compounds can
7 pose a risk over long periods of time, even if the
8 concentration is relatively low.

9 And again, the fragile nature of a
10 coastal quarry introduces a whole new set of uncertainties
11 and risks. Clearly, relatively harmless chemicals and
12 compounds on an inland location may take on new parameters
13 in or near salt water.

14 In summary, I am convinced that you must
15 deny approval of this quarry unless you can be completely
16 satisfied the quarry will not pose any health risks because
17 of dust.

18 Frankly, I would add that I do not
19 believe that you can be satisfied if there is any area of
20 the EIS where you believe that you should have been provided
21 more complete information.

22 I do not believe the quarry should be
23 approved, but if it were, I feel compelled to address my
24 concern about what happened to the site if, for any reason,
25 the quarry were to be abandoned.

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1 The first approach to protect the
2 environment would be the use of a bond, and other people
3 have talked about this. The concept of a bond is not a new
4 one, and it has been discussed in the EIS.

5 If a bond approach were to be used,
6 there are a number of factors that must be included in the
7 bond's design to reduce the risk to the community. I would
8 like to highlight a few of those factors, and there may be
9 more.

10 First, the bond must be of sufficient
11 size to assure the total mitigation of all harmful effects
12 of the quarry operation on the immediate and nearby affected
13 areas.

14 Rock is a non-renewable resource,
15 therefore, the land could never be returned to its original
16 state. However, restoration could be made so that the land
17 would be suitable for subsequent use and not remain a tragic
18 blight on the area.

19 A sizable bond would be required to
20 protect the Digby Neck and its residents, both human and
21 otherwise.

22 We all know that, eventually, the quarry
23 operator would surely walk away from a no longer productive
24 quarry and leave expensive restoration work to someone else.

25 Bilcon cannot make a guarantee that far

1 into the future.

2 Second, the bond would have to have a
3 cost of living escalation clause built in to assure that it
4 will continue to be of sufficient size to accomplish its
5 purpose into the future.

6 Third, the bond parameters would have to
7 be established so that Bilcon, as well as any other
8 successor organization that might take over the quarrying
9 operations in the future, would be held to the same high
10 standards.

11 Fourth, the bond must have a review
12 procedure built in to occur at least once every five years,
13 or whenever the quarry expands to a new section to assure
14 that the bond is of sufficient size to accomplish its goals.

15 If the quarry were to evolve to a larger
16 operation than is being presently discussed, the process
17 would be particularly essential.

18 I am in complete agreement with the
19 speaker late last week who brought up the need for a
20 permanent organization specifically assigned to the ongoing
21 oversight of quarry operations.

22 I understand the Government agencies
23 have monitoring responsibilities, but it is not realistic to
24 expect the Government, with its continuing budget
25 constraints, to do the necessary comprehensive oversight of

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1 a quarry operation over a long period of time.

2 There would need to be an organization
3 with lifetime, all 50 years of it, responsibility and
4 authority to direct immediate corrections and to issue stop
5 operations orders if required to protect the environment.

6 I cannot conceive that this quarry could
7 operate without such an organization, and I suggest that the
8 Panel recommend that such an organization be created if the
9 quarry were to proceed and the bond approach be selected.

10 This organization, by the way, could
11 conduct the bond review I mentioned a minute ago.

12 There is, however, another approach
13 other than a bond that has not been mentioned that might
14 accomplish the same objectives, to protect the environment
15 but provide a better vehicle for administration over the
16 extended life of the quarry.

17 I would recommend that an independent
18 monitoring board, an IMB, be established to monitor the
19 operations of the quarry over its lifetime.

20 I envision that the IMB could be
21 appointed by the Government, given the authority to require
22 corrective actions and the authority to fine the operator or
23 terminate operations, if necessary.

24 A fund, paid into by the Proponent,
25 would be established to cover the expenses of clean-up

1 should the quarry operator default on his responsibilities.

2 The fund would also be used to cover the
3 costs of maintaining the IMB.

4 Expenses incurred during clean-up of
5 interim sections of the quarry as the quarry moves to new
6 areas could also be deducted from this fund.

7 Contributions to the fund should be
8 heavily front-loaded in the first few years and then, over
9 time, as the fund grows, the yearly contribution could
10 diminish.

11 I believe that the fund would have to
12 begin with annual contributions of as much as \$2 million,
13 and should grow until the fund reaches a maximum of \$30
14 million. This is not unreasonable, given the potential
15 clean-up costs, both on land and in the sea.

