

# PUBLIC HEARING

## WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

### JOINT REVIEW PANEL

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V O L U M E 11

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

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Thursday, June 28, 2007

PRESENTERS: -Confederacy of Mainland Mi'kmaq  
Mr. Michael Cox and Ms. Sherry Pictou  
-Ms. Janet Larkman  
-Bay of Fundy Inshore Fishermen's Association  
Mr. Terry Farnsworth  
-Freeport Community Development Association  
Mr. Roger Outhouse  
-Mr. Don Mullins  
-Mr. Robert Thibault  
-Digby Neck Community Development Association  
Mr. Arthur Bull  
-Atlantic Canada Chapter, Sierra Club of Cda  
Mr. Mark Dittrick

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Per: H  l  ne Boudreau-Laforge, CCR

1 Digby, Nova Scotia

2 --- Upon resuming on Thursday, June 28, 2007, at 1:00 p.m.

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

5 I'll begin by introducing the Panel to  
6 those of you who are unfamiliar with us. On my left is Dr.  
7 Jill Grant, who is a professional planner. On my right is  
8 Dr. Gunter Muecke, who is an earth scientist. My name is  
9 Robert Fournier, I am an oceanographer and the Chairman of  
10 the Panel.

11 For those of you who are new to us, you  
12 will suddenly discover that the acoustics in the room are  
13 not very good. We urge you to use the headphones in the  
14 back if you can't hear very well.

15 A number of people do in fact do that,  
16 so it just augments the English.

17 If anyone is making a presentation today  
18 and will be using the computer, that is PowerPoint or  
19 something equivalent to that, please go immediately to the  
20 Secretariat and give them your presentation so that they can  
21 work with it and make sure that there are no glitches.

22 I have an information item that I would  
23 like to bring to your attention, and that is that these  
24 hearings will come to an end on Saturday.

25 The last session on Saturday, that is

1 from 12 noon until afternoon, is referred to as the closing  
2 session, and the closing session means that individuals who  
3 are registered participants can in fact make remarks.

4           The remarks that they are asked to make  
5 are summary remarks, not an opportunity to introduce new  
6 information, but rather to quickly, very quickly as you'll  
7 see in just a moment, summarize the points that they raised  
8 during their presentations and which they are attempting to  
9 reiterate.

10           We have between 18 and 20 individuals  
11 who will attempt to present during that period. That means  
12 that there's about five minutes each, for each.

13           It's very difficult to speak in five  
14 minutes, so you might give some thought to organizing your  
15 thoughts carefully and remember, it's supposed to be a  
16 restatement of the major points which you already offered to  
17 us.

18           I should also remind you, or the  
19 Secretariat has asked me to remind you that updates of  
20 information, not just scheduling but updates of information,  
21 presentations for that matter, are presented to the  
22 Secretariat and are available immediately.

23           In other words, as the presentations are  
24 coming through, as people are providing information to us,  
25 they go to the Secretariat.

1                   That information is available, has been  
2 available to all participants and is available in the  
3 future.

4                   We suggest that eventually, it will go  
5 to the registry where it becomes part of the public record,  
6 so anybody who feels that they are lacking of information,  
7 or if they feel that somebody has information and they  
8 don't, the Secretariat will write that balance for you and  
9 make available the information that you seek.

10                  Finally, we come to the subject of  
11 undertakings. For those of you who are new to this process,  
12 an undertaking is that in the course of the discussion or  
13 the questioning, if information is found lacking, a request  
14 is made to an individual, sometimes the Proponent, sometimes  
15 somebody else, asking them to fill in the blanks if they  
16 can, or fill in the information that's not available, and  
17 that is called an undertaking.

18                  Usually, it means that they identify a  
19 date whereby they will provide that information and to  
20 date, we have had 55 undertakings, and they are slowly  
21 coming in.

22                  Now over the last 24 hours, we've had I  
23 think 12 of them come in.

24                  Now I'm not going to read them all, but  
25 let me just say that the majority of them have been from

1 Bilcon, although we have received undertakings as well from  
2 the Nova Scotia Department of Public Works and Health Canada  
3 and others.

4 I'll just indicate the numbers, so those  
5 of you who are interested in finding out what is available,  
6 there's number two, three, four, five and six arrived.

7 Number 14 has arrived. Number 21 and  
8 number 22, number 37, number... Oops! Excuse me here.  
9 Number 41, number 24 and number 45.

10 And there is... One is due today, which  
11 is to provide documentation on the information presented to  
12 the Panel relating to an FBI study on the trucking of  
13 ammonium nitrate. That's due from Mr. Morsches today.

14 And I believe there's one more that is  
15 due today, and that is from Bilcon of Nova Scotia, to  
16 provide calculations behind Bilcon's emission estimates of  
17 80,000 tonnes.

18 Now one final issue with regard to the  
19 undertakings is that two of these undertakings were  
20 requested yesterday.

21 The first was directed to Bilcon and is  
22 actually not a new one, it's kind of an add-on to a previous  
23 one, so the previous one was number 32.

24 The request that was undertaken  
25 yesterday was for 32(a), and it's to provide an explanation

1 for the reduction in the undertaking number 32, which is an  
2 estimate of the amount of explosives applied per ton of rock  
3 fractured, as compared to the estimates provided earlier.

4           There was a discrepancy in those  
5 numbers. We asked for a clarification, and the  
6 clarification will be forthcoming tomorrow.

7           The second undertaking yesterday is the  
8 one that I indicated is due today, which is Mr. Morsches  
9 made a presentation in which he talked about the trucking of  
10 ammonium nitrate, and that undertaking is supposed to be  
11 provided to us today.

12           Anybody who wants further information  
13 with regards to the undertakings, the list is available from  
14 the Secretariat.

15           All of them are listed and you can  
16 quickly recognize the ones which have been received and the  
17 ones which are outstanding.

18           Okay. That's all of the housekeeping  
19 business if you will.

20           We would now move to the first  
21 presentation for this afternoon, which is Michael Cox. He  
22 will make a presentation on behalf of the Confederacy of the  
23 Mainland Mi'Kmaq.

24           Mr. Cox?

25 **PRESENTATION BY THE CONFEDERACY OF MAINLAND MI'KMAQ - Mr.**

1 **MICHAEL COX**

2 Mr. MICHAEL COX: Good afternoon Mr.  
3 Chair. I'm accompanied with Sherry Pictou with the Bear  
4 River First Nation.

5 THE CHAIRPERSON: Would you both identify  
6 yourselves, identify what your affiliation is within your  
7 organization, and if your name is the slightest bit unusual,  
8 spell out for the transcription service.

9 Mr. MICHAEL COX: Michael Cox, and that  
10 is C-o-x.

11 Ms. SHERRY PICTOU: Sherry Pictou, Bear  
12 River First Nation.

13 THE CHAIRPERSON: Turn it on.

14 Ms. SHERRY PICTOU: Oh. Sherry Pictou,  
15 Bear River First Nation.

16 THE CHAIRPERSON: Thank you.

17 Ms. SHERRY PICTOU: Pictou as in Pictou  
18 County.

19 THE CHAIRPERSON: And try and keep this  
20 about six inches away from you.

21 Mr. MICHAEL COX: Just to start off, the  
22 comments that I am going to make are provided without  
23 prejudice under the 2002 Mi'kmaq/Nova Scotia/Canada Umbrella  
24 Agreement.

25 As I mentioned, my name is Michael Cox,



1 I am the Director of Lands Environment and Natural Resources  
2 with the Confederacy of Mainland Mi'Kmaq. I think everybody  
3 has heard my name a number of times.

4 Just a little bit about my organization,  
5 which is referred to as CMM. We are a Tribal Council, we  
6 have six bands in the mainland of Nova Scotia, the Bear  
7 River First Nation is one of those bands.

8 Together, the six chiefs of the CMM  
9 bands provide or make up our Board of Directors, who provide  
10 guidance and direction to our organization.

11 CMM is a service provider. We provide  
12 programs and services. Some of these services include the  
13 First Nations' forestry programs, technical services, lands  
14 management and environmental services.

15 Our environmental services program was  
16 established in 1999 and has been able to survive without  
17 core funding by providing off-reserve consulting services.

18 So in a sense, we have been able to stay  
19 on reserve by working off reserve.

20 One of these services that we provided  
21 is the Mi'Kmaq knowledge study, which is a form of  
22 traditional use study, and I think that has been something  
23 that has been mentioned already.

24 We have developed that methodology for  
25 these studies specifically for incorporation into

1 environmental assessment processes.

2                   The reason is that in the past, the  
3 Government would send registration documents to CMM, and ask  
4 us to provide them with Mi'Kmaq concerns or issues with a  
5 particular project in a very short time frame.

6                   Obviously, that wasn't something that we  
7 could do very easily, so this is a process we set up with  
8 some select consultants that helped us out with it.

9                   So by the time we get to this stage or  
10 the regulatory process I would say, the MKS was completed,  
11 or the Mi'Kmaq knowledge study was completed, so that we  
12 would know the potential issues, major show-stoppers,  
13 recommended mitigation, that type of thing.

14                   As I mentioned, the purpose of the MKS  
15 is to provide the Proponent and Government with an  
16 assessment on Mi'Kmaq land and resource use within a defined  
17 area. It is not consultation on a project, and it is not  
18 notification of a project.

19                   An MKS has three major components to it.  
20 First, there's a review of historical information, which is  
21 largely the report that you see in the registration document  
22 today.

23                   The second component of it is interviews  
24 with knowledgeable Mi'Kmaq individuals that have information  
25 on use in that area.

1                   And the third is the actual field  
2 recognizance to not only give what we found in the  
3 historical review and the interviews, but also look for  
4 species of significance that may be missed on the provincial  
5 or federal list.

6                   Again, once we find that out, we can rap  
7 that up into recommendations, potential show-stoppers, an  
8 idea of significance for each area, a very CEAA-like  
9 process.

10                  And as you know, or as I have described,  
11 this is not the process that has been followed for this  
12 Project.

13                  In the EIS, there's a confusing time-  
14 line, confusing for me anyway, because I don't have it...  
15 There was a number of different conversations that I don't  
16 have documented well, so I'm not going to speak to that.

17                  And to the Proponent's credit, Mr.  
18 Buxton contacted me many, many times about our involvement,  
19 Bear River's involvement, consultation with Mi'Kmaq.

20                  It's my recollection that we initially  
21 responded to the Government's notification of this Project  
22 in... I believe it was in 2002.

23                  Our initial intent was to complete an  
24 MKS for the Project. We actually provided comments back to  
25 the Government suggesting some courses of action,

1 recommending a Mi'Kmaq knowledge study be done.

2                   As a matter of fact, on two different  
3 occasions, CMM was willing to put in a former proposal to  
4 the Proponent. Each time, we had to withdraw that attempt  
5 due to some ongoing concerns and bad relations with the Bear  
6 River First Nation.

7                   So because we couldn't do that, I felt a  
8 little bit obligated to the Proponent, because we did advise  
9 him that one was needed, that a study was needed.

10                   We provided him with the Eskasoni Fish  
11 and Wildlife number and contact information, who do similar  
12 studies.

13                   I'm not sure why they weren't able to do  
14 that study, but I know that they were unable to.

15                   At the end of the day, it was made clear  
16 by the Chief and Council that consultation had to take place  
17 with the Government and not with the company.

18                   So this was an ongoing theme. We  
19 continually advised the company that the consultation rests  
20 with the Government, not with the Proponent's efforts.

21                   So after that, CMM was provided with  
22 Participant Funding. We created the study that is in the  
23 EIS, and it is probably one third complete, as far as what  
24 an MKS study would contain.

25                   The results of the study are clear

1 though, there is significant traditional and current Mi'Kmaq  
2 use in the Digby Neck and the surrounding waters.

3                   There's been some consultation concerns  
4 that I have witnessed over the number of days, that there's  
5 been some talking through this whole process.

6                   And my concern is that the word  
7 consultation and Mi'Kmaq knowledge study or traditional use  
8 study has been interchanged by different speakers.

9                   They are two very different things. I  
10 would like to reiterate if I can the written comments that I  
11 made to the Panel on July 19th, just to summarize.

12                   In section 6.8.2.4:

13                   "Specific activities and meetings with  
14 indigenous people:

15                   We notified the Government that Bilcon  
16 of Nova Scotia is in error when they  
17 suggest that they did not provide any  
18 further public consultation because the  
19 study mentioned above was ongoing.

20                   The study provided by CMM is not  
21 consultative in nature. The intent of  
22 the study is to provide potential  
23 Mi'Kmaq concerns for the Project related  
24 to Mi'Kmaq use and occupation.

25                   The Proponent was advised of this

1 several times and in no way should it  
2 have been limited or impacted Bilcon's  
3 work plan."

4 In section 2:

5 "Information disclosure and public  
6 consultation: Bilcon states that they  
7 sought to carry out consultations, and  
8 it is our opinion that letters, phone  
9 calls, information sessions, e-mails,  
10 faxes do not constitute consultation."

11 And I'll talk a little bit more about  
12 that. I continue:

13 "In our view, consultation of the  
14 Project needs to be completed by the  
15 Government of Canada and the Government  
16 of Nova Scotia, and we provided the  
17 Proponent with how to do that."

18 And I believe this was mentioned in the  
19 registration document as well, with the Mi'Kmaq Rights  
20 Initiative.

21 A little bit about why we think  
22 consultation is the way that we think it is, there's a  
23 couple of court cases that clearly define this in my mind is  
24 the **Tachie River v. British Columbia**.

25 "The Crown's duty to consult and

1 accommodate aboriginal people is  
2 grounded in the principle of the honour  
3 of the Crown, which derives from the  
4 Crown's assertion of sovereignty in the  
5 face of prior aboriginal occupation.  
6 The Crown's honour cannot be interpreted  
7 narrowly or technically, but must be  
8 given full effect in order to promote  
9 the process of reconciliation mandated  
10 by section 35 of the Constitution Act,  
11 1982."

12 And just to follow that up, with **Haida**  
13 **Nation vs. British Columbia:**

14 "The Crown acting honourably cannot  
15 cavalierly run roughshod over aboriginal  
16 interest where claims affecting these  
17 interests are being seriously pursued in  
18 the process of Treaty negotiations.  
19 The Crown may delegate procedural  
20 aspects of consultation to industry  
21 proponents seeking a particular  
22 development. This is not infrequently  
23 done in environmental assessments.  
24 However, the ultimate legal  
25 responsibility for consultation and

1 accommodation rests with the Crown.

2 The Honour of the Crown cannot be  
3 delegated."

4 Currently in Nova Scotia, the 13 Mi'Kmaq  
5 Chiefs have entered into Treaty negotiations with the  
6 Provincial and Federal Governments and have developed the  
7 terms of reference for a Mi'Kmaq/Nova Scotia/Canada  
8 consultation process.

9 All parties signed this document on June  
10 14th, 2007, and it outlines the steps required from  
11 Government to Government consultations.

12 It is CMM's understanding that the  
13 Federal Department of Fisheries and Oceans and also  
14 Transport Canada have already engaged the 13 Chiefs in this  
15 process, and we advise the remaining governments, provincial  
16 or otherwise, to engage the Chiefs in this way.

17 And I have a copy of the terms of  
18 reference if the Panel would like to see that.

19 And finally, I just wanted to speak a  
20 little bit to Bear River's concerns, and I think Sherry  
21 wanted some time as well.

22 There was a number of occasions that the  
23 Bear River First Nations contacted the Department of  
24 Environment and Labour, two occasions to be exact.

25 One in October of 2002, to Minister



1 Morash, which requested information on the archaeological  
2 studies being conducted for the Project and stating that the  
3 Bear River First Nation would like to be involved in any  
4 archaeological and historical survey of the area, because of  
5 the community's knowledge of the area.