16 It should cover the cost of removing the
17 pilings required for ship moorings and for the conveyor,
18 which are essential to full clean-up.

19 At the end of the quarry operations and
20 after full clean-up has been achieved, any money left in the
21 fund should be returned to the operator.

22 Creation of the IMB would relieve the
23 Government of the expenses associated with quarry monitoring
24 activities, and assure that full monitoring would continue
25 despite the inconsistencies of Government funding process.

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1 Finally, I'd like to say that I have a
2 deep love for this unique place and its extraordinary
3 people, and I ask you to do everything in your power to keep
4 this project from going forward.

5 THE CHAIRPERSON: Thank you, Mr. Ganley.

6 **PRESENTATION BY Mr. FRED GANLEY - QUESTIONS FROM THE PANEL**

7 Dr. JILL GRANT: Thank you, Mr. Ganley.

8 I wonder whether the comments offered by
9 Government regulators and Government agencies like Health
10 Canada that suggested that health could be protected if
11 appropriate mitigation measures were put in place, whether
12 those comments by the regulators give you any solace about
13 your concerns on dust.

14 Mr. FRED GANLEY: They give me very
15 little solace, frankly. I'm not convinced that those kinds
16 of mitigation procedures will do what they should do, and
17 I'm not sure that we fully know yet what we need to be
18 protecting ourselves from.

19 Dr. GUNTER MUECKE: The organization that
20 you're proposing, how do you see it differing from Community
21 Liaison Committees that are implemented, usually?

22 Mr. FRED GANLEY: I, and I think a
23 general understanding of many of my friends, have a feeling
24 that the Liaison Committee is a vehicle of the Proponent,
25 and I would put very little faith in it.

1 And I also understand that this is
2 something of a feeling from other parts of the province, but
3 I can't quote on that particularly.

4 Dr. GUNTER MUECKE: Well, and there are
5 different models for Community Liaison Committees, including
6 models in which the Proponent funds the Committee, but the
7 Committee is totally independent, otherwise, of the company.

8 Is that what you had in mind.

9 Mr. FRED GANLEY: No, that is not what I
10 had in mind.

11 What I'm looking for in the IMF is a
12 technically expert group of people, relatively small, I
13 would assume, that can continue monitoring operations and
14 monitor the ongoing operation of the quarry with the
15 authority to issue citations, stop operations if things get
16 out of hand, et cetera.

17 And I also would expect that although
18 the fund would be created by the Proponent, I would expect
19 it be administered by the IMF independently.

20 I see a completely different thing than
21 the CLC.

22 Dr. GUNTER MUECKE: So it would be a
23 Government arm? I mean, in order to enforce things, it...

24 Mr. FRED GANLEY: It would have to be, I
25 hate to use the word Government arm, but I guess it would be

1 a Government arm because it would have to have the authority
2 to enforce regulations, yes.

3 THE CHAIRPERSON: Mr. Buxton?

4 Mr. PAUL BUXTON: Thank you, Mr. Chair.

5 I have no questions.

6 THE CHAIRPERSON: Questions from the
7 audience, from the floor? Please.

8 **PRESENTATION BY Mr. FRED GANLEY - QUESTIONS FROM THE PUBLIC**

9 Mr. RANDY NESBITT: My name is Randy
10 Nesbitt, and I live in Freeport.

11 I hear you talking about dust, and the
12 quarry is closest to which village on Digby Neck? It'd be
13 the Village of Little River, and Little River has two roads.
14 One's paved and one's kind of dusty.

15 So if vehicles are going up and down the
16 back road of Little River and the houses are close to that
17 road and the quarry would be approximately one kilometre
18 from those homes, which place would create the most dust?

19 Just a question.

20 Mr. FRED GANLEY: I believe a couple of
21 things might happen.

22 First of all, I'm sure there is dust
23 created on that road, and probably...

24 Mr. RANDY NESBITT: I am, too.

25 Mr. FRED GANLEY: And I'm sure the people

1 that live on that road complain about the dust, although I
2 haven't spoken to them, obviously.

3 But the scope of the operations at the
4 quarry with the continuing crushing, rubble movement and all
5 of that is a completely different level of magnitude than
6 traffic on that road.

7 Mr. RANDY NESBITT: I know, but Digby
8 Neck is mostly rock, and they're going to be quarrying rock.
9 So when they blast, they're blasting rock. When they're
10 crushing, they're crushing rock a kilometre away.

11 So we're expecting northwest winds, full
12 tilt, year round while this blasting and crushing is going
13 on to go up and over the hill and into the Village of Little
14 River.

15 Mr. FRED GANLEY: You will not get winds
16 from any direction year round, of course.

17 Mr. RANDY NESBITT: I know.

18 Mr. FRED GANLEY: But you will get winds
19 from any direction at some time of the year, and you will
20 get dust from the quarry in Little River.

21 Mr. RANDY NESBITT: More so than the dust
22 from the road beside the homes.

23 Mr. FRED GANLEY: Oh, I'm convinced of
24 that.

25 Mr. RANDY NESBITT: Okay. Thank you.

1 THE CHAIRPERSON: Additional? Please.

2 Mr. WARREN PATON: My name is Warren
3 Paton, and I have a related question.

4 For the past eight years I have been
5 establishing a wildlife sanctuary within the St. Mary's Bay
6 Marsh at the Head of St. Mary's Bay.

7 And my question is, this dust that
8 apparently will escape from this area, is there any
9 indication about whether that would travel as far as the
10 sanctuary, or do you have any figures on how far this dust
11 does travel?

12 Mr. FRED GANLEY: I don't have specific
13 figures on that kind of thing, but I'm sure that is
14 available.

15 I can't imagine, though, that it would
16 be significant at the Head of St. Mary's Bay.

17 THE CHAIRPERSON: Okay? Additional
18 questions? No?

19 Thank you very much, Mr. Ganley.

20 Our final presentation this evening is
21 William Hilden. Is William Hilden here?

22 --- Pause

23 **PRESENTATION BY Mr. WILLIAM HILDEN**

24 Mr. WILLIAM HILDEN: Mr. Chairman, Review
25 Panel members, ladies and gentlemen, my name is introduced

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1 as Bill Hilden, H-i-l-d-e-n.

2 I do not have a speech written out. I
3 have some papers with some highlights. I'm not running for
4 any office. I do not belong to either side, pro or con.

5 I, however, do work down Digby Neck. My
6 home is in Bear River, and what I would like to highlight,
7 my careers before becoming a bus driver, I was a police
8 officer and I was a member of the Canadian Armed Forces.

9 And I've resided in areas that refused
10 to let the economy grow by letting whatever type of plant or
11 function come in to the area that would promote work for the
12 local area, plus to help the economy.

13 What I've heard tonight, it's a lot of
14 people that are, for the sake of any words, are nomads,
15 people that just visit the area for a period of time. They
16 don't reside there all year round, so therefore, they're not
17 concerned about their family's welfare.

18 In a lot of cases, they're retired
19 people who come strictly as a vacation.

20 I haven't heard anything brought forward
21 tonight, with the exception of maybe one comment, that
22 contributed to the fact that even if it means one job to
23 help a family, no matter what the reason, it shouldn't be
24 brought in to the area.

25 As I mentioned, I do not live in Digby

1 Neck. However, I have done a little bit of ground work on
2 the proposal for the quarry.

3 I take my family down there all the
4 time. We visit various shorelines. When we have guests
5 coming in to visit us, first place we head for is Digby
6 Neck.

7 It is a beautiful area. The people who
8 are down there are the nicest that I've met anywhere.

9 As far as the quarry is concerned, the
10 quarry is not visible from the road, therefore there would
11 be no problem with tourism.

12 It's not as if the tourists have to
13 drive through it to go anywhere they want to go.

14 As far as the silt going into the water
15 from the quarry, the amount of times that my family and I
16 have been on the beaches, especially during a rainfall,
17 you'd be surprised how much silt is washed in from the hills
18 and stuff along the shoreline, I would say probably much
19 more than what the quarry is going to do.

20 What I would like to talk about is the
21 need for the jobs in the Neck, and the jobs that the quarry
22 are going to bring.

23 In my past employment, I've had
24 numerous, numerous occasions to be involved with families
25 that because of lack of employment, there's breakups,

1 separations, and heaven forbid in a lot of cases there's
2 been abuse, both mental and physical, because of the lack of
3 work.

4 What I'm trying to say is that if Bilcon
5 is going to provide 34 jobs to the local people, there's 34
6 families that are going to be able to afford to buy a little
7 more than the necessities of life.

8 They will be able to buy gifts for their
9 kids, they will be able to go on trips.

10 None of these things were addressed.

11 The social needs of these families I
12 think far outweigh what people that are just part-timers
13 visiting and really do not reside in the area all the time
14 have. You know, this should be thought of.