6 To date, Bear River has not received a  
7 response to this letter.

8 The second was in March, 2003, to Bob  
9 Petrie, to follow-up the request of archaeological  
10 information and other survey work, and again there is no  
11 response from the Nova Scotia Department of Environment and  
12 Labour.

13 The Proponent outlines in the EIS  
14 abbreviated chronological events. It states that no  
15 consultation has taken place with aboriginal First Nations  
16 in the Project area, although two information sessions did  
17 take place.

18 Clearly, there is confusion on the part  
19 of the Proponent and the governments on the roles and  
20 responsibilities of each.

21 I would like to describe my  
22 understanding of these two information sessions held with  
23 the Bear River First Nation.

24 In fact, there was three different  
25 occasions the Proponent interacted with the Bear River First

1 Nation, and please note that this was not endorsed by full  
2 Chief and Council. This was an individual... It just  
3 wasn't endorsed by Chief and Council.

4           There was once on July 10, where Mr.  
5 Buxton arrived at the band office and had a conversation  
6 with Dawn McEwan, Councillor Dawn McEwan.

7           My understanding is that he was informed  
8 that she wasn't comfortable speaking about the Project and  
9 that he needed to talk to the full Chief and Council.

10           Once on April 16th, 2004, again Dawn  
11 McEwan, in her capacity of Economic Development Officer,  
12 Councillor Steve Meuse and Robert McEwan travelled to Digby  
13 to discuss employment opportunities.

14           The third was on January 11, 2005, at  
15 the Bear River First Nation Cultural Centre. At the  
16 maximum, there were six people in attendance, and I'm told  
17 three left shortly after the meeting started.

18           This being said, I find that some of the  
19 contents of the EIS and various statements in the Panel  
20 hearings to be misleading.

21           First, there was a statement suggesting  
22 that the Chief couldn't attend one of the sessions and I  
23 can't remember which one, but the fact is the Chief didn't  
24 want to attend.

25           The response that I got from him was

1 that he felt it was inappropriate for the Proponent to be  
2 engaged in his community in that way.

3 To further that along, the Proponent  
4 sent a check to the Bear River of First Nations on January  
5 10th, 2005, which has the words "First Nations Consult" on  
6 it.

7 It was in the amount of \$200 and the  
8 Chief responded on January 13th, returning the check, and he  
9 stated in the letter:

10 "Any discussions or comments made by the  
11 community members was for their own  
12 personal interest and not the consensus  
13 of the Bear River First Nation."

14 The Proponent responded to this and  
15 issued another check and again, it was returned.

16 The input that I have received from the  
17 community is that the community is concerned about the  
18 methods that the Proponent used while trying to engage him  
19 in this, however long it's been, like three years.

20 Moreover, I advised the Chief and  
21 Council that the Proponent stated he has biweekly contact  
22 with the Council over the last four years.

23 I have been advised that the Proponent  
24 has not been in contact with any of the other current  
25 Council members in the last two years, so that must have

1 been prior to the last two years.

2                   The Bear River First Nation has been and  
3 continues to be concerned about the proposed Whites Point  
4 Quarry.

5                   On behalf of the Bear River First  
6 Nation, I provide the following comments and concerns:

7                   "It is the Bear River's First Nation's  
8 position that there is significant past  
9 and present land use and resource use in  
10 the area. There is not any mention of  
11 this being a fact in the EIS, and we  
12 would like to see that accommodated."

13                   Mr. Buxton is noted as saying that there  
14 will be restricted access at times when blasting occurs, and  
15 further discussions surrounding any restrictions on Mi'Kmaq  
16 to access of resources needs to occur before approvals are  
17 granted.

18                   The Bear River First Nation requests  
19 that the Government and Canada and the Government of Nova  
20 Scotia enter into consultations with the 13 Chiefs of Nova  
21 Scotia prior to any decisions being made.

22                   The final statement I will make directly  
23 from the Chief's mouth is that as it currently stands, the  
24 Bear River First Nation is opposed to this Project.

25                   Ms. SHERRY PICTOU: I'll just summarize

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1 very briefly. I know when I approached the Council or the  
2 Panel on behalf of the Chief before, I tried to bring this  
3 consultation process to light, and I was told it was not  
4 within this mandate.

5                                   And initially, we tried to tell...  
6 There's why there's confusion about the study, that we  
7 couldn't engage with the company, it was a Government to  
8 Government process.

9                                   Also, when the partial MKS was  
10 submitted, Michael had brought this to the attention...again  
11 in a written submission to the Panel's attention.

12                                   As Michael has said, it involves the  
13 Federal, Provincial and the Mi'Kmaq Governments, and to date  
14 I think, as Michael has said, the Department of  
15 Transportation and the Department of Fisheries and Oceans  
16 has made contact, and the Mi'Kmaq Rights Initiative is  
17 assisting the Chief in responding to that.

18                                   But we have never been officially  
19 approached by the Provincial Government, and I'm not sure  
20 what will happen there.

21                                   My understanding is that there's a huge  
22 educative process going on to at least educate all the  
23 provincial governments on this consultation process, so a  
24 letter will be forthcoming, and my understanding is that  
25 will be copied to the company as well.

1                   I just wanted to add further that we  
2 have on the books between 2001 and 2003 in our community  
3 meetings several resolutions that opposed, or supported some  
4 of the local groups opposed to this quarry, and that's on  
5 record. That has been passed by resolution.

6                   Perhaps this is a value judgement, but  
7 this has always been a struggle for First Nations,  
8 particularly with the Provincial Government, and we have  
9 struggled with this for generations, and we've never been  
10 considered people.

11                   We didn't have voting rights until 1960,  
12 and I just really hope this comes to the attention of the  
13 Provincial Government.

14                   Do they really want to go down into the  
15 history books again for future generations to read that the  
16 Mi'Kmaq people, particularly in this area, have been  
17 discounted again?

18                   We had no voting rights until '60, and  
19 it's like we're not considered people.

20                   And finally, I would just like to say  
21 that with a lot of the other work that Bear River First  
22 Nation is involved with; rural fisheries, climate change,  
23 species at risk, trying to do fish habitat and stream  
24 restoration and sustainable forestry; you would think it  
25 would be better served to try to create an ecological

1 economy where we restore the natural resources instead of  
2 depleting them.

3                   Finally, I'll reiterate what the Chief  
4 said, but I also reiterate it with the full Council,  
5 Councillor Dawn McEwan, Councillor Allan Harlow, Chief Frank  
6 Meuse Junior...

7                   And that is spelled with M-e-u-s-e. He  
8 sees in the written documents it's spelled M-u-i-s-e, it's  
9 M-e-u-s-e. And he's very particular about that.

10                   I have their full approval to again  
11 convey today that they're opposed to this and really advise  
12 to go through the formal consultation process.

13                   Thank you.

14                   THE CHAIRPERSON: The presentation is  
15 finished? I have a small question about the archaeological  
16 nature of the site.

17                   Do either one of you feel comfortable in  
18 outlining what you understand to be the historical use of  
19 that site? Presumably it's through traditional knowledge.

20                   Is that something is repositied elsewhere  
21 amongst your members, or either one of you can say anything  
22 about it?

23                   Mr. MICHAEL COX: I guess because we were  
24 on the site, I can actually speak to that.

25                   Usually in the process of a Mi'kmaq

1 knowledge study, we would go through the knowledge of the  
2 Nova Scotia Museum, plus we do have some other sites that  
3 have been gathered in a database.

4 I know that Bara Run (ph) on two  
5 occasions requested information and involvement in the  
6 archaeological work, and we have not received anything, so  
7 from my personal opinion, I guess I'll just speak for  
8 Confederacy of Mainland Mi'kmaq.

9 We haven't been involved in the  
10 archaeology and I'm not comfortable with what was done,  
11 although I guess I'm not really sure has been done.

12 I've had it reviewed by our  
13 archaeologists, and they couldn't tell me that there was  
14 anything super lacking with it. They went through the  
15 system with Nova Scotia Museum.

16 THE CHAIRPERSON: So to my knowledge,  
17 there's only one piece of evidence, which is one of these  
18 curved stone knives, and that's the only evidence.

19 I mean, it's been a long time,  
20 presumably, but I just thought perhaps you had something to  
21 add to that.

22 Mr. MICHAEL COX: I heard that this  
23 morning, so yeah.

24 THE CHAIRPERSON: Yeah. Okay.

25 Mr. MICHAEL COX: I think with a more



1 exhausting process or a more involved process we could have  
2 narrowed that down, but it wasn't possible.

3 THE CHAIRPERSON: Thank you.

4 Dr. JILL GRANT: In your report that was  
5 submitted as part of the assessment, there's a discussion  
6 about an Indian Hill Camp, and I wonder if you're able to  
7 give us any further information on that.

8 The archaeological report doesn't  
9 address that possibility at all. Perhaps you could clarify  
10 for us.

11 Ms. SHERRY PICTOU: I can clarify it  
12 somewhat. We really was trying to bring that to attention  
13 because, for anybody who doesn't know, up until just in  
14 recent years, they removed it from the telephone books, the  
15 Bear River First Nation was known as Indian Hill.

16 And that's why it was of a particular  
17 interest to us, but derogatory term now, we have a better  
18 understanding why not to use "Indian". And that came  
19 through some oral history, actually, from the elders'  
20 residence, non-Mi'kmaq, from the Neck.

21 And there's an abundance of oral  
22 history, if you will, from that area, Sandy Cove area, and  
23 where they camped and some of the memories of the elder  
24 folks, but unfortunately, we were not able to officially  
25 have that done and get that in here in a concrete way.

1 I think it's some of the other  
2 submissions, but...

3 Dr. JILL GRANT: Thank you. The other  
4 question I have is about the current land use, Aboriginal  
5 land use.

6 Are there any specific activities that  
7 you know of that the community is using in or around this  
8 site or the waters right off this site in contemporary  
9 times?

10 Ms. SHERRY PICTOU: We do have a  
11 traditional food fishery. We're not in the commercial  
12 fishery, but we do have a traditional food fishery.

13 And as these negotiations go on, we are  
14 hoping to re-establish some of that traditional use, but  
15 because of the controversy over land use, water use and so  
16 forth, it's been very difficult.

17 But we do know that that history exists,  
18 and we do have other users.

19 Mr. MICHAEL COX: Were you asking for  
20 specifically the project area?

21 In the study that we did, I don't think  
22 that there was anything identified, but that's not to say  
23 that there's not.

24 THE CHAIRPERSON: Mr. Buxton, do you have  
25 anything to add, questions?

1 **PRESENTATION BY CONFEDERACY OF MAINLAND MI'KMAQ - QUESTIONS**  
2 **FROM THE PROPONENT**

3 Mr. PAUL BUXTON: Thank you, Mr.  
4 Chairman. Just one, it's not really a question, to Mr. Cox.

5 But I wonder if he could explain the  
6 organization, and you're going to have to forgive me here,  
7 but I read it as [inaudible - Mi'Kmaq language] which the  
8 Executive Director is Eric Swilley that I have had  
9 conversations with, and I'm advised that this is the group  
10 that actually conducts the consultations.

11 We can't consult, but this is the group  
12 that perhaps consults with government. I'm not still quite  
13 clear on that. Perhaps you could clear that up for me.

14 Mr. MICHAEL COX: I'm not going to  
15 present to be able to pronounce the Mi'kmaq name for it, but  
16 it is the Mi'kmaq Rights Initiative. The Executive Director  
17 is Janice Maloney.

18 They're located in Mill Brook. I don't  
19 have their coordinates right here, but yes, they are  
20 involved in the modern-day implementation of our treaty  
21 rights and they are negotiating with the Feds and the  
22 Province, and they have created a terms of reference for  
23 these consultations.

24 And that is a government to government  
25 to government consultation, which I tried to explain

1 earlier.

2 Mr. PAUL BUXTON: But that is in no way a  
3 vehicle that enables us to consult. Is that correct?

4 Mr. MICHAEL COX: I think what I tried to  
5 outline before is that we feel that it's the Government's  
6 role to consult, not the company's.

7 Mr. PAUL BUXTON: Yes, I think that came  
8 over loud and clear. Thank you very much.

9 I have no further questions. Thank you,  
10 Mr. Chair.

11 THE CHAIRPERSON: Do I have any  
12 questions? Yes, please, Ms. Mitchell.

13 **PRESENTATION BY CONFEDERACY OF MAINLAND MI'KMAQ - QUESTIONS**  
14 **FROM THE PUBLIC**

15 Ms. LISA MITCHELL: Lisa Mitchell with  
16 the partnership. I just have a question about clarifying  
17 the work that you were able to do.

18 And I think that you explained that the  
19 information that was brought forward was done through  
20 participant funding that was applied for and received.

21 Being involved with a group that also  
22 applied for participant funding and received some  
23 participant funding, would it have been possible if you had  
24 received, say, the full application amount of participant  
25 funding that you were seeking to do a full MKS, or not

1 possible?

2 Mr. MICHAEL COX: It would have been  
3 possible, yes.

4 Ms. LISA MITCHELL: Thank you.

5 THE CHAIRPERSON: Mr. Hunka?

6 Mr. ROGER HUNKA: Good afternoon. It's  
7 Mr. Hunka. Mike and Sherry, just a clarification.

8 While it is the responsibility of the  
9 Federal and Provincial Governments to undertake  
10 consultation, that doesn't mean that the Provincial  
11 Government wouldn't advise a Proponent that there is such a  
12 process.

13 So the question is, I don't want to  
14 leave the Panel with the feeling that it's only Federal and  
15 Provincial and Mi'kmaq, but when they have a project or  
16 something it's up to them to advise the Proponent that  
17 there's a consultation process occurring.

18 Would that be fair?

19 Mr. MICHAEL COX: I think that would be  
20 fair, yes.

21 Mr. ROGER HUNKA: Thank you.

22 THE CHAIRPERSON: Additional questions?

23 If not, then thank you both.

24 Mr. PAUL BUXTON: Mr. Chair, I wonder if  
25 you wouldn't mind.

1 THE CHAIRPERSON: Yes, of course.

2 Mr. PAUL BUXTON: To Ms. Mitchell's  
3 question, which was quite specific that if there had been  
4 sufficient funding available that the balance of the study  
5 could be done, I'm just wondering, and there may be other  
6 sort of issues involved here, but certainly I think that  
7 Bilcon made it very clear that it was prepared to pay for  
8 the study and, in fact, had tried to engage the Confederacy  
9 to produce the study on their own with no participation from  
10 us at our expense right from, I think, 2002.

11 So I'm just sort of a little bit  
12 puzzled, and maybe Mr. Cox could sort of explain why. And  
13 this is maybe part of the process, that it's okay if the  
14 Government funds the study. Then that's consultation with  
15 Government, but it's not okay if the Proponent funds the  
16 study.

17 Mr. MICHAEL COX: In the normal course of  
18 practice, the Proponent would pay for the study. This is  
19 the first time, and I've been involved with, probably, 15  
20 studies over the last five years.

21 This is the first time that we haven't  
22 been able to participate with a company because of, as I  
23 mentioned, concerns or a bad relationship with one of our  
24 community members or our communities.

25 And that was the situation, and I made

1 that quite clear to you on the phone.

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

3 THE CHAIRPERSON: Okay.

4 Dr. JILL GRANT: I'd like to just get  
5 clarification from you, Mr. Cox.

6 Is it relations between the communities  
7 that precluded it, or between the communities and the  
8 Proponent? I'm not sure I got the drift of your comment  
9 there.

10 Mr. MICHAEL COX: When I discussed CMM  
11 and our Board of Directors, I was trying to paint the  
12 picture of the chain of command that my organization  
13 functions under. And one of my bosses is Chief Frank Muise,  
14 or the Chief of the Bear River First Nation.