15 And I think Bilcon is thinking about
16 that. I don't know anybody in Bilcon, I haven't met anybody
17 in Bilcon. This is all strictly my own views on this
18 matter.

19 They talk about: "How can you make this
20 better?" Well, with no employment in the area, it is hard
21 to make things better.

22 What happens with no employment in the
23 area? Crime. Your crime rate increases drastically.
24 Things like break and enters, thefts.

25 People want to get money or steal things

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1 for their own personal use. That's just more of the
2 necessities of life. People want these things and if they
3 don't have a job to get them, this is what they are going to
4 do.

5 Now I do feel for the captains of the
6 boats, I feel for the people that own the fishery hatches or
7 whatever they're called, where the fish are brought in, but
8 it was mentioned earlier by our MLA that the fishing stock
9 and stuff is down, so can these fishing boat captains or
10 owners or the people in charge of these fish plants...

11 Why would they want to deny some of
12 their workers from getting a full-time job? And basically,
13 I think that's what a lot of their problem is with, it's
14 that if these people get full-time jobs, they're not going
15 to be able to go out fishing whenever the captain or the
16 boat owner says they have to go.

17 If they don't go fishing, these hands
18 that work for them, what do they do? There's absolutely
19 nothing. They don't get money for sitting around.

20 The captains, the boat owners can't
21 afford to pay them if they're not out fishing. The fishing,
22 that's what their pay is based on, the amount that they
23 catch.

24 So in general, what I would just like
25 simply to say to everybody is that before you critically go

1 against Bilcon, and I know there's issues over, as was just
2 mentioned, other things that can happen.

3 I'm sure everybody here is aware that
4 any industry like that is monitored by government officials.

5 You know, if a complaint is put in that there's too much
6 dust coming from it or smog, whatever the case may be,
7 there's a government agency that will go to that plant and
8 as was mentioned, they will shut it down or make them
9 correct it.

10 And if I'm wrong there, maybe the
11 gentleman from Bilcon should educate me on that fact.

12 So in short, what I would like to say is
13 that I would really like to see the quarry start, I would
14 really like to see 34 families enjoy what every one of us
15 wants to enjoy.

16 Again, I feel sorry for the people that
17 are just part-timers on the Neck, I feel sorry for the
18 people that don't have families on the Neck, a younger
19 family, and those younger people that have to move away
20 because there's no work, there's no employment.

21 I could give you stats, however the
22 stats would not be of Digby Neck, they would just be of
23 areas that I have worked in where this crime rate has risen,
24 break and enters, people leaving the area.

25 And you know, in short, what would you

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1 rather see, your family at a job working or your family
2 forced into whatever and spend their time in jail, and in a
3 lot of cases, as I've seen personally, the separation of
4 families. And I'm talking young families with young
5 children.

6 And as a bus driver getting away from
7 the police side, it's very disheartening when you have a
8 child get on your bus, and it's my bus one week to go with
9 the father, and another bus the other week to go with the
10 mother. And the big issue of the breakup was over money and
11 unemployment.

12 Thank you very much.

13 **PRESENTATION BY Mr. WILLIAM HILDEN - QUESTIONS FROM THE**
14 **PANEL**

15 THE CHAIRPERSON: Thank you Mr. Hilden.
16 Mr. Hilden, the debate that is going on in the community or
17 even here in this particular meeting room is over the one
18 side favours jobs, the other side is defending the
19 environment.

20 So one is defending jobs, the other one
21 is defending the environment.

22 We've heard your views on jobs, but what
23 is your view on the environment?

24 Mr. WILLIAM HILDEN: As I mentioned
25 earlier Mr. Chairman, personally I don't feel that there's

1 going to be that much of an environmental impact, no more
2 than what would be if anything else came in.

3 The big thing that was mentioned was the
4 fact of silt going into the water, but as I mentioned, my
5 family has been along that shoreline I don't know how many
6 times, more than I can count, and we've been there in good
7 weather, we've been there in bad weather, and as I have
8 mentioned, the silt and stuff that is washed down from the
9 hills and stuff along the shoreline, there's silt in the
10 water as far out as you can see.

11 As far as the dust, again I'm sure that
12 if the dust became an issue with any of the villages or even
13 any of the homes in the area, their call to the proper
14 authority would have a government agent of some sort at
15 Bilcon explaining the situation, and I'm sure it would be
16 rectified.

17 And that's my feeling from the heart.

18 THE CHAIRPERSON: And you may be
19 completely right, but over the last eight or nine days,
20 we've been here talking about whales, about lobsters, about
21 the fishery, about light which the Project would generate
22 that could affect birds and...

23 So the environmental issue is much
24 broader than just sediment ending up in the ocean, and
25 that's not to mention the incursion into the North

1 Mountain.

2 So I mean, it's a much broader issue
3 than just sediment.

4 Mr. WILLIAM HILDEN: Sure it is Mr.
5 Chairman, but I mean are we going to stop something on "what
6 ifs"?

7 Because basically, that's what it boils
8 down to. What if this happens? What if that happens? You
9 cannot... You cannot base things on what ifs.

10 I mean if somebody could come to me and
11 say: "It's an actual fact that this is going to happen"; and
12 prove it to me, then that's fine.

13 But a "what if" Mr. Chairman, that
14 doesn't tell me that they should stop 34 jobs on "what ifs",
15 that's it.

16 THE CHAIRPERSON: Thank you Mr. Hilden.

17 Mr. WILLIAM HILDEN: Thank you Mr.
18 Chairman.

19 Dr. JILL GRANT: Mr. Hilden, you
20 indicated in some of your comments something that has come
21 up from some other participants today, and that is a
22 perception that there is some kind of resentment against
23 seasonal residents?

24 Can you clarify what's the basis of
25 that?

1 Mr. WILLIAM HILDEN: Ms. Grant, I'm not
2 sure how much of a resentment there is.

3 You know, as I mentioned, I didn't take
4 time to write out a full speech and sit here and read it,
5 which is very easy to do.

6 All my things that I stated are things
7 that I've actually personally been involved with. I have
8 spoken to fishermen.

9 As I said, my job down the Neck, driving
10 the children, I get to meet their families and talk to them,
11 and a lot of the comments, it's not so much resentment,
12 but...

13 Well, it's a type of resentment I guess
14 you could say because you know, they get upset with people
15 that only come here a part time of the year, they do not
16 stay here all year, they do not have daughters and sons in
17 the area that they want to keep in the area.

18 They're basically retired people, and
19 they're looking for a place that is nice and quiet to
20 retire, and that's fine, I don't begrudge on that, they paid
21 their dues.

22 But I don't think that dues should be
23 paid by way of taking jobs from younger people that live in
24 the area all year long, were brought up, raised there.

25 I think their opportunities should far

1 outweigh what these people expect that just come part time
2 of the year.

3 Dr. JILL GRANT: It was referred quite a
4 bit those last many days about concerns that if the quarry
5 goes ahead, it may affect jobs in the other industries, so
6 there may be just as many or more jobs lost in the fisheries
7 or tourism if the Project goes ahead, so can you comment on
8 that?

9 Mr. WILLIAM HILDEN: Ms. Grant, I don't
10 think it will affect tourism at all, but I did mention, and
11 I do empathize with the ship captains and ship owners, who
12 have people in the area that go out fishing with them when
13 they can go out and fish, when there's fish to catch.

14 So I do empathize with them because if
15 their hands that normally work for them when they go out, if
16 they get a full-time job, then it's agreed, they're not
17 going to have those people.

18 So I could see them being upset over
19 that, but again, I can't see anybody begrudging anybody the
20 chance to get ahead, to be able to have a full-time job to
21 supply their family with the basic necessities, plus a
22 little extra.

23 THE CHAIRPERSON: Mr. Buxton?

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

1 THE CHAIRPERSON: Questions from the
2 audience? Please.

3 **PRESENTATION BY Mr. WILLIAM HILDEN - QUESTIONS FROM THE**
4 **PUBLIC**

5 Ms. LINDA GRAHAM: Linda Graham, I just
6 have a couple of very quick questions.

7 Mr. Hilden, you spoke of the 34 direct
8 jobs with Bilcon. Do you see indirect jobs that would be
9 created because of?

10 Mr. WILLIAM HILDEN: Well in my
11 experience, and from the different areas that I've been at,
12 anybody that wants to start something, what they're
13 basically doing is giving you their basic needs.

14 I think what Bilcon is saying is that we
15 need to hire 34 people to get underway. I don't know how
16 they can get around it without having to hire more people
17 down the road.

18 Right now, they want the basic
19 requirements, and I feel honestly that down the road,
20 there's going to be more than 34.