15 And if I am told that there are concerns  
16 with the project and if I am told to back off of a project,  
17 then that's what I'm going to do.

18 And when I mentioned, too, that as an  
19 organization how we've been able to survive is to consult  
20 off Reserve to provide an on Reserve service, well, I guess  
21 this wouldn't be the first time, but I think that as an  
22 organization, as a contractor or consultant, I have every  
23 right not to work with a group if I don't want to.

24 THE CHAIRPERSON: There appears to be  
25 nothing further. Thank you both.

1                   The next presentation is by Janet  
2 Larkman.

3 **PRESENTATION BY Ms. JANET LARKMAN**

4                   Ms. JANET LARKMAN: Dr. Fournier, Dr.  
5 Muecke and Dr. Grant, thank you very much for allowing me to  
6 present to this Panel this afternoon.

7                   My name is Janet Larkman, and I want to  
8 make it clear that I'm speaking on behalf of myself, but I  
9 was asked to speak by The Partnership for Sustainable  
10 Development on Digby Neck and the Clean Annapolis River  
11 Project.

12                   I'm a consultant, and I've been working  
13 in the field as a professional in economic development for  
14 the past 14 years.

15                   I was formerly the Executive Director of  
16 the Western Valley Development Authority, which served as a  
17 regional economic development agency for Digby and Annapolis  
18 County for 11 years. And during that time, I had the  
19 privilege of working very closely with many of the people  
20 that live in the Digby Neck community.

21                   I was asked to speak to the  
22 socioeconomic impacts of the project, so I will endeavour to  
23 do so, and I will do so from the heart, as my encounters  
24 with the people of Digby Neck have certainly taught me more  
25 than any textbook ever could about what it means to love



1 your community.

2                   They have articulated with unrivalled  
3 elegance what their community means to them, and they have  
4 fought vigorously against forces that may seek to tear them  
5 apart.

6                   I have observed that their love of  
7 place, which visitors sense as profoundly special, is linked  
8 intrinsically to the environment.

9                   The community of Digby Neck and Islands  
10 has been recognized by the United Nations as a paradigm of  
11 social sustainable development, but the people that live  
12 there do not need the United Nations to tell them that.

13                   What they do need is for people that  
14 have the power to make decisions that will deeply affect  
15 their lives to listen to them, so I want to talk about  
16 listening to communities.

17                   This is a fundamental principle of  
18 sustainable community economic development, and one which  
19 the Western Valley Development Authority adopted  
20 wholeheartedly, and it was with that in mind that the WVDA  
21 Board of Directors unanimously adopted the following policy  
22 position regarding the quarry in August of 2002:

23                   "The WDVA will take the position that  
24 the community of Digby Neck should have  
25 a primary role in determining whether

1                   this proposed rock quarry should go  
2                   ahead or not."

3                   So I'll attempt to elaborate on what  
4 I've heard through my involvement with community  
5 consultations, heard the community say are the kinds of  
6 developments that it wants, and the kinds of developments it  
7 has said it doesn't want, and also comment on some of the  
8 risks and benefits as I see it that are on offer.

9                   In the EIS, the Proponent states that:  
10                  "There will be, as expected, a number of  
11                  insignificant negative environmental  
12                  effects, even after mitigation, as there  
13                  will always be whenever man imposes his  
14                  will on nature."

15                  To address this, the Proponent proposes  
16 an adaptive management approach wherein problems will not be  
17 anticipated and avoided, which is the essence of the  
18 precautionary principle which is the standard of sustainable  
19 development, but rather, fixed if and when they arise.

20                  I have some concerns with that in that  
21 the track record of hard rock mining casts a dark shadow on  
22 this premise, and I refer to the Pulitzer Prize-winning  
23 author, Jerrod Diamond's, book "Collapse" in which he cites  
24 a litany of examples where hard rock mining companies have  
25 gone bankrupt before their environmental remediation

1 obligations can be fully realized.

2 He points out that the US taxpayers  
3 presently face a liability of up to \$12 billion to clean up  
4 and restore hard rock mining operations in the United States  
5 that have gone bankrupt before remediation. It is a  
6 legitimate question to ask if this could happen here.

7 According to a paper by Karen Bergman of  
8 the University of Maryland, companies have used the gap  
9 between the environmental and bankruptcy laws to their  
10 advantage by setting up wholly owned subsidiaries that carry  
11 all of the environmental liability but are thinly  
12 capitalized.

13 When the subsidiary becomes bankrupt,  
14 the parent corporation can evade clean-up liability by  
15 hiding behind the corporate veil.

16 I feel that that at least raises some  
17 questions about trusting whether the community's best  
18 interests will be taken exclusively to heart by a foreign-  
19 owned company, so we know that such risks are inherent in  
20 hard rock mining.

21 Let's maybe take a look at what the  
22 community of Digby Neck has to gain from this proposition.

23 In referring to the document provided by  
24 the company, the most significant offering that I can  
25 discern is jobs, roughly 35 jobs, to be specific, once the

1 quarry's in operation, but I'm not entirely sure about  
2 that.

3                   Similar-sized quarries in other  
4 jurisdictions seem to require less than half of that number  
5 to operate and, further, the Proponent itself admits that  
6 likely only half the jobs it proposes will go to local  
7 residents, so even if we accept the Proponent's job numbers  
8 at face value, we can only expect to see some 20 jobs or  
9 less for local individuals once the operation is up and  
10 running.

11                   The significance of these numbers  
12 further slips when one begins to tally the other side of the  
13 job ledger.

14                   Currently, jobs in the local eco-tourism  
15 industry exceed the jobs envisioned by the Proponent for the  
16 quarry, and yet tourism officials from the Provincial  
17 Government have told us that they cannot advertise this area  
18 as a primary eco-tourism destination as they currently do if  
19 the proposal goes forward, thus putting eco-tourism jobs in  
20 question.

21                   Similarly, fishermen have told us that  
22 they feel their livelihoods are in jeopardy. And retirees  
23 and part-time residents, those people who choose to live on  
24 Digby Neck because of its lifestyle and clean environment,  
25 tell us they may be forced to go elsewhere.

1                   This, too, will cost jobs, as retirees  
2 and part-time residents are amongst the major contributors  
3 to the local economy with the construction of new homes, the  
4 renovation of older homes, maintenance of their properties  
5 in the off season and countless other new money investments  
6 made daily into the community.

7                   So if the number of jobs put at risk is  
8 perhaps equal to or exceeds the number of jobs to be gained,  
9 then the job argument fails.

10                  And I want to be clear that finding the  
11 jobs that we want at the wages that we want is never easy in  
12 any rural community, and nobody is pretending for a minute  
13 that it is, but jobs alone are not economic development.

14                  If jobs were the sole end that people  
15 sought, they could likely find them. I bring to your  
16 attention Convergys, for example, who established an  
17 operation in Cornwallis in 2004 and are now the largest  
18 employer in the region.

19                  And although this new business was not  
20 mentioned in the Proponent's EIS, they currently employ 500  
21 people and indicate that they could be employing double that  
22 number if they could find enough people to fill the  
23 positions.

24                  Now, that kind of work is not for  
25 everyone, but there are other industries in the region such

1 as the boat-building industry, who tell us that they have a  
2 constant demand for welders.

3                   And even within the local community of  
4 Digby Neck and Islands, there are several entrepreneurs that  
5 we are aware of who've been planning to open new  
6 manufacturing operations, and in some cases new tourism  
7 operations, which, if brought to fruition, would employ many  
8 more than the 20 or 30 jobs under discussion.

9                   So here's something else to ponder. In  
10 2000, I had the opportunity to facilitate a weekend-long  
11 community planning process with the Digby Neck Community  
12 Development Association. I was struck by a statement that  
13 emerged with full consensus from this group.

14                   They said we're not interested in jobs  
15 for their own sake. What we're interested in is livelihood.

16                   And when I looked around the group, I  
17 saw that there was no one who would be considered, by most  
18 standards, to be financially wealthy, but they were all  
19 people who loved living in their community and who have used  
20 their ingenuity, resourcefulness and tenacity to stay there.

21                   And when it's been necessary to go away, they have  
22 endeavoured to come back.

23                   Switching gears from jobs to sustainable  
24 development, we ask the question, Can the extraction of a  
25 finite, non-renewable resource by a foreign-owned company

1 for use in another country with no royalties being accrued  
2 at the local level with no additional value added processing  
3 of the resource at the local level and which has the  
4 capacity to undermine other, existing industries actually be  
5 considered sustainable development?

6 The United Nations 1987 report on the  
7 World Commission on Environment and Development, which has  
8 offered the standard definition of sustainable development.

9 They define it as:

10 "That which meets the needs of the  
11 present without compromising the ability  
12 of future generations to meet their own  
13 needs."

14 And now I want to refer to a local  
15 document. Vision 2000, Building Tomorrow is a document that  
16 was produced by the Western Valley Development Authority  
17 following a two-year community consultation process.

18 It was intended to be a multi-year  
19 strategic plan for the region, and its philosophical premise  
20 is the imperative of sustainable development.

21 I will point out that people from Digby  
22 Neck played a key role in shaping that document, and the  
23 document was widely available. But I note that it was  
24 absent entirely from the Proponent's EIS.

25 When I go back to Digby Neck and visit

1 people in the communities or run into them elsewhere, they  
2 always tell me that they remember those days when they  
3 participated in that consultation process, those times when  
4 we gathered in the Sandy Cove School with flip charts and  
5 red dots. Lots of people remember.

6                   And what they tell me is that that was  
7 deemed by them to be a positive time in which they felt that  
8 the community was articulating a common vision for the  
9 future in which they had the opportunity to discuss the  
10 kinds of developments they wanted, the kinds of developments  
11 they didn't want, and in which they felt that their voices  
12 were being heard.

13                   And I would suggest that those voices  
14 were heard.

15                   The document, Vision 2000, was endorsed  
16 not only by the WVDA's Board of Directors, which was  
17 comprised of representatives of all levels of government and  
18 community and business throughout the region, but also by  
19 the seven partnering municipalities in the region, as a kind  
20 of policy document.

21                   And the document itself was named the  
22 best community plan of the year 2000 by the Economic  
23 Developers Association of Canada and the Royal Bank.

24                   Whether or not that document and the  
25 philosophies behind it were having an impact is a subject of



1 debate, but statistics gathered between the years 2000 and  
2 2005 suggest that the regional economy was growing. And I  
3 will quote from the WVDA's 2005 business plan, which was  
4 approved by its Board of Directors:

5 "The net job creation, i.e. the number  
6 of jobs created less the number of jobs  
7 lost, since 2001 in the region is almost  
8 2,500. During this time period, the  
9 unemployment rate dropped by 2.5  
10 percent, while the participation rate  
11 increased by 6.6 percent. And the  
12 estimated growth in employment is 14.9  
13 percent over the past three years."

14 So how is it possible that this  
15 community document, which was the underlining philosophical  
16 premise of economic development strategies, failed to  
17 receive even a mention by the Proponent?

18 Well, I had another look at that  
19 document, and I will conclude my remarks by reading a few  
20 excerpts from it, and will perhaps answer my own question by  
21 doing so, and I quote:

22 "Residents of the western Valley  
23 recognize the inherent wealth that  
24 exists in the form of our natural  
25 resources. They have expressed a strong

1           desire to reverse the historical trend  
2           to ship these resources out of the  
3           region to be processed elsewhere.  New  
4           opportunities must be created to add  
5           value to our resources by processing and  
6           manufacturing products from our forests,  
7           waters and lands at the local level.  
8           Local ownership of these resources is a  
9           key goal of residents."  
10          And it goes on to say that:  
11          "For the better part of this century, we  
12          have exported our natural resources, our  
13          raw materials, to other points around  
14          the globe, where they have made others  
15          wealthy."  
16          And the community also gave this  
17          directive to the WVDA, which is in the document, and says:  
18                  "The residents of our region wish to see  
19                  environmental ethics and concepts of  
20                  sustainability incorporated into every  
21                  decision that the agency makes and into  
22                  every discussion about our region's  
23                  future.  They also expect to see this  
24                  commitment articulated to the larger  
25                  world in a forceful and effective

1 manner. The residents also expect  
2 action that will further protect our  
3 threatened and endangered environment.  
4 In some instances, this is a question of  
5 bricks and mortar. We must build  
6 systems to ensure that we do not further  
7 contaminate our own home. In other  
8 instances, more direct action must be  
9 taken to correct past mistakes, to clean  
10 up after ourselves and to ensure that  
11 such damage does not take place again."  
12 And finally, this quote from the

13 document:

14 "The communities of the western Valley  
15 region embrace the concept of  
16 sustainable development at its most  
17 fundamental level. If we do not  
18 practice positive stewardship of our  
19 environmental inheritance, we will never  
20 build an economic future for ourselves  
21 or our descendants."

22 And so I think it's clear, perhaps, why  
23 the Proponent chose to overlook this document, and it is  
24 difficult to mistake the message that our communities have  
25 articulated, but I would suggest that it is our

1 responsibility to listen.

2 Thank you.

3 THE CHAIRPERSON: Thank you, Ms. Larkman.

4 **PRESENTATION BY Ms. JANET LARKMAN - QUESTIONS FROM THE PANEL**

5 Dr. JILL GRANT: Thank you very much.

6 Can you give us an idea of what the  
7 status of these plans and documents is at this point in  
8 time? Do they still represent local policy?

9 Ms. JANET LARKMAN: At this point, I'm  
10 actually not in a position to answer that. I left the  
11 organization in March of 2005, and there's now a new  
12 organization in place with a new community planning process  
13 in place.

14 But I will say that, as of 2005 when the  
15 Board of Directors at that time approved the business plan,  
16 that business plan was very much based on the principles  
17 outlined in that document.

18 Dr. JILL GRANT: And to your knowledge,  
19 have those been supplanted by different documents since?

20 Ms. JANET LARKMAN: To my knowledge,  
21 there is no document in place that's being used as the  
22 guiding principle. Community consultation process is likely  
23 going to begin anew at this juncture.

24 Dr. JILL GRANT: Can you give us an idea  
25 of what kind of community consultation process went on? You

1 gave us sort of some highlights, but over what kind of a  
2 period, how many people got involved and so on?

3 Ms. JANET LARKMAN: Well, actually, I can  
4 back up a little bit. At the early days of the formation of  
5 the Regional Development Authority in 1994, there was an  
6 extensive consultation process that involved more than 20  
7 local consultants who did a very thorough scan of existing  
8 literature, conducted a series of meetings and focus groups  
9 and so on, and came up with a very lengthy action plan, five  
10 year plan, which, on completion, initiated a new  
11 consultation process which is the one that I described.

12 And the consultations took place over a  
13 period of two years in which there were a wide series of  
14 meetings held in public places throughout the region, in  
15 community halls, in schools, in church basements, in Legions  
16 and so on, in which all members of the community were  
17 invited to participate and asked to articulate what their  
18 vision for the future was, what kinds of developments they  
19 were interested in seeing and what kinds of developments  
20 they weren't interested in seeing.

21 They were asked to articulate what kinds  
22 of things about the region they value most, and what sorts  
23 of things were important to them to be sure were preserved  
24 and protected in any future development consideration.

25 So there were more than 500 people who

1 participated in the live meeting parts of that, but there  
2 were also other activities that were going on concurrently  
3 with people submitting written documents, people  
4 participating in an on-line survey, and so on, and all  
5 told, probably about 1,000 people participated in that  
6 process.

7                   Dr. JILL GRANT: The project we have  
8 before us proposes about 34 jobs, as you indicated, and I  
9 wonder how you see that kind of activity, resource  
10 extraction or aggregate mining, how that fits within the  
11 context of the documents that were approved through the  
12 consultation process.

13                   Ms. JANET LARKMAN: Well, I would say  
14 that the issue is not quarries, per se. I don't recall  
15 anyone indicating that as a categorical situation that they  
16 would not permit to happen in this community.

17                   But the issues that were articulated  
18 were that whatever developments happen here have to be  
19 primarily to the maximum benefit of the local residents,  
20 first and foremost, and that they must be conducted in  
21 consideration of other things that will be impacted.

22                   So if new developments are going to  
23 potentially put at risk existing or future developments,  
24 then they are not acceptable, particularly if they are going  
25 to put at risk the environmental sustainability of the

1 region. And this is the kind of thing that people did say,  
2 in no uncertain terms.

3 Dr. GUNTER MUECKE: In the EIS, we are  
4 told that Digby Neck and Islands is a region in economic  
5 decline, and you just mentioned as far as the Western Valley  
6 Authority is concerned it's a region of growth, both in jobs  
7 and economy.

8 Ms. JANET LARKMAN: Mm-hm.

9 Dr. GUNTER MUECKE: Are we looking at  
10 strong regional disparities, or how do you... Within the  
11 region? Or how do you explain that? How would you respond?

12 Ms. JANET LARKMAN: Yes, it's a good  
13 question. The statistics that I gave, I have to be very  
14 clear that those are aggregate statistics based on the  
15 region as a whole. They're not specific to Digby Neck and  
16 Islands, and similarly in the Proponent's EIS I note that  
17 the statistics that they used were regional in nature, when  
18 they talk about job loss, they talked about business  
19 closures in Bridgetown, for example.

20 So those are regional, in nature, and I  
21 don't have the specific statistics for Digby Neck and  
22 Islands, but I do know from speaking with many individuals,  
23 business, entrepreneurs, in the region presently that there  
24 are many new initiatives of an employment nature that are  
25 presently underway.

1 THE CHAIRPERSON: Ms. Larkman, isn't it  
2 true that a lot of the activity that you've described seemed  
3 to emerge around 2002, when the quarry was proposed, and it  
4 was, in many ways, could be viewed as a reflex action, or a  
5 reaction to what has been characterized by some as a threat  
6 of some sort. Is that true?

7 Ms. JANET LARKMAN: What activities in  
8 specific are you referring to?

9 THE CHAIRPERSON: Kind of a desire for  
10 self determination, I suppose; a willingness to investigate  
11 new business models, and attempt to organize themselves into  
12 different groups, to begin to speak with one voice rather  
13 than as individuals.

14 Maybe I'm reaching here, because I'm  
15 very much an outside, but reading the bits and pieces of  
16 literature it seemed that that, in fact, happened  
17 coincidentally with around 2002. Would you see it that way?

18 Ms. JANET LARKMAN: I would say that a  
19 lot of the significant initiatives that are underway have  
20 been in development for the last ten years or so, since  
21 there's been a real focus on environmental technologies,  
22 value-added processing, and eco-tourism, and actually in the  
23 Proponent's document they do indicate that eco-tourism has,  
24 as an industry, grown quite dramatically in the last ten  
25 years.



1                   So I think that the kinds of  
2 developments that we are seeing have been underway for some  
3 time, that there has been a renewed commitment to finding  
4 alternative kinds of economic development and employment  
5 business and so on, has certainly been a factor of the  
6 quarry proposal.

7                   And I refer, I mentioned in an  
8 opportunity I had to work with the Digby Neck Community  
9 Development Association in a strategic planning process, to  
10 facilitate a planning process, and one of the the things  
11 that came out of that discussion was a realization that  
12 there had been a quarry proposed for Digby Neck ten years  
13 prior to that, I guess in the early to mid-nineties, that  
14 had proven to be a real catalyst for bringing the community  
15 together, for being instrumental in forming a home and  
16 school association, and all kinds of other activities.

17                   So over the course of that weekend, the  
18 group actually was able to identify that a lot of the  
19 activities that they had undertaken, of which they were most  
20 proud, were actually set in motion in response to a  
21 perceived threat in the early nineties.

22                   THE CHAIRPERSON: That's kind of what I  
23 was getting at. If a lot of these activities were nascent,  
24 but they were catalysed into activity because of the threat,  
25 what happens if the threat disappears? Does everyone simply

1 lapse back into a quiescent state, waiting for the next  
2 threat to appear down the road?

3                   In other words, what I would hope the  
4 community would want is an ongoing participation, and that's  
5 looking at all possibilities, including quarries or anything  
6 else that comes along, and reacting to a threat seems to be  
7 a... Has a negative connotation, as opposed to an outreach  
8 connotation.

9                   Ms. JANET LARKMAN: I would absolutely  
10 agree with that, that sort of conducting economic  
11 development on the basis of, you know, responding to threats  
12 is not a desirable way to go, and is not sustainable.

13                   But I would also say that in my opening  
14 remarks I talked about what I had observed about the  
15 community, getting to know the community, the individuals  
16 that live on Digby Neck and Islands, and how passionately  
17 committed they are to their community.

18                   I observe what's been going on here in  
19 the Panel Review process, that their very active  
20 participation is an indicator of that commitment. So I  
21 certainly would expect that the kinds of initiatives that  
22 have been set in motion in the past number of years would  
23 continue. It only makes sense.

24                   Dr. GUNTER MUECKE: You mentioned the  
25 shortage of skilled labour on a regional basis. Do you

1 attribute that to out-flux to other regions, lack of  
2 training opportunities, or what are the causes, would you  
3 identify?

4 Ms. JANET LARKMAN: I didn't actually  
5 have an opportunity to hear Dr. Corbett's presentation the  
6 other day, I think it was possibly yesterday, but I think  
7 that he went into some detail on the issue of out-migration  
8 and skills.

9 Skills shortages and migration are  
10 issues that face every rural community, and Digby Neck and  
11 Islands is no different. I think that what we have seen is  
12 that, yes, people leave the area, but yes, people come back,  
13 and people will come back if there are opportunities that  
14 are perceived to be sustainable in nature.

15 Dr. GUNTER MUECKE: What about training  
16 opportunities in the region? How do you see that?

17 Ms. JANET LARKMAN: Well, I know that  
18 there are lots of efforts underway to provide training  
19 opportunities. The Nova Scotia Community College, for  
20 example, opened up a satellite campus in Digby which  
21 certainly is accessible.

22 As far as what training opportunities  
23 are available right now, that's not my area of expertise,  
24 and it's not something I can speak to.

25 THE CHAIRPERSON: Over to you, Mr.

1 Buxton.

2 **PRESENTATION BY Ms. JANET LARKMAN - QUESTIONS FROM THE**  
3 **PROPONENT**

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

5 I don't think this is an appropriate  
6 place to discuss the merits or otherwise of economic  
7 development planning, but I do have a couple of questions.

8 You will recall, Ms. Larkman, back in  
9 '95, it seems a long time ago now, that in order for a  
10 development authority to be put in place and funded by the  
11 Government a plan needed to be developed, so a plan had to  
12 be presented, considered by Government, and if the  
13 Government thought the plan was satisfactory, suitable,  
14 covered all the various elements, that the funding would be  
15 provided.

16 Who directed the creation of that plan  
17 at that time?

18 Ms. JANET LARKMAN: I'm sorry. Who?

19 Mr. PAUL BUXTON: Who directed the  
20 creation of the development plan which was necessary for the  
21 Government funding to establish the WVDA?

22 Ms. JANET LARKMAN: There was a Board of  
23 Directors that had been put in place in 1994, which was  
24 comprised of the seven municipalities in Annapolis and Digby  
25 Counties, which was comprised of representatives from

1 Municipal Government and from member at large, citizens with  
2 the community.

3 Mr. PAUL BUXTON: Yeah, I understand that  
4 there was a temporary board in place, but they don't write  
5 plans, do they? The plan had 12 or 14 or 15 sections, and  
6 this had to be put together in a fashion which satisfied  
7 criteria for planning, for a planning process, and to  
8 establish what was in the community, what ought to be done  
9 in the community.

10 What I'm asking specifically, who  
11 directed the creation of that plan?

12 Ms. JANET LARKMAN: Well, I think you  
13 know well, because you were on staff with the WVDA at that  
14 time. The executive director, if you're looking for the  
15 name of an individual, at that time was a man named Alan  
16 Sloane, and the Chair of the Board at that time I believe  
17 was David Irvine.

18 But it was not a temporary board. The  
19 Board of Directors was put in place of July of 1994 and was  
20 the governance body for the Regional Development Authority.

21 Mr. PAUL BUXTON: I think you're being  
22 very evasive, Mrs. Larkman, but I'll pass.

23 Could you tell me, you said that in  
24 2005, after the vision document was in place for the WVDA  
25 and apparently everything was going well with what was

1 happening.

2 What happened to the WVDA in 2005?

3 Ms. JANET LARKMAN: I can't speak to  
4 that. I left in March 2005, and I understand the  
5 organization was closed in August of 2005. The particulars  
6 of what transpired I don't know, so I can't provide you with  
7 any further detail on that.

8 Mr. PAUL BUXTON: Well, I think the  
9 newspapers covered it very clearly, Ms. Larkman, and again,  
10 I don't think you're being very forthright, here. You know,  
11 the really was that the Councils withdrew their funding from  
12 the WVDA because they felt that the WVDA in fact was not  
13 doing the task that Councils had asked the WVDA to do, which  
14 was to create economic development in this area.

15 Ms. JANET LARKMAN: I think that what has  
16 been presented is that the activity that was demonstrated  
17 through statistical analysis and so on in the economy showed  
18 that the economy, through the periods that we discussed, in  
19 my presentation and in your EIS document, between 2000,  
20 2005, demonstrably show that the economy was improving in  
21 terms of employment numbers, business numbers, and so on,  
22 and that the activities of the organization tasked with that,  
23 up until the time that I left, were certainly based on the  
24 document that I referred to, and very much on the principles  
25 of sustainable development.

1                   Mr. PAUL BUXTON: Yes, thank you. I  
2 really wasn't arguing the validity or the worth of the 2000  
3 document and the work that went into it.

4                   I think that the point is here that  
5 although the WVDA was in operation for ten years, charged  
6 with the economic revitalization of this area, that in fact  
7 all the Councils withdrew their funding in 2005 simply  
8 because, and please read the newspapers, that in fact the  
9 WVDA was not doing the job to which it had been assigned.

10                  Ms. JANET LARKMAN: Whether or not we  
11 wish to sit here and debate, for both of us speculatively,  
12 because I don't think that either one of us was sitting  
13 around the table when decisions were made. I think it would  
14 be fairly pointless.

15                  I think the point that I'm endeavouring  
16 to make here to the Panel is that the communities,  
17 particularly the communities of Dibgy Neck and Islands,  
18 articulated very specifically what kinds of development they  
19 wanted to see in the future, and whatever transpired with  
20 respect to the Regional Development Authority has nothing to  
21 do and does not undermine the vision that was so clearly  
22 articulated by those citizens who came forward.

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

25                  THE CHAIRPERSON: Questions? Yes,

1 please. Mr. Sachs?

2 **PRESENTATION BY Ms. JANET LARKMAN - QUESTIONS FROM THE**  
3 **PUBLIC**

4 Mr. THOMAS SACHS: I would have a  
5 question...

6 THE CHAIRPERSON: Mr. Sachs, please  
7 identify yourself.

8 Mr. THOMAS SACHS: Thomas Sachs. Live in  
9 Sandy Cove.

10 I would have a question that there is a  
11 need for a planning document, as has been pointed out by Ms.  
12 Larkin. That, it would seem to me, is also required of  
13 Bilcon, and there is no sign of that in their application,  
14 so that I would think...

15 THE CHAIRPERSON: Mr. Sachs, are you  
16 going to ask a question or make a statement?

17 Mr. THOMAS SACHS: Yes, I'll ask a  
18 question.

19 THE CHAIRPERSON: Okay.

20 Mr. THOMAS SACHS: Why did you not  
21 present a business plan, as would have been expected?

22 Mr. PAUL BUXTON: A business plan for the  
23 operation fo the quarry?

24 Mr. THOMAS SACHS: And for its  
25 relationship with all of the other things going on, which



1 have all been left out, I believe.

2 Mr. PAUL BUXTON: I think if you read the  
3 document, I think we've talked about all these elements in  
4 the document.

5 Mr. THOMAS SACHS: I don't think you've  
6 answered any questions. That's one of the points. You have  
7 not answered questions. You've simply said "noted", and no  
8 one knows what that means in terms of operational actions.  
9 And from the fact that that's what you've done, only, I  
10 question that it can be believed.

11 THE CHAIRPERSON: Thank you, Mr. Sachs.  
12 Other questions? Mr. Graham? You're Mr. Graham? Yes,  
13 pleas.

14 Mr. DAVID GRAHAM: My name is David  
15 Graham. How much does jobs pay in the tourism business?  
16 Like, you know, for help. Roughly \$7.50/\$8.00 an hour?

17 Ms. JANET LARKMAN: It varies.

18 Mr. DAVID GRAHAM: So Bilcon...

19 THE CHAIRPERSON: Ms. Larkman, you have  
20 to talk into the microphone.

21 Ms. JANET LARKMAN: It certainly varies,  
22 whether you're talking about a customer service  
23 representative or management. It's a wide range.

24 Mr. DAVID GRAHAM: At average,  
25 \$7.50/\$8.00 an hour. Bilcon is offering about 16, 18

1 dollars an hour. Instead of 34 jobs, that would be the  
2 equivalent of 68, would it not?

3 Ms. JANET LARKMAN: I would say that  
4 those wages that you're proposing are certainly comparable  
5 with some of the other jobs in the area that I referred to  
6 such as welding or other kinds of manufacturing jobs.

7 Mr. DAVID GRAHAM: Yeah. Still, like,  
8 it's going to create more jobs.

9 THE CHAIRPERSON: Thank you, Mr. Graham.  
10 Yes, Mr. Hunka. Oh, Ms. Graham? Please. Mr. Hunka, right  
11 after Ms. Graham.

12 Ms. LINDA GRAHAM: Thank you, Mr. Chair.  
13 I have a question for Ms. Larkman. You said that  
14 Government cannot call the area eco-tourism anymore if this  
15 quarry opens, but yet in 2005 a quarry operated in Tiverton,  
16 in plain sight, in view of the tourists that were waiting to  
17 catch the ferry, anyone that may be eating at Petite Passage  
18 Cafe, and the trucks were coming down, and the dust was  
19 flying and all the rest of it.

20 So why would this quarry that can't be  
21 seen from the road make a difference when that one didn't?

22 Ms. JANET LARKMAN: It's a good question.  
23 I think it's an issue of scale. Obviously that quarry was  
24 a great deal smaller than the one that's being discussed.  
25 An issue of parameters that the quarry had a very specific

1 purpose in order to build the wharf, which is obviously of  
2 benefit to tourism, and is now in place. It did not have a  
3 50-year life span.

4 It was an initiative that was supported  
5 by the community because of its finite nature and because it  
6 was of direct benefit to the community.

7 So my reference to the Department of  
8 Tourism is really quoting what they say when they say that  
9 they currently promote Digby Neck and Islands as a primary  
10 eco-tourism destination. It's their words, when they say  
11 that they feel that they will no longer be able to do so,  
12 should a quarry of this magnitude go forward.

13 Ms. LINDA GRAHAM: Okay. I am a tourism  
14 operator, my husband and I are, and we do feel that way. So  
15 it's not everyone. It's not all tourism operators.

16 You also indicated that you worked with  
17 the Partnership for Sustainable Development, and you heard  
18 very vocally from them that they opposed it. Did you attend  
19 any of the CLC meetings to hear from anyone who was in  
20 favour of the quarry?

21 Ms. JANET LARKMAN: I didn't actually  
22 quote that I had heard anything specific from the  
23 Partnership. What I was quoting was meetings that I had  
24 attended.