21 Ms. LINDA GRAHAM: Can you see this
22 branching out into other indirect jobs, that these people
23 now have money to go out to eat, these people now have money
24 to go to Tim Hortons, they have money to buy clothes, that
25 this will branch out into more than the 34 direct jobs, you

1 know?

2 Mr. WILLIAM HILDEN: By all means. The
3 economy in the area has got to grow for anybody that has a
4 business.

5 You know, a simple thing. I've heard
6 kids ask their parents: "Can I go for an ice cream", and God
7 bless the parent, but they came up with whatever excuse they
8 could because they couldn't afford to drive to Digby or
9 couldn't afford to take them to the store to spend that
10 little bit of extra money to buy them something.

11 So I can see the economy, yes.

12 Ms. LINDA GRAHAM: It does branch out,
13 doesn't it?

14 Mr. WILLIAM HILDEN: It sure does.

15 Ms. LINDA GRAHAM: Thank you, because
16 that's never been addressed.

17 THE CHAIRPERSON: Thank you.

18 Ms. SUNDAE WISER: Sundae Wiser. I just
19 have a couple of questions about the seasonable people that
20 live in Digby Neck, because it has been commented on a few
21 times this evening.

22 Are you making the assertion that it's
23 only seasonal people that live on Digby Neck that are
24 opposed to this?

25 Mr. WILLIAM HILDEN: Of course not.

1 Ms. SUNDAE WISER: But...

2 Mr. WILLIAM HILDEN: Of course not.

3 Ms. SUNDAE WISER: I guess I question why
4 the seasonal people because certainly my parents live there
5 and have lived there forever.

6 I know a lot of people who are against
7 the quarry that live there, so I guess I'm kind of wondering
8 why are the seasonal people getting the "crap", but...

9 The other thing related to this is what
10 if all the seasonal people leave Digby Neck, do you not
11 think that might be a financial burden for Digby Neck?

12 Mr. WILLIAM HILDEN: It is definitely
13 going to cut down on what money they put into the area, but
14 I still...

15 You know, in all honesty I can't see...

16 If I have a choice between the seasonal worker or the
17 younger people and the families that live in the area... If
18 I had to make a choice between the two, then I'm sorry, I
19 would have to go with the people that live in the area and
20 the younger people that want to raise their families there,
21 that's it.

22 Ms. SUNDAE WISER: But I think a lot of
23 the seasonal people here are retired, so they come with
24 finances to help support the area, and they do it
25 wholeheartedly, so again, I just don't understand what is

1 the big deal about the seasonal people being against this
2 and making all the noise, because you know, again, my family
3 has been there forever, and I know they're definitely
4 opposed to this.

5 And I think we know a lot of seasonal
6 people in the area who contribute a large amount to the
7 existence of Digby Neck.

8 THE CHAIRPERSON: Ms. Wiser, is this
9 going... Okay. Did I see some hands in the back there as
10 well? In addition... Okay.

11 Maybe you could just move over the side
12 or line up or something, just so... No, not you Mr. Mullin,
13 I meant... I have no idea who...

14 I'm just trying to get a sense of who
15 wants to speak, that's all. Okay.

16 Mr. DON MULLINS: Just a quick question
17 Mr. Chair.

18 THE CHAIRPERSON: Yeah, sure.

19 Mr. DON MULLINS: The question about
20 needing absolute certainty of environmental problems to
21 justify denial of the quarry...

22 Do you need absolute certainty of
23 economic benefit in order to support the quarry?

24 Mr. WILLIAM HILDEN: I don't understand
25 your question.

1 Mr. DON MULLINS: Well, you say that if
2 we could prove that there would be a serious environmental
3 damage created by the quarry, then that would be reason to
4 stop it. You can't just stop it on "what if something
5 happened", right?

6 Mr. WILLIAM HILDEN: Right.

7 Mr. DON MULLINS: Do you need the same
8 confidence in the positive outcome of the quarry in order to
9 support the quarry?

10 Mr. WILLIAM HILDEN: I support the quarry
11 and as I mentioned, it's strictly on my own, my own beliefs.
12 That's why I believe in the quarry, and I believe that the
13 Government will control the quarry for any concerns that I
14 or anybody else might have if they're doing something wrong
15 or if it's environmentally unfriendly to the area.