25 I did actually reference the Digby Neck

1 Community Development Association, but the meetings that I  
2 referenced in our consultation process involved people of no  
3 particular affiliation from throughout the community.

4 Ms. LINDA GRAHAM: So you did not attend  
5 any of the CLC meetings to hear from anyone in favour of  
6 this quarry. Is that correct?

7 Ms. JANET LARKMAN: That's correct. I  
8 did not.

9 THE CHAIRPERSON: Ms. Graham, could you  
10 stay at the microphone for a minute?

11 Ms. LINDA GRAHAM: Yes, certainly.

12 Dr. JILL GRANT: Ms. Graham, you just  
13 indicated the CLC meetings were a place where people in  
14 favour of the quarry were speaking out. Was that the  
15 primary purpose of the CLC was to give a voice for quarry  
16 supporters?

17 Ms. LINDA GRAHAM: Yes, there were more  
18 people that were in favour of the quarry that attended those  
19 meetings. Not necessarily in favour of, but they were not  
20 opposed to. But what we were doing was trying to find more  
21 information on, and have our concerns addressed, because  
22 yes, we were concerned about the dust, and yes, we were  
23 concerned about the noise, and we were concerned about well  
24 water. We did have all these concerns.

25 And that's why people that were not

1 totally opposed to it attended the CLC meetings. Some  
2 people wouldn't attend, and again, I go back to the  
3 intimidation that was happening on the Neck at the time, not  
4 only on the Neck, but the Neck and Islands, and people that  
5 were, you know... Signs were taken down, cars were... You  
6 know.

7 Dr. JILL GRANT: Thank you.

8 Ms. LINDA GRAHAM: You've heard it.

9 Dr. JILL GRANT: Thank you.

10 THE CHAIRPERSON: Mr. Hunka?

11 Mr. ROGER HUNKA: It's just really for  
12 clarification. The acronym, WPDA(sic), what does it stand  
13 for, again?

14 Ms. JANET LARKMAN: It's actually WVDA;  
15 the Western Valley Development Authority.

16 Mr. ROGER HUNKA: The Western Valley  
17 Development Authority. Is that the evolution of the  
18 devolution(sic) of ACOAs into the regions?

19 Ms. JANET LARKMAN: The Regional  
20 Development Authority system, there are Regional Development  
21 Authorities in every community in rural Nova Scotia. We're  
22 set up as a three-way partnership between Federal,  
23 Provincial, and Municipal Governments, ACOA being the  
24 Federal Government representative.

25 Mr. ROGER HUNKA: And that's probably

1 what you were referring to the plan. Mr. Buxton, when you  
2 were referring to the original plan, was that the plan to  
3 become a Regional Development Authority?

4 Mr. PAUL BUXTON: I'm sorry. I was  
5 referring to the plan that is required to be produced by a  
6 community before the funding is released, so that the  
7 funding agencies are confident that a strategy for going  
8 forward has been put in place.

9 Mr. ROGER HUNKA: And so that's the era  
10 where ACOA devolved to establish these, they funded, and  
11 then later on Municipalities and ACOA kick in together?

12 And the question is, has the Province  
13 been involved with these authorities, and to what degree?

14 Ms. JANET LARKMAN: It'S a three-way  
15 equal partnership; Municipal, Provincial, Federal partners  
16 contribute equally.

17 Mr. ROGER HUNKA: Just money?

18 Ms. JANET LARKMAN: All three levels of  
19 Government are actively involved at the Board level, as  
20 well, if that's what you're getting at.

21 Mr. ROGER HUNKA: Well, the funding part  
22 first. Funding first. Do they contribute funding?

23 Ms. JANET LARKMAN: Yeah, three-way equal  
24 partnership, yeah.

25 Mr. ROGER HUNKA: Okay. And you said

1 that the authority ventured on doing a visioning exercise  
2 and create a visioning document. And the Chair and the  
3 Panel... Well, not the, I should... The Chair, actually,  
4 alluded to that visioning exercise could've been possibly  
5 forced along the way because of the quarry, or because of  
6 the fear of the quarry.

7 But doesn't a Regional Development  
8 Authority naturally and every so many years do a visioning  
9 exercise? Isn't that one of the *raison d'etres*?

10 THE CHAIRPERSON: Mr. Hunka, you had  
11 about five questions. If you want to ask one more to tie  
12 it all together, that's fine. But that probably is a good  
13 place...

14 Mr. ROGER HUNKA: Well, I guess the tie-  
15 er-in is this. We've heard your views and shared... What  
16 has the Province, has the Province indicated anything about  
17 this visioning exercise? What has their statement been  
18 about it? Have they bought it? Do they think about it's  
19 good, do they think it's bad? Have they said anything about  
20 it?

21 Ms. JANET LARKMAN: Yes, they're actively  
22 supportive of...

23 Mr. ROGER HUNKA: Actively supportive of  
24 that visioning document.

25 Ms. JANET LARKMAN: To be clear, although

1 unfortunately a bit repetitive, the three levels of  
2 Government are equal partnership in the Regional Development  
3 Authority system.

4                   So when a Regional Development Authority  
5 comes forward with a plan, it has to be endorsed at the  
6 three levels of Government in order to go forward.

7                   Mr. ROGER HUNKA: So it is endorsed.  
8 Okay, thank you.

9                   THE CHAIRPERSON: Okay. Just... No,  
10 sorry, Mr. Hunka. This individual.

11                   Mr. JOHN DICKINSON: John Dickinson from  
12 Little River.

13                   There has been some discussion about  
14 what happened to the organization, the dissolution part of  
15 it, but my understand was that Clare withdrew to join  
16 Yarmouth and that area, because there was a larger French  
17 component there, and that undermined some of the funding.  
18 And the undermining of the funding, at that time, stopped  
19 the ongoing of the organization.

20                   I have a question for Mr. Larkman. I  
21 had a dental appointment this morning, so I hope this frozen  
22 voice is not too hard to pick up. But one of the  
23 undertakings in the job creation, in the matter of training  
24 people, local people, for this, was the adoption of a fast  
25 community program at one point, and this was a Federal



1 program that was offered across the country. It was  
2 competitive in Nova Scotia between I think Cape Breton,  
3 Halifax, and Western Valley, and I think you were directly  
4 involved perhaps in that.

5 And I wondered if you could give us some  
6 background and what were the components, the reasons for it,  
7 and how that was... What it does. Yeah.

8 Ms. JANET LARKMAN: Thank you. I think  
9 you're referring to the Smart Community Program in which  
10 this region was designated by the Federal Government as a  
11 Smart Community and given some resources to undertake  
12 specific projects to that end.

13 And actually, it sort of reminds me of  
14 Dr. Muecke's question about training. That program did  
15 enable the RDA to initiate a number of training programs  
16 that had direct relevance to employment.

17 Approximately 2,000 individuals partook  
18 in a computer literacy program that was delivered throughout  
19 camp sites throughout the region, and it was directly a  
20 factor, if you will, in the company that I mentioned,  
21 Convergys, deciding that they could establish here that  
22 there was a large enough pool of people with basic computer  
23 literacy in order to make that business viable.

24 That project also enabled, facilitated  
25 the creation of the satellite campus of the Digby... Digby

1 satellite campus of the Community College, which is now a  
2 new, locally-accessible training arm.

3 So I don't know if I addressed Mr.  
4 Dickson's question specifically, but those are a couple  
5 points that struck me as being relevant.

6 THE CHAIRPERSON: He's nodding yes.

7 Mr. DANIEL MILLS: My name is Daniel  
8 Mills. You may be touching the question that popped into my  
9 head a few moments ago.

10 But when I first came here, there as a  
11 program called TAGS which had to do with people who had  
12 suffered the ill-effects of the downturn of the fishery on  
13 Digby Neck. Now, how far it extended, I don't know, because  
14 it's new to me.

15 But I did meet some people who went out  
16 and took courses in various and diverse, to find new ways of  
17 making a living, and again, I cite the example of Gulliver's  
18 Cove, where several went and took courses in home care and  
19 whatever else I'm not sure.

20 Now, I'm wondering to what extent or how  
21 great an extent did that re-employ people who had lost their  
22 jobs due to the downfall of the fishery on Digby Neck and in  
23 the area?

24 Ms. JANET LARKMAN: Yeah, you're  
25 referring to the Atlantic Groundfish Strategy, or the TAGS

1 Program, which was really of an EI top-up training program  
2 that was finite in nature, so there were a number of jobs  
3 created, but those particular jobs weren't long-term.

4                   The TAG Program then morphed into a  
5 program called FARM, or the Fisheries Restructuring and  
6 Adjustment Measures Program, which was more broad-based, and  
7 it was intended to provide additional resources to  
8 communities who came up... In communities that had been  
9 affected by the downturn of the fishery, provide them with  
10 additional resources to undertake projects, be they  
11 infrastructure projects or event-based projects, that could  
12 help facilitate new developments.

13                   And actually, I think that you were part  
14 of an initiative to get a farmer's market in Gulliver's  
15 Cove, is that right?

16                   Mr. DANIEL MILLS: Yes.

17                   Ms. JANET LARKMAN: As part of the FARM  
18 Program.

19                   Mr. DANIEL MILLS: How well did the  
20 program do throughout the area? Do you have any idea? Did  
21 many take advantage of it, or?

22                   Ms. JANET LARKMAN: Yes, there were a lot  
23 of projects, and actually a lot of projects on Digby Neck  
24 and Islands. I have to scratch my memory a little bit to  
25 think of some of them, but just one that comes to mind is an

1 upgrade project in East Ferry regarding waterfront access, a  
2 boat launch, I believe, as an example.

3 Mr. DANIEL MILLS: Our little project, if  
4 I may conclude, in itself has ceased to operate, but many of  
5 the people who began there have been able to venture out  
6 into their own areas of production of whatever type of thing  
7 they're working in.

8 So in that regard, it was successful, I  
9 think, down in our area. Thank you.

10 THE CHAIRPERSON: Thank you, Mr. Mills.

11 Mr. TERRY FARNSWORTH: Terry Farnsworth,  
12 fisherman.

13 I want to ask this lady, I'm sorry, I'm  
14 not good with names. You have to forgive me. I know you  
15 very well.

16 THE CHAIRPERSON: Ms. Larkman.

17 Mr. TERRY FARNSWORTH: Isn't it true that  
18 in the TAGS Program there was a variety of programs and a  
19 lot of confusion in the area as to what would be threatening  
20 or non-threatening? Because as I understand, there was a  
21 lot of people that felt that if they took this TAGS Program  
22 they wouldn't be able to fish again.

23 That was the message. And yet, at that  
24 time, when I was fishing down the island, another agency was  
25 telling me that they had no right of saying that to

1 fishermen, that you could continue to fish, like you say,  
2 and mark up the EI, and mark your catches down on... It was  
3 a very confusing in the area, and very threatening as well.

4                   Wouldn't you say that was going on, as  
5 well?

6                   Ms. JANET LARKMAN: Well, I want to make  
7 it very clear that I am in no position to apologize or  
8 explain of Federal Programs or any other Government  
9 Programs, but I certainly am familiar with the TAGS program,  
10 and I know that it did have mixed results.

11                   One of the programs that I know that  
12 many fishermen did participate in, or one of the  
13 initiatives, I should say, was the creation of a coastal  
14 resource map that involved a gathering of traditional  
15 knowledge and scientific knowledge, and producing a series  
16 of documents that identified existing infrastructure and  
17 knowledge and so on related to the coastal areas of the  
18 entire region.

19                   And actually, those maps, those  
20 documents, ended up being instrumental in the creation of  
21 the Bay of Fundy Marine Resource Centre, which is continuing  
22 at this time.

23                   Mr. TERRY FARNSWORTH: Very interesting.

24                   No more questions.

25                   THE CHAIRPERSON: Thank you, Mr.

1 Farnsworth. Any more question?

2 Mr. PAUL BUXTON: I wonder, Mr. Chairman,  
3 if you could indulge me on one small follow-up, because  
4 we've heard a lot about consultative processes and how one  
5 consults with the community.

6 But the Proponent wrote to the WVDA and  
7 suggested that we either meet or present to the Board to  
8 indicate what the plans were, and to generally consult with  
9 the WVDA, and to the best of my recollection the response  
10 was that the WVDA did not support the project, and hence did  
11 not want to consult.

12 What are your comments on that?

13 Ms. JANET LARKMAN: My comments are, I'm  
14 shocked, because I certainly was never aware of a letter  
15 like that, and certainly was never aware of a letter going  
16 back indicating that the WVDA didn't support the project,  
17 because it clearly never took that position. I read to you  
18 in my remarks the policy position that the Board did take,  
19 which was that it felt that the citizens of Digby Neck must  
20 be considered the primary decision makers in this project.

21 To my knowledge, the WVDA never received  
22 any correspondence from Bilcon, per se. I do recall  
23 correspondence from, the company I believe was called Global  
24 Stone Exporters, the precursor of Bilcon, at the time that  
25 there was an application, permit application, for a 3.8-

1 hectare quarry, and at that time the WVDA was asked to sit  
2 on the Community Liaison Committee.

3           The Board of Directors looked at the  
4 mandate and recognized that the mandate of the CLC did not  
5 have any authority to either make recommendations to the  
6 Minister or to communicate in any particular way with the  
7 community or any other body. In fact it didn't appear to  
8 have any particular mandate at all, other than to enable the  
9 company to fulfill its obligations to create a CLC.

10           The WVDA wrote to the Minister,  
11 requesting that the mandate of the CLC be clearly defined to  
12 have some meaningful purpose, and in particular that it be  
13 given the authority to make recommendation to the Minister.

14           When that request was denied, the  
15 organization wrote to Global Stone and to the Minister,  
16 indicating that it did not feel it was appropriate to send a  
17 representative to sit on the CLC.

18           THE CHAIRPERSON: I think we'll bring  
19 this session to a close.

20           Thank you, Ms. Larkman, and we're going  
21 to take a 15-minute break at this time.

22 --- Recess at 2:38 p.m.

23 --- Upon resuming at 2:54 p.m.

24           THE CHAIRPERSON: Ladies and gentlemen,  
25 I'd like to begin this session. Mr. Farnsworth? The first

1 presenter for this particular session is Terry Farnsworth,  
2 representing the Bay of Fundy Inshore Fishermen's  
3 Association.

4 **PRESENTATION BY Mr. TERRY FARNSWORTH**

5 Mr. TERRY FARNSWORTH: You hear me All  
6 right? My name is Terry Farnsworth, a fisherman foremost,  
7 and I guess I'm speaking on behalf of the Bay of Fundy  
8 Inshore today.

9 Vice-President of Inshore Fishermen's  
10 Association for the last 11 years since 1996. I've been  
11 involved with issues that affect our community in the  
12 fisheries and other developments; process of grass root,  
13 non-profit government structure of community-based  
14 management, mostly of the ground fisheries.

15 Member of the Local Fixed Gear Council  
16 made up of Maritime Fishermen Union and the Bay of Fundy  
17 Inshore. Also a Member of the Local Marine Resource Centre,  
18 Cornwallis, which looks at the many things like mapping,  
19 information of local renewable resource and non-renewable  
20 resources in the area.

21 Many workshops on the area of concern to  
22 ask questions... Are we are prepared for oil spills in case  
23 of collisions?... And countless other area of concerns of  
24 the needs for sustainability in the big picture.

25 Many workshops on the ecosystem



1 approach, the bulk on the writing of the rules. Terms of  
2 reference fall short in timing for area protection.

3           To share stories with grass-root people  
4 from around the world who have been affected socially,  
5 economically, culturally by international interests has been  
6 a feeling and robbery and invasion. With these people I  
7 have met, I have put a pin on the global map to say this is  
8 where I live. Each student presented(sic) either a nation  
9 or country who also visited me at the Digby Wharf as a  
10 backgrounder. This merely scratches the surface by  
11 community involvement.