16 Mr. WELDON O'NEIL: My name is Weldon
17 O'Neil. I'm from Mink Cove. I live approximately 2,000
18 metres from the quarry site, and I've had a question in my
19 mind the last couple of days I've been here, and I really
20 couldn't see anyone that I wanted to ask, because everyone
21 was giving their opinions based on their personal
22 opinions.

23 Well, I've been listening to Bill, and
24 in my mind he's just using general common sense. Well, Bill
25 you know my children?

1 Mr. WILLIAM HILDEN: Yes, I do.

2 Mr. WELDON O'NEIL: Well do you think...
3 And it's not the part-time residents... It's not... The
4 majority is part-time residents and retired people, that is
5 the majority of the opposition.

6 So do you think that any of them, the
7 opposition, being the part-time and the retirees, have the
8 right to tell me...

9 My children have to leave the community
10 where I live and they have been brought up to go somewhere
11 else in the country to work because there's nothing for them
12 here?

13 Do you think any of those people have
14 the right to make my family move away?

15 Mr. WILLIAM HILDEN: No. Mr. O'Neil, I
16 believe that was the point I made earlier. I don't think
17 they have the right.

18 Mr. WELDON O'NEIL: That's right. I just
19 wanted to ask you because I have yet to see anyone here that
20 could give me an honest opinion or give me an honest answer
21 without using their own bias against this quarry.

22 You really are talking common sense.

23 I live 2,000 metres approximately from
24 where this is going to take place. I'll live there or I'll
25 stay, one or the other, it makes no difference.

1 But I don't think anybody should have
2 the right to take my life stock...

3 You talk of endangered species? You're
4 looking at one right here.

5 In this area, I'm an endangered species.
6 Nobody should have the right to tell my children they have
7 to go out West.

8 Mr. WILLIAM HILDEN: I agree Mr. O'Neil.

9 THE CHAIRPERSON: Thank you Mr. O'Neil.

10 Ms. WANDA VANTASSEL: Hi, I'm Wanda
11 Vantassel. I would like to ask you a question.

12 I heard you say that you don't feel that
13 the quarry would have any effect on the tourism and the
14 tourism homes in the areas.

15 I'd like to ask you, why do you feel
16 this way? Why would you feel it would have no effect on the
17 tourism people?

18 Mr. WILLIAM HILDEN: Okay. My personal
19 view on that Wanda is that because of the location of the
20 quarry, it's far enough away that it can't be viewed by any
21 tourist, unless they want to specifically drive in there to
22 see it.

23 Now I know there's going to be things
24 like machines running and so on, however I did read a little
25 material that Bilcon is even going to go as far as to

1 rubberize the trucks that are going to be loaded.

2 Any blasting that is done for anybody
3 that is not aware, blasting is not done on the top of the
4 ground. Blasting, it's drilled.

5 There's a hole drilled into the ground,
6 the explosives are planted in it and there's what is called
7 an explosion mat that is put on the top.

8 So no, I really can't see where it's
9 going to interfere with tourism at all.

10 Ms. WANDA VANTASSEL: Okay. So say
11 Bilcon comes in and starts off, then other quarries decide
12 they're going to come in, in all the different areas, and
13 they're going to move right up to Cape Split, do you feel
14 then that there could be effects on tourism?

15 Mr. WILLIAM HILDEN: Well Wanda, first
16 off you're going into something that I don't believe in,
17 that I don't believe should happen.

18 Bilcon is there. Just because Bilcon is
19 there, it doesn't mean that anybody else who wants to start
20 a quarry is going to get in there.

21 I think people are going to use common
22 sense. I think one quarry in the area where it's located is
23 not going to interfere with anything, but I'll agree with
24 you 100 percent that if you start getting four or five
25 different quarries in, then the effects are definitely going

1 to go in the opposite way.

2 But I think right now, I'm just talking
3 about the quarry that's being spoken about right now, and my
4 personal feelings on its effects.

5 Ms. WANDA VANTASSEL: Okay. Because I
6 was here when Natural Resources were speaking, and they had
7 talked about hearing of five or six other quarries
8 mentioned, new ones wanting to come...

9 It doesn't mean that it's all on Digby
10 Neck, but different areas. We've heard rumours of one
11 coming to Gulliver's Cove.

12 I guess what I would like to say to the
13 Panel and to you is that I have a tourism home, it's
14 Gulliver's Cove Oceanview Cottages.

15 I started this last July. I had people
16 come to my home over the weekend, within the last week and a
17 half...

18 THE CHAIRPERSON: Is this going to lead
19 to a question? This is the third time you have spoken, so
20 this better be going to a question or I'm going to ask you
21 to move on.

22 Ms. WANDA VANTASSEL: And I guess these
23 people are saying to me that they won't come back to the
24 area if there's a quarry here. That's not why they come
25 here to visit.

1 So my question is to you, you know, I
2 hear you saying that you don't think it will do any effect,
3 but how do you feel about that?

4 Mr. WILLIAM HILDEN: I don't think that
5 the quarry that we're talking about right now is going to
6 have any effect on tourism, fishing or anything else.

7 That's my personal view. However, when
8 you start saying you heard this and you heard that, that's
9 the same as I mentioned earlier about the "what ifs", and
10 I'm sure if things start to get out of control, the same
11 group of people that are here now, the Review Panel that's
12 here and does an excellent job, I'm sure that this will be
13 brought up forward again and appropriate action would be
14 taken at that time.

15 I don't think you have a fear of that
16 right now Wanda.

17 THE CHAIRPERSON: Thank you Ms.
18 Vantassel.

19 Ms. WANDA VANTASSEL: Can I ask you guys
20 a question?

21 THE CHAIRPERSON: No, I think you've had
22 your questions.

23 Ms. WANDA VANTASSEL: Oh, okay.

24 THE CHAIRPERSON: I'm going to somebody
25 else right now.

1 Ms. WANDA VANTASSEL: Thank you.

2 THE CHAIRPERSON: I understand that Mr.
3 Sacks who is sitting right behind you would like to ask a
4 question.

5 Okay. Good.

6 Mr. THOMAS SACKS: Hello, my name is
7 Thomas Sacks, I live in Sandy Cove.

8 We are some of that despised section I'm
9 hearing about of the people who are retired, and actually,
10 I'm still working very hard, but one of the things that we
11 have done is to examine what the pressure for quarries is,
12 and I will be presenting that information on Saturday
13 morning, but the pressure seems to be immense.

14 As a matter of fact, I can give you...
15 There is a need to fulfil the American market of 6,500 times
16 the capacity of this quarry, and that would mean that
17 instead of one ship a week, there would be approximately one
18 every two minutes.

19 Now that's the pressure that is there.
20 Now, I know you were concerned previously about the spread,
21 the creep as I believe you called it, and I would suggest
22 that this will not be a creep, it will be an explosion if
23 they are given the...

24 Well the thing that we don't know is
25 what NAFTA is going to do, and everything depends on that

1 because...

2 THE CHAIRPERSON: Mr. Sacks, that sounds
3 more like a statement than a question, and if it's a
4 statement, you're going to get your chance on Saturday.

5 You really should be asking Mr. Hilden a
6 question, otherwise I...

7 Mr. THOMAS SACKS: Okay.

8 THE CHAIRPERSON: I'm reluctant to let
9 you keep going.

10 Mr. THOMAS SACKS: No, no, I understand.

11 I would like to ask him if in fact this is not one quarry,
12 but a mass of them, and it does destroy the fishing and the
13 tourism and right whales, then would you still be in favour
14 of this coming in without being limited in some way?

15 Mr. WILLIAM HILDEN: Mr. Sacks,
16 everything that I have stated tonight is based strictly on
17 this quarry, it's not based on a bunch of other ones coming
18 in.

19 And all the information that I received
20 and what I heard... You mentioned a ship every two minutes,
21 well from what I've gathered, there's going to be one ship a
22 week.

23 I'm in the habit of taking people for
24 their word, and if there's somebody speaking for Bilcon and
25 that's what they're saying, I take them for their word,

1 unless it goes otherwise.

2 To answer your question, if there are a
3 lot of quarries in the area, yes, I could see it becoming a
4 definite environmental problem, but not this one quarry.

5 Mr. THOMAS SACKS: All I'm saying is that
6 we have done some research on this, and we have solid
7 figures.

8 I don't think it's something that will
9 happen, because the country will fall apart first, because
10 of the possibility of NAFTA.

11 But I'm afraid it's much more than one
12 quarry. Thank you.

13 THE CHAIRPERSON: Thank you Mr. Sacks.
14 Any additional questions? If not, then thank you Mr.
15 Hilden.

16 That brings to a close this session. We
17 will resume tomorrow at 1:00.

18 --- Whereupon the matter concluded at 9:29 p.m. to resume on
19 Wednesday, June 27, 2007, at 1:00 p.m.