12           For the amount of issues that are  
13 affecting our community, all at the same time, I find it  
14 very overwhelming, to say the least. In dealing the  
15 accumulative effect and combined effects like which was  
16 mentioned in the Guidelines... This part is mentioned, and  
17 are pleased that it is mentioned.

18           For some of us, we've had the unpleasant  
19 experiences of putting the dots together that affect us all  
20 in dealing with the pros and cons with conflict of interest.

21    The process of defining community for the fisheries of  
22 inshore fixed gear turned out to be geographic from Clare,  
23 French Shore, Islands, Digby Necks, all the way to the head  
24 of the Bay.

25           That's a pretty large community, a

1 pretty large success, with realizing how much we are  
2 connected, affiliating with Maritime Fishermen Union. We  
3 still are there. We haven't gone away. A lot of us have  
4 sold out, or I should say what I'm saying here, a lot of us  
5 could have sold out, but though if we did, we'd be selling  
6 us out, or the community.

7 Are we stupid for not selling out to the  
8 corporate agenda? Perhaps so, in some people's eyes, but it  
9 feels good trying to do the right thing.

10 Now, getting the rock quarry, I want to  
11 start off by saying I have lived on the Island on Digby Neck  
12 in numerous places. There is hardly not a place along the  
13 coast that I haven't fished from below the Island to the  
14 Minas Basin at the head of the Bay. This is the life  
15 whereas you get to see both sides of the North Mountain.

16 Oftentimes, when passing by, I look in  
17 from the Bay to look at the house where my grandmother  
18 lived, which is still standing; the place where my Uncle  
19 Darrell and Aunt Tina was murdered by a neighbour boy, who  
20 had seriously mental problems, of Whale Cove. I am grateful  
21 to the people who bought the house, and restored it. They  
22 invited our family to share the life in memories of the  
23 Bunker family.

24 As a community, it was heartwarming, to  
25 me, as a community; a community pull together with much

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1 respect. As we took our last ride, the school buses and  
2 people were parked on the side of the road with heads bowed.  
3 It wasn't about Centreville versus Little River. We were a  
4 community who had children who went to the same school.  
5 Give me a minute. I could see cars as far as the eye could  
6 see behind.

7 Many would be interested to know it was  
8 my grandmother's house, or my grandmother's mother, I  
9 believe, who brought education to this area back when we had  
10 little schools all over the county. This little house in  
11 Whale Cove holds a lot of history.

12 This North Mountain is also viewed by  
13 whale-watching vessels who go up and down the coast, even  
14 from Digby. Along the shores, fishers' setting herring  
15 nets, halibut and dogfish trawls. There's hardly a place  
16 you can't set gear, but it could change an awful lot if it  
17 becomes a restricted area.

18 Depending on nature, there is no way of  
19 knowing what she'll bring. It's not something you can  
20 minimize or exclude. Some years, schools of blackfish tuna;  
21 other whale species of water and air; the variety is  
22 breathtaking on many accounts. Don't know what they are  
23 called. Some years, along the coast, the whales breach and  
24 fool around very close to shore. On a still, quiet night,  
25 it's amazing how sound travels.

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1                   When at my uncle's cottage under the  
2 steep hill on the opposite side of the Island road, pointing  
3 away from the Bay of Fundy, I could hear them breaching,  
4 splashing, and blowing, making noises in the Bay.

5                   Life at sea and coastal sites are beyond  
6 anything you can minimize(sic). Steering your boat with a  
7 small bird sitting on the bill of your hat, or shoulder,  
8 either make you feel very ridiculous or connected.

9                   The path we find on the water to get out  
10 of the rough waters a lot of times are close along the  
11 shore. The tides and weather interactions fisherman  
12 understand in the Bay are nothing to mess with. My worry in  
13 this area of a rock quarry would become as a restricted area  
14 to fishing activity, or passage that we are traditionally  
15 accustomed to in a sense of place where we always knew as  
16 our place.

17                   Whether I'm currently fishing out of  
18 Digby, Centreville, Freeport, Tiverton is home to me. Many  
19 tell us we have such wonderful place. Please take good care  
20 of it.

21                   There are beginning to be a lot of  
22 factors about such an operation. There are those who feel  
23 because it would be on the back side of the mountain, no one  
24 would ever notice. I'm sure if you could hear the train  
25 whistle below across St. Mary's Bay years ago, which is

1 usually a sign of southeaster, much will be heard up and  
2 down the coast over the mountain.

3                   The migration of deer and other critters  
4 along the North Mountain go to the Island. Some years more  
5 deer show up on the Island than on the Neck. Whatever the  
6 dream is, what will the cost of sacrifice to others be in  
7 order to create these 30-some jobs? It is unfortunate that  
8 the noose is on Digby Neck. My aunt and uncle also live in  
9 Digby Neck at Little River.

10                   On the Island, a lot has moved to Digby,  
11 and a lot has stayed. It's also disturbing to think about  
12 the amount of water it would take to wash the rock, and  
13 where will this water go. With a ripple effect of problems  
14 that would occur, my sense of this place being our place  
15 would be lost.

16                   It reminds me when someone's out of  
17 firewood, you start to burn your furniture. The problems or  
18 fate should not rest with rock quarries in this area. What  
19 kind of Government do we have, anyway? I don't think it is  
20 very Canadian or politically fair for so much to be hitting  
21 us at the same time.

22                   Currently, there are Public Hearings  
23 about the possible loss of the ferry between Digby and Saint  
24 John; also hearings about no doctors for Digby Hospital; a  
25 Digby Wharf that's falling down; clam flats shut down. This

1 can't be a coincidence. Something's wrong with this  
2 picture.

3                   Why should our schools and  
4 municipalities be at the hands of bribery. I believe in  
5 supporting my community, and don't deprive economics or  
6 jobs. It's not the Irvings or the Bilcons of New Jersey  
7 that should be running our country.

8                   The stop signs along the coastal roads,  
9 to me, says the thing to me, no to the rock quarry, and for  
10 a good reason; because that's local knowledge. I do not  
11 want to debate that, or be in a conflict, but want the  
12 opportunity to say no. I do not believe I can trust someone  
13 with foreign interests, or there's a conflict of interest, I  
14 don't go around for signatures. Everyone can speak for  
15 themselves.

16                   But for the most part, I haven't heard  
17 very many fishermen say they want this rock quarry that fish  
18 their own vessels. I don't want to be in a position whereas  
19 I can neither be for or against something. It sounds a  
20 little like the Tory Government who says, "Trust me,  
21 everything will be okay". It sounds a little too much like  
22 I don't have a vote. We are not fish. Fish don't vote.

23                   I feel that access to information on  
24 behalf statistics should not have been for international  
25 interests and government groups to use to consume or

1 undermine communities. This is exactly why we need an area  
2 protection plan. For years now, we've been trying to play  
3 catch-up as the global impacts unfold our communities.

4 Lately, I've been feeling almost like  
5 all the meetings over the past 11 years have been for  
6 nothing, but after hearing others speak as the Ecology  
7 Action Centre people, like Jennifer Graham, and others, it's  
8 uplifting.

9 As a fishing community of mostly fixed  
10 gear, inshore fishermen, we have problem in seconding a  
11 motion for area protection. The struggles with principles,  
12 ethics, conservation has been very confusing. While we have  
13 stream restoration, not far from it, we have a disaster.

14 To project to the media these false  
15 images, we know the pro and con games that are being played  
16 by corporate interests.

17 Respectfully, I would like to thank the  
18 groups that worked with our communities over the past great  
19 number of years, the many organizations, community networks,  
20 Western Valley Development Association, environmental  
21 groups. To name them, it would be impossible. Friends from  
22 all over the world of grass roots, like fisher people, to  
23 thank them all. It's been certainly a lot of hard work, a  
24 lot of time out of my family life, but no one leaves  
25 brother, or sister, or family when you're making a stand for

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1 what is right.

2 I'm also grateful to the young people  
3 who contribute and share their education skills in a good  
4 cause. Also the elders, who share their knowledge, and  
5 input and support in their retiring years. We all have much  
6 to share when we put it into one body on the same page.

7 Thank you to the Panel. I would not be  
8 able to deal with your task in the form of questioning or  
9 reviews. And thank you to Paul for reading my letter to the  
10 President of our Association. I've been so busy, I  
11 completely forgot about that letter of our position taken.

12 We've worked hard building structure in  
13 our community, and to put people in the driver's seat, and  
14 to add, to no cost to the taxpayers. All non-profit groups.  
15 It shows how many serious problems and challenges we've had  
16 to face, and are continuing to face in all respects of  
17 life.

18 This is my presentation. To add, Mr.  
19 Speaker, I presented my photo album. I feel that pictures  
20 say a lot. There's another larger picture. It's a small  
21 hand-line boat. That's myself. It just shows how  
22 magnificent this whale is compared to the size of my boat;  
23 that we've, many times, learned to work around one another,  
24 without being in the way of that whale.

25 And in my photo album, it shows where



1 I've been tagging fish, and involved with science, which  
2 I've learned to... From my past experience, I have lots of  
3 confidence in science. I attended oceanography meetings on  
4 our stocks in the Bay. Our science proved what the local  
5 knowledge was saying, yet they continue to fish the offshore  
6 quotas in the Bay, and now it's in worse shape than ever.  
7 They're still dragging there.

8                   And when you look at all that makes up  
9 our communities; music and the smiles on... And involvement  
10 of young people being involved with these projects of  
11 "embetterment", you know, go to "embetterment" our  
12 communities.

13                   I find it totally amazing that there has  
14 been so much work; that the problem is it's so hard in these  
15 times to get Government recognition, and even the  
16 Municipalities doesn't know the tremendous amount of work  
17 that we've been doing in our communities, and the tremendous  
18 amount of people input.

19                   And I think I better stop right there,  
20 'cause I did have a presentation that was 15 or 16 pages  
21 long, and I cut her in half, but for whatever it's worth,  
22 the process of the liaison committee, I didn't feel that it  
23 was a safe place to express myself. It was something that  
24 you could neither be for or against. I had a lot of  
25 problems, and so didn't(sic) a lot of other people.

1                   So this is not... I'm hoping today that  
2 I'm not attacked for my efforts. I'm not real big with big  
3 words, and understanding some of the language, but we have  
4 to learn to talk the common language that everyone  
5 understands, and I'm going to stop right there, and leave it  
6 to you, Mr. Chair.

7 **PRESENTATION BY Mr. TERRY FARNSWORTH - QUESTIONS FROM THE**  
8 **PANEL**

9                   THE CHAIRPERSON: Thank you, Mr.  
10 Farnsworth. As you know, you've been attending these  
11 meetings, and we've been hearing from fishermen throughout  
12 the meetings, and in some ways, it's not surprising that  
13 lobster fishermen, whose fishery seems to be okay... Maybe  
14 it's not as great as it has been, but okay... Might not be  
15 interested in the quarry, but from what we've heard over the  
16 last week or so, is that the ground fishermen have been hard  
17 hit.

18                   And you're a ground fisherman, and yet  
19 you're not supporting the quarry. I wonder. It would seem  
20 that one might say that you and your group would be the ones  
21 most interested in the quarry, since the fishery has  
22 declined over the last little bit. Can you explain that?

23                   Mr. TERRY FARNSWORTH: Yes. I was out  
24 west in the middle '80s. I was foreman setting up pump  
25 jacks in the oilfield for engineering, and shortly after

1 that, I worked for Page Service and Wells. I was out there  
2 two years in the middle '80s, but that wasn't my home.

3 I come back home, and there's a  
4 tremendous amount of monopoly to access an attachment to our  
5 communities, and our fisheries, and our way of life. And I  
6 could have sold out, like I said, and I could have got  
7 \$66,000 for my license; not for hand line, but for the core  
8 status quo that the companies were after to use through the  
9 loopholes; and we talk about innovative ideas, and all the  
10 rest of it, but like I had to re-mortgage my house.

11 I find the download cost is tremendous  
12 and is doing nothing for conservation, but what I would like  
13 to know is why I should be attending environmental  
14 assessment on impacts in the community with a total focus of  
15 a rock quarry being the fate of our communities or our  
16 futures.

17 I don't see it being an economic  
18 sustainable development that would foster a future for Digby  
19 Neck. I see it as something that will have a lot of ripple  
20 effects; that will destroy our community eventually. I  
21 don't know how else to say it.

22 THE CHAIRPERSON: Thank you.

23 Dr. GUNTER MUECKE: You've fished the  
24 area around Whites Cove, yeah? You have. Oh. And in the  
25 EIS, there are maps which show that that area is not used by

Mr. TERRY FARNSWORTH  
(QUESTIONS FROM THE PANEL)

1 whale-watching boats, but since you have personal experience  
2 and observed whales in that area for a great number of  
3 years, could you tell me how frequently do you see whales;  
4 how frequent they are in that area, and do you see right  
5 whales, for instance, or humpbacks?

6                   Mr. TERRY FARNSWORTH: That is a  
7 difficult question to answer, even as a fisherman. I pass  
8 through that area. To the north of that area is the Sandy  
9 Cove nubble. There's the outside spot and the inside spot  
10 where we fish, and when you live in a country of freedom and  
11 a sense of place, if it blows, you can go in there, and  
12 along the shore to get out of the wind, or you can set a  
13 net, perhaps, if you decide to set a net there, or you could  
14 set it above, or you could set it below, but... Or trawls,  
15 even.

16                   But we're not accustomed to all of a  
17 sudden you can't set there if you want to. It's... Because  
18 it's our place; if we have the sense it's our place. And it  
19 just seems troubling to me that places that feels like our  
20 place that we have to cater to ideas that whales perhaps  
21 don't come around Whale Cove, or fishermen perhaps don't  
22 fish that hard there, or whatever the argument wants to be  
23 of the day.

24                   I'm not here to debate that, and I can't  
25 really give you a direct answer to that, but I do know a

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1 thing about nature. You can't tell whales where they can go  
2 and where they can't go, and you can't tell the weather what  
3 to do, either. And to... I'm amazed that people are not  
4 cluing in that we live on that side of that mountain. Many  
5 times, we live aboard our boats, and how sound travels, I'm  
6 worried about that. And how it will continue to erode the  
7 fostering idea of a future, and where all that water's going  
8 to go, and the silt and all the rest of it.

9 But are we arguing economics versus  
10 environment and the other things. I don't think we should  
11 be.

12 Dr. JILL GRANT: Mr. Farnsworth, I know  
13 often in these kinds of situations, fishermen might  
14 negotiate some kind of compensation arrangement with  
15 potential other users who want to use waters like this.

16 Can you give us an idea of why, in this  
17 case, the fishermen have been very reluctant to discuss any  
18 kind of compensation program?

19 Mr. TERRY FARNSWORTH: Well, I guess it's  
20 a bit like walking into the lion's den. Once you start to  
21 negotiate... We did that back in 1996, and we never really  
22 got to the community-based management model that we dreamed.

23 If somebody comes asking me for fish,  
24 I've got to send it up and weigh it on the truck, and he  
25 sends it back to me, and I'm going to trim it up for that

1 person, and then I have to write it down in my log book, did  
2 I give somebody a fish.

3                   That is very troubling to me where  
4 things are going, and a sense of community. It's not a  
5 traditional practice to agotiate(sic) what's been grass  
6 roots as long as we can recall. Like I say, I find... No  
7 disrespect... When I see people setting here, and answering  
8 questions, it's I feel sorry for them.

9                   Sometimes things can get very  
10 challenging, and I just think I got a lot of guts to set  
11 here today, knowing that you guys have your education, and  
12 you know what these big words mean. You don't know... I  
13 don't know have no scholarship. I have a grade nine  
14 education, but I do think I've come a long ways.

15                   I'm certainly showing a lot of momentum  
16 in my community. I do what I can do, and I can't ignore the  
17 faces; the faces of the people is who I see, and who I have  
18 compassion for, in this community that I have compassion  
19 for. I don't want to sell out my attachment and traditional  
20 way of life.

21                   When global warming affected these  
22 people up North, they recognized that it would threaten  
23 their rights and their attachment, but when they done this  
24 in the fisheries, it was like a gang-up kind of thing on our  
25 coastal communities. But for the most part, I think we done

1 pretty good in saying we're still here, and we want to stay  
2 here, and we want to be a part to bring place back to where  
3 it should be.

4 Dr. JILL GRANT: Mr. Farnsworth, how do  
5 you answer those who support the Project, and feel that jobs  
6 would be valuable to the community?

7 Mr. TERRY FARNSWORTH: Well, it's kind of  
8 an unfortunate situation. Over the years, it's been very  
9 confusing for people with all the mixed messages, and about  
10 things like... Well, we were talking earlier about tags,  
11 and there was a lot of fish plant workers that could have  
12 access to the tags program, but they thought they would lose  
13 their jobs if they adopted into the tags program. But  
14 today, they don't have jobs, and I'm really sympathetic for  
15 the people that don't have work.

16 But there's other ways to accommodate  
17 work in the area. Certainly a lot of us have a lot of  
18 innovative ideas, if we could break outside of the box that  
19 the Government has us into. I think that kind of people  
20 with creativity and innovation should be allowed to go ahead  
21 with special projects to create the employment here, but  
22 it's sure hard to do anything when you see so much  
23 destruction around us.

24 It's like the Government or whatever  
25 forces be what may are saying it's either going to be our

1 way, or no way, and it leaves you feeling with is there any  
2 good thing that you can possibly do that'll make a  
3 difference. And if there's not, then we'll just move on, I  
4 expect.

5 THE CHAIRPERSON: Mr. Buxton?

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

8 THE CHAIRPERSON: Questions from the  
9 floor? Please come forward.

10 **PRESENTATION BY Mr. TERRY FARNSWORTH - QUESTIONS FROM THE**  
11 **PUBLIC**

12 Ms. JAN ALBRIGHT: My name is Jan  
13 Albright. I run a very busy tourism industry business that  
14 is not dying, contrary to what has been said, and I live in  
15 Annapolis Royal, but my ties are to Little River, and in  
16 particular, my ancestors are tied to White Cove.

17 This is a shipping question.

18 THE CHAIRPERSON: Question directed to...

19 Ms. JAN ALBRIGHT: And I'm directing it  
20 to this gentleman. In your experience on the sea, it's my  
21 understanding that in this Bay of Fundy, there is a shipping  
22 channel, and it's called Fundy... Fundy Traffic monitors  
23 it, and the large ships are usually in this channel. This  
24 ship that is being proposed to be brought in is a very, very  
25 huge ship. Are there any ships of its calibre that would be



1 coming anywhere near into the waters that people are  
2 fishing?

3 Mr. TERRY FARNSWORTH: As a rule, they  
4 stay in their own shipping lane, as it stands right now. I  
5 know the lobster fishermen cater out there on the edge of  
6 it. Some of the haker, hake fishermen, trawl fishermen,  
7 long-liners, hook-and-line, they may be close to it on the  
8 outside of Yankee Bank off of Digby.

9 Other than that, there's a gypsum boat  
10 that passes up by us. He's usually in the four-mile range,  
11 and we haven't had a whole lot of problem with that gypsum  
12 boat, other than when I was up in the Minas Basin, you  
13 didn't rest 'til you knew where that gypsum boat was, 'cause  
14 a lot of times we were anchored, fishing for dogfish perhaps  
15 in the lane.

16 But for the most part, even with the  
17 Digby Ferry, and all the gear that's in the passage coming  
18 to the approaches of the Digby Gut, we've built a  
19 relationship with the skipper, and he has showed very much  
20 respect, if you know how to talk right on a radio, or if you  
21 have the authority to do so.

22 I watch him go to the left and to the  
23 right, and everything he can do to get past that gear...  
24 They have cutters on their blades that they don't have to go  
25 around them. They could cut them off. I don't really think

1 it's legal to have any opening of the harbour shut off by  
2 gear of any sort, but it does happen, and everybody seems to  
3 work around it.

4 I don't know if this answers your  
5 question or not, but if I'm anchoring in an area, and if I  
6 want to feel safe to lay in the bunk, I may report my  
7 position as to where we're anchored to, to Fundy traffic.

8 Dr. JILL GRANT: Alright. I have one  
9 more question, and it's a shipping question. May I be  
10 allowed?

11 In your experience... No, I'll put it  
12 this way. When you are fishing, it's my understanding that  
13 all the crew is usually involved on deck. Are any of the  
14 crew still on standby, monitoring your GPS, or your radars,  
15 or anything? For instance, I have spent a great number of  
16 years at sea all around the world from Africa, Europe, all  
17 over.

18 Mr. TERRY FARNSWORTH: Mm-hm.

19 Ms. JAN ALBRIGHT: I know how fast these  
20 huge ships move up on you.

21 Mr. TERRY FARNSWORTH: Mm-hm.

22 Ms. JAN ALBRIGHT: And it's my  
23 understanding that when the fishermen are fishing, all hands  
24 are on deck. They're busy doing something.

25 Mr. TERRY FARNSWORTH: Mm-hm.

1 Ms. JAN ALBRIGHT: There isn't  
2 necessarily somebody monitoring the radar.

3 Mr. TERRY FARNSWORTH: Right.

4 Ms. JAN ALBRIGHT: A huge ship of this  
5 account coming in moves really fast. Is that correct?

6 Mr. TERRY FARNSWORTH: That is correct,  
7 yes. Yes, it's a scary thing how much ground these ships  
8 can cover, especially if you're not used to that kind of  
9 traffic in an area where you're working. When you're  
10 working, you don't always have your face in the radar.  
11 You're watching your back line come in through the roller,  
12 you're looking out for your helper as he's clawing in the  
13 tub, and you're trying to keep your boat on course with the  
14 back rope as you're hauling your trawl. You don't want to  
15 accidentally overlook 100-pound halibut coming to the rail.

16 Yeah, it's difficult to work in a place  
17 with that kind of fear, or change in your community.

18 Ms. JAN ALBRIGHT: And the larger boats  
19 usually stick to that Fundy Traffic terrain? I understand  
20 it's almost like a trough. There is a quadrant that they go  
21 when they go to Saint John, but do you know are there any  
22 ships the calibre, or the size of this boat that they're  
23 proposing that goes to Saint John, even?

24 Mr. TERRY FARNSWORTH: I can't say how  
25 big the ships are that use the shipping lane that go to New

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1 Brunswick. I haven't really fished that much around the  
2 traffic lane. I'm being honest here, but I have heard some  
3 stories where boys were hauling their trawl on the edge, or  
4 even on the inside of the traffic lane, and there's been a  
5 lot of real close calls.

6 Ms. JAN ALBRIGHT: Thank you.

7 THE CHAIRPERSON: Thank you, Ms.

8 Albright. Any additional questions? If not, thank you very  
9 much, Mr. Farnsworth.

10 Mr. TERRY FARNSWORTH: Thank you.

11 THE CHAIRPERSON: We're moving... We're  
12 now at the final presentation for this afternoon is from  
13 Roger Outhouse representing the Freeport Community  
14 Development. Mr. Outhouse?

15 --- Pause

16 **PRESENTATION BY THE FREEPORT COMMUNITY DEVELOPMENT**  
17 **ASSOCIATION - Mr. ROGER OUTHOUSE**

18 Mr. ROGER OUTHOUSE: Good afternoon.

19 First of all, for some people who don't know me, I'm one of  
20 those people that is retired as of last June. I've been a  
21 teacher of biology in Islands Consolidated School for the  
22 last 31 years, and currently...

23 THE CHAIRPERSON: Would you speak your  
24 name into the microphone for transcription reasons?

25 Mr. ROGER OUTHOUSE: Sorry. Roger

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1 Outhouse.

2 I'm basically retired now from teaching.

3 I've been a biology teacher for the last 31 years at  
4 Islands Consolidated, and also a guidance counsellor there.

5 And I'm currently working with non-  
6 profit organizations, and one of the organizations that I  
7 work with is the Freeport Community Development Association,  
8 and I'm Vice-Chair.

9 Mr. Chair, I'm here speaking on behalf  
10 of the Freeport Community Development Association. This is  
11 a volunteer organization that has been in existence for nine  
12 years. Its purpose is to help the community grow, both  
13 culturally and economically.

14 I'd like to take a moment to outline  
15 just a few of our activities.

16 For over nine years, we have published a  
17 community newsletter called Passages. It's read by about  
18 everybody on the Islands, many on the Neck, and is mailed to  
19 over 400 households all over North America.

20 Its purpose is to help people keep  
21 informed about what is going on on the Islands. It's also a  
22 place for hard news, community events, who's visited whom,  
23 and limited advertising.

24 People up and down the Islands and the  
25 Neck gladly pay their \$2.00 each month when they buy their

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1 issue, and they consider it a must-read publication.

2 We'd like to point out that, during the  
3 time of operations, there's never been any really formal  
4 request to the Freeport Community Development Association  
5 regarding submissions from Bilcon for any kind of  
6 publication, nor has there been an invitation to actually  
7 sit down directly with Bilcon to discuss anything about our  
8 operations and our organization.

9 I would also like to add some of the  
10 other activities that the organization does.

11 We provide a home for Islands Historical  
12 Society's archives, and this is an important vehicle for  
13 keeping our history alive and accessible.

14 We are working with the Centre of  
15 Geographic Sciences to develop a walking trail system for  
16 local residents and visits alike. The starting point of the  
17 trail will be on 14 acres of magnificent land we own that  
18 overlook the Bay of Fundy.

19 We own a building which we have turned  
20 into an incubator site. We renovated it and have provided  
21 space for start-up businesses and others who wouldn't have  
22 the capital in a start-up phase to provide their own space.

23 One of the offices houses an operation  
24 called J&B Printing, a new business that sees the  
25 opportunity to capitalize on all the tourism brochures that

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1 are required in our area. Rather than having that business  
2 shipped out, they're doing much of the design and production  
3 locally.

4 As they expand, they hope to capture  
5 more of the lucrative market.

6 In the past, the Development Association  
7 played a small part in helping another very successful  
8 business undertaking. That business is Levina's Catch Cafe.

9 In the beginning, the owner needed help  
10 in getting through all the paperwork and guidance with  
11 government regulations. Members of our Community  
12 Development Association with experience in this area were  
13 able to lend a hand.

14 We were also able to help her secure a  
15 small infrastructure grant for a septic system. Levina's  
16 Catch now employs 14 people in the summer months and has  
17 gone through three expansions, and is listed in "Where to  
18 Eat in Canada".

19 She buys local produce, fish, scallops  
20 and supplies, and I would highly recommend to anybody here  
21 that you take a drive down, it sounds like an advertisement,  
22 I know, to eat there. The food is great, the prices are  
23 reasonable, the hospitality heartwarming.

24 As an aside, Levina and her partner,  
25 Stanton, encouraged by their success with the restaurant,

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1 have now taken over a general store and gas station in  
2 Tiverton which was on the verge of closing.

3                   Everyone on the Islands is confident  
4 that the business will grow and expand.

5                   There are many other examples of local  
6 enterprise making use of needs and resources available on  
7 the Islands to create their own version of the new economy.

8                   For instance, Roland Swift from Brief  
9 Island looked at the way lobsters are being banded aboard  
10 the boats. Roland saw it as a time-consuming and  
11 inefficient process, so he went to his shop and he developed  
12 an automatic banding machine for the boats.

13                   It's still in development, but it has  
14 great potential, not just for banding lobster. Roland has  
15 made some modifications to his invention which will allow it  
16 to cut and band vegetables such as broccoli in one process,  
17 saving both time and money.

18                   He's getting inquiries from as far away  
19 as California. Roland tells us he's committed to having his  
20 manufacturing plant one day, and when he gets to that point,  
21 he wants to locate it on the Islands.

22                   How many might he employ? It's hard to  
23 say. Could be four, might be 10. We're not sure.

24                   Another businessman from the Islands  
25 took a look at all the scallop shells that get thrown



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1 overboard. He thought there must be a use for them. He did  
2 some research and is producing a line of environmentally  
3 friendly cleaning products and is now exploring how  
4 discarded shells can be used to purify water systems.

5           Although in its early stages, it is  
6 another good example of using local resources to create our  
7 own futures without destroying anything in the process.

8           I raise these few examples, and there  
9 are many others, by way of saying we are not a dying  
10 community, whether Mr. Buxton or Bilcon or whoever may want  
11 to say so.

12           People can look at statistics and argue  
13 as they wish, but we are an enterprising people. We have  
14 adapted to our environment since we first settled there in  
15 the 1770s.

16           We developed our own community plan for  
17 the Village of Freeport and area. The word "quarry" never  
18 came up once.

19           We also attended meetings at the Digby  
20 Neck School, where people from up and down the Neck and  
21 Islands were asked to come up with a vision for the future.  
22 The word "quarry" was never mentioned.

23           It was not in anyone's vision of how  
24 this place should develop or how this place should develop  
25 in the future.

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1                   Assets range from peaceful and quiet  
2 lifestyles, local enterprises, secondary processing the  
3 fishery, small businesses and tourism. No one raised the  
4 need to develop a quarry to export our coastline.

5                   The Freeport Community Development  
6 Association does not believe that the risks raised in the  
7 Bilcon venture to extract basalt will help communities in  
8 the area realize their goals for sustaining long-term  
9 development.

10                   I'd also like to use a few moments to  
11 represent my other role in which I am a Chairperson for the  
12 Bay of Fundy Discovery Centre Association, and I would like  
13 to read the following.

14                   As a brief introduction, let me say that  
15 the Bay of Fundy Discovery Centre Association is a  
16 charitable, not for profit group who have been operating in  
17 the area over the past five years.

18                   Our objectives are in line with  
19 promoting tourism growth, environmental understanding and  
20 stewardship.

21                   We currently are at a critical stage of  
22 development and planning and financing aimed at establishing  
23 a \$1.6 million project to provide a quality interpretation  
24 centre for the outer Bay.

25                   By enhancing visitor experiences and

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1 focussing on the Fundy ecosystem, we seek to promote  
2 informed decision making regarding our resources.

3                   While our organization understands the  
4 need for using basalt in protecting local harbours,  
5 preserving community waterfronts and maintaining safe roads,  
6 we find it difficult to comprehend the wisdom in using this  
7 limited resource for export.

8                   We are submitting a copy of our business  
9 plan to the Panel members.

10                   During the last five years, there's been  
11 much said about the quarry, but with your permission, I  
12 would like to introduce a long-time resident of the area  
13 whose ancestors made their living in the Fundy for  
14 generations.

15                   They choose to visit our area during the  
16 fall and winter months, and although they probably have the  
17 most at stake in the current issue being discussed, they  
18 have not, and they will not, utter a single word at these  
19 hearings.

20                   The Fundy Discovery Centre wants to  
21 speak on behalf of the Harlequin duck.

22                   I have attached a full biography of an  
23 article that appeared in Passages and Hello Digby Neck, and  
24 I would like to read just a few excerpts from that.

25                   "In Italian comedy, characters dressed

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(Mr. ROGER OUTHOUSE)

1                   in oddly painted costumes have been  
2                   traditionally called Harlequins. This  
3                   article pays tribute to some feathered  
4                   Harlequins in the form of the endangered  
5                   Harlequin ducks that inhabit the North  
6                   Atlantic. Unlike most celebrities,  
7                   these have their own wanted posters  
8                   stating, 'Have you seen this duck?'  
9                   Although their scientific name,  
10                  histrionicus, because of their beautiful  
11                  colourations, they were named after the  
12                  human Italian actors. Nicknames include  
13                  rock doves, lords and ladies, ladybirds,  
14                  sea mice, squeakers and white-eyed  
15                  divers, painted ducks and totem pole  
16                  ducks."

17                  Most of the names originate because of  
18                  their regal plumage, but squeakers and sea mice come from  
19                  the fact that the mice-like calls and also the rock dove  
20                  comes from the name where they sleep out on the rocks at  
21                  night. They pull out of the water.

22                  Now, these splendid animals may look  
23                  grey or black from a distance, but with binoculars or  
24                  spotter scopes, they show the remarkably beautiful creature  
25                  that rivals any in the bird kingdom.

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1                   Now, although the west coast population  
2 is well established at this time, the endangered North  
3 Atlantic group is now down to a few thousand individuals.

4                   Though they have showed some modest  
5 gains in recent years, they are susceptible to numerous  
6 stresses that can affect their long-term survival.

7                   The Harlequins spend most of their time  
8 from October to April in the waters off Newfoundland,  
9 northern New Brunswick, Nova Scotia and south as far as  
10 Virginia. The largest group is found off Maine.

11                  Now, they're small. They're about half  
12 the size of a mallard, but they have to feed continuously  
13 because of that size in order to keep up with their high  
14 rate of metabolism.

15                  It's really hard to keep warm in a  
16 winter gale with the freezing temperatures and sitting in  
17 water that would paralyse a person in a matter of minutes.

18                  Despite their small stature, they manage  
19 to devour large amounts of food to fuel their frantic search  
20 for their next meal. While in the marine habitat, their  
21 prey consists of small crabs, amphipods, or sand fleas, as  
22 we call them, snails, limpets or Chinese hats, blue mussels,  
23 barnacles and even fish eggs.

24                  While winter dining in our salt waters,  
25 they have to dive to small ledges where they pry their prey

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1 from cracks and crannies.

2                   If the experts seem to indicate that the  
3 population is increasing, one could ask why would we be  
4 concerned. There are very important reasons to treat these  
5 animals as if they could vanish suddenly.

6                   These ducks return year after year to  
7 the same summer nesting areas and the same wintering  
8 grounds. They are in our care all winter and they  
9 stubbornly stick with their traditional feeding ledges and  
10 cluster in small flocks near the shore.

11                   This means that any disturbances such as  
12 siltation from deforestation and land-based activities can  
13 contaminate their feeding areas to starvation which could  
14 occur or, at the very least, reduced fertility levels.

15                   Worse still would be an oil or hydraulic  
16 fluid that could leak or occur near shorelines from oil  
17 spills or discharges. A single spot of oil the size of a  
18 dime can reduce the insulation of any sea bird, resulting in  
19 death.

20                   The extremely low numbers of the  
21 Atlantic Harlequin means that we cannot even afford a loss  
22 of a few hundred individuals from the breeding population.

23                   In our region, the two main pockets are  
24 found in the Fundy off Tiverton, and Centreville. There are  
25 probably a number of other birds, that are not really

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1 confined to those areas, but they're probably stranded here  
2 and there along the coast from all along Digby Neck to  
3 Brier.

4                   While we may be most familiar with the  
5 plight of the right whale and the mountain avens, the  
6 Harlequin has been struggling to survive against tough odds  
7 for decades without much real attention.

8                   To make their plight even worse, they  
9 estimate that only half the female population might nest in  
10 a given year. Destruction of breeding habitat from human  
11 activities, misidentification by hunters at times,  
12 construction of hydro dams, acid rain and pollution of  
13 waters with heavy metals from mining all threaten to wipe  
14 out this incredible animal.

15                   We have to do what we can to protect the  
16 Harlequins that call the Fundy home for the greater part of  
17 the year. To ignore their survival would be a mistake on  
18 all our parts and deny future generations one of nature's  
19 greatest creations.

20                   Subsequent to that, I'd like to close by  
21 pointing out a few questions that might arise, and I also  
22 admit freely that there's no real easy answer.

23                   (1) These ducks return to the same  
24 wintering grounds and prefer only a few certain ledges as  
25 main feeding spots.

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1                   If the sediments from washing the  
2 crushed basalt and erosion should reach the ocean, will  
3 prevailing winds and tides cause their position to move to  
4 the feeding ledges?

5                   If so, what impact could this have on  
6 the population and their ability to successfully migrate and  
7 produce offspring?

8                   Secondly, many birds are affected  
9 greatly by light and sound. Their sight and hearing are far  
10 more sensitive than our own.

11                  Will the 30 plus tonnes of explosives  
12 being detonated or the artificial lighting associated with a  
13 large year-round quarry operation have any negative impact  
14 on the survival of Harlequins?

15                  Thirdly, some people might suggest that  
16 it's only a few birds and they will probably shift to  
17 another area just down the coast a bit if something doesn't  
18 suit.

19                  Now, scientific observations indicate  
20 they are loyal. Should things go wrong, do we have any  
21 scientific indicators that show the bird will move, adapt,  
22 or simply die?

23                  Fourth, will a fuel oil spill from an  
24 accident or shipwreck be carried by winds and currents to  
25 the areas along the shores where these birds reside?

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(QUESTIONS FROM THE PANEL)

1                   And last, there are obviously reasons as  
2 to why a flock of endangered birds would come to this area  
3 year after year and it is easy to say we can monitor the  
4 population to see if we notice any deterioration in the  
5 health and number of the birds, but what would we do to make  
6 their situation improve.

7                   Could and would we stop a huge, multi-  
8 million dollar operation once it has become operational?

9                   The Harlequins will say nothing, but  
10 they await our decision. Thank you.

11                   THE CHAIRPERSON: Thank you, Mr.  
12 Outhouse.

13 **PRESENTATION BY THE FREEPORT COMMUNITY DEVELOPMENT**  
14 **ASSOCIATION - QUESTIONS FROM THE PANEL**

15                   THE CHAIRPERSON: Over the last couple of  
16 years we've heard a number of references to the Discovery  
17 Centre.

18                   Could you fill us in a little more on  
19 what is being planned, where it would be located and what  
20 its intentions would be over and above what you've already  
21 told us?

22                   Mr. ROGER OUTHOUSE: Well, as recently as  
23 last Saturday, we had a data meeting with the Digby Area  
24 Tourist Association, and there were representatives from  
25 throughout the area who met at the curling arena. And there

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(QUESTIONS FROM THE PANEL)

1 was a product development workshop taking place, and it was  
2 funded through tourism dollars.

3                   And the purpose of that was to flesh out  
4 areas that need to be developed in our region for  
5 infrastructure or, if you like, product refinements.

6                   And so one of the things that came out  
7 near the top of the list, and I don't think there's any  
8 problem. You can confirm this. The Discovery Centre is an  
9 important possibility in this area.

10                   We have been concentrating a lot on  
11 trying to represent this side of the Bay for a lot of years.

12                   There has been no true investment in formalized  
13 infrastructure to do so.

14                   We are now on stream with a number of  
15 other interpretive centres in the region. We see ourselves  
16 as a spoke in that same wheel.

17                   We indicate that we plan to work with  
18 and cooperate with the Interpretation Centre going up down  
19 in the French Shore area, also with the one that opened at  
20 Sissiboo Landing the other day, and we have a memorandum  
21 sort of with the First Nations to cooperate in cross-  
22 marketing potential with First Nations Cultural and Heritage  
23 Centre there.

24                   And we see the potential for bringing  
25 people in, working on aspects of things like experiential

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(QUESTIONS FROM THE PANEL)

1 tourism. They've spent time, invested money in spending  
2 people to Gross Morne this past year to learn from their  
3 experiences, to bring back some of the skill sets that they  
4 are employing there and elsewhere in Canada to heighten or,  
5 if you like, to create the best possible experiences for  
6 tourists to come and become sort of ingrained into the  
7 fabric of the society rather than pass through and kind of  
8 getting a glimpse of it.

9                                 We think that this has a tremendous  
10 future possibility within our area.

11                                 We also are located in what we feel is a  
12 tremendously good spot. Now, I say that. Geography means a  
13 lot. Geology means a lot.

14                                 I'm working with a group called the  
15 Atlantic Geoscience Society. Currently they're looking at  
16 doing a video of the Fundy.

17                                 It's as broad as it is long. The Fundy  
18 is broad, but it seems like there's a lot you could talk  
19 about.

20                                 To make a point short, they see this  
21 area as a very great attraction for people on a worldwide  
22 basis because of its geology. That's one of the themes to  
23 go in the centre.

24                                 The area that we're in was subject to  
25 probably one of the greatest catastrophic events of all

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(QUESTIONS FROM THE PANEL)

1 times. You could arguably say that it's the birthplace of  
2 the actual Atlantic Ocean in this very area.

3 And certainly the spying of the North  
4 Mountain, okay, extends all the way out through Digby and  
5 all the way down the neck and through to the Islands. That  
6 alone makes it a tremendously valuable asset.

7 The marine life has been built on by  
8 businesses in the area for a good many years now. A lot of  
9 investment, time, blood, sweat and tears have gone into  
10 their whale-watching operations and perfecting those  
11 operations, enhancing things for visitors.

12 And I do believe that we represent  
13 probably one of the very best whale-watching opportunities  
14 that certainly the Atlantic region has to offer.

15 And we have none other than the right  
16 whale, of course, which makes it a little bit special, if  
17 you like, and the humpbacks, which are the true performers  
18 in the scenario.

19 In addition to that, we have the Fundy  
20 which has as many viewpoints around the Bay of Fundy, and we  
21 see it as a much larger picture here because going around  
22 this Bay, talking to the geologists that I've been talking  
23 with and the people who are working from First Nations and  
24 so on to try to work on this video of the Fundy, it's a real  
25 education because they see all the stories that are spread

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(QUESTIONS FROM THE PANEL)

1 around the Fundy.

2 It's not just one part of the Fundy.  
3 There's so many different settings and scenes to explain.

4 Many years ago, the departments in  
5 Tourism and Economic Development I know are aware of this,  
6 and it still exists today. The plan is to create an around  
7 the Fundy experience.

8 It seems to me to be a very natural  
9 feature, and especially when everyone really has so much to  
10 offer. We have the basaltic. The Joggins has the fossils.  
11 You know, the Fundy Geological Museum has the research and  
12 the understanding of the past going on.

13 We have the New Brunswick side with the  
14 Hudson Marine Lab and the exhibits there. We have the Saint  
15 John Museum.

16 And everyone has their aspects to add.  
17 It's an around the Bay experience. You could come back here  
18 a dozen times and never experience the same thing.

19 Within the Centre, another theme would  
20 be migrating birds. As you're probably aware, there was a  
21 study done not long ago that indicated the three areas of  
22 Nova Scotia that probably would be the best examples to  
23 promote birding on a much larger scale than we've done in  
24 the past.

25 One was the Cape Sable Island venture,

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(QUESTIONS FROM THE PANEL)

1 and they are capitalizing that on as an economic builder for  
2 their communities, and it represents, you know, a good deal  
3 of investment, but they are starting to get payback from  
4 that.

5                   The other one is the eagle watch in  
6 Sheffield Mills. The third one that was identified by Pat  
7 Hench in his report that was done identified Long Island.

8                   There was a group on Digby Neck, Long  
9 Island and Brier Island that actually had a report done  
10 which indicates that, in fact, they would like to see more  
11 done with trails and also signage and facilities for  
12 tourists and so on along the Neck and Islands and this is  
13 mirrored, pretty much, throughout our area.

14                   If you talk to the people in Weymouth,  
15 you talk to the people in Claire, you talk to what's going  
16 on, you know, down in basically Gulliver's Cove, and people  
17 can capture and buy into that kind of a venture. They can  
18 see how it can grow and build.

19                   And it can actually build on the  
20 shoulder seasons.

21                   THE CHAIRPERSON: Where would it be  
22 physically located?

23                   Mr. ROGER OUTHUSE: The current proposed  
24 location for this is in Freeport. It's in a, well, if we  
25 could say it's real estate.

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FREEPORT COMMUNITY DEVELOPMENT ASSOCIATION  
(QUESTIONS FROM THE PANEL)

1                   My brother's in real estate, so I can  
2 say real estate location is very important, and I can say  
3 that the area that we have currently purchased, the area  
4 that we have environmental approval to go ahead with the  
5 project, the area that's had a well drilled, has been  
6 surveyed, has been studied by an engineer for on site  
7 septic, has been drawn and mapped out by an architect as to  
8 be able to contain an 8,000 square foot facility.

9                   The first stage is only looking at about  
10 4,000 plus square feet. And that overlooks the Grand  
11 Passage area just prior to the ferry, so you can see the  
12 ferry coming and going.

13                   You can see the bird sanctuary on  
14 Peter's Island and Peter's Island light, of course. You can  
15 look out across into St. Mary's Bay. You can look up along  
16 the Fundy coast and see Northern Point with the Coast Guard  
17 station.

18                   You can see the conference centre and  
19 Brier Island Lodge just opposite of where the site would be  
20 located, and you can see the entire fishing village of Brier  
21 Island. You can see the boats coming and going through the  
22 passage, the whale watch operations.

23                   And it's within a close walking distance  
24 to a very level area that actually walks around an area that  
25 we call Northeast Cove.

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FREEPORT COMMUNITY DEVELOPMENT ASSOCIATION  
(QUESTIONS FROM THE PANEL)

1 Northeast Cove has been used by  
2 thousands of years as a place to survive, a place to come  
3 and live, and a place to use the resources of the sea.

4 We've had archaeology people from St.  
5 Anne's University there and we've had people from the museum  
6 in Halifax come down and study the area and indicate that  
7 it's a significant find of a midden site, probably no more  
8 than a few hundred yards from the current proposed site for  
9 the Discovery Centre.

10 THE CHAIRPERSON: Thank you. That's all  
11 very helpful.

12 Dr. GUNTER MUECKE: In terms of  
13 employment, how do you see the Discovery Centre contributing  
14 to the Island?

15 Mr. ROGER OUTHUSE: My salary will stay  
16 at what it is now, zero.

17 The basic employment on this kind of  
18 project is we would have to hire, of course, someone to  
19 maintain the facility. We'd have to have someone hired to  
20 run the daily operations and the advertising. It would be a  
21 full-time job, we see.

22 In addition to that, we've got to have a  
23 good many students hired during the summer and trained  
24 properly to really apply what they learned in science and to  
25 apply what they learned in the cultural backgrounds of the



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1 area.

2                                   When you say that, and I haven't read  
3 Mr. Corbett's book. I know Mr. Corbett, and I am intrigued  
4 by his comments.

5                                   And one of the things that we've  
6 endeavoured to do in our curriculum is to integrate things  
7 like Oceans 11 to try to get people more in touch with  
8 exactly what we have.

9                                   You can live there all your life and I  
10 get kids excited when they go down Grade 12, you know, or  
11 Grade 11, sometimes their last year in school, and they say,  
12 "I didn't know this was ever here", you know. "I'm totally  
13 amazed."

14                                   And we have people that are working  
15 here. But to answer your question, there will be students  
16 employed during the summer months.

17                                   We believe that there are more people  
18 that can be used in the shoulder seasons. It's something  
19 that could be operated when it was required. If we had a  
20 bus tour that wanted to come down early, it could be opened  
21 up on a moment's notice.

22                                   If it was to be later in the fall or  
23 there was some big event planned for winter months, we could  
24 open it and have it for those kinds of things. In other  
25 words, we could bolster up shoulder seasons.

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1                   We do have a good many people that have  
2 come to the area, have put a lot of hours, time and effort  
3 into building community. I mean, the talent that sits  
4 around in our communities, and I don't mean sit. They're  
5 lucky if they get to sit down most days.

6                   I find they're going in all directions  
7 and they're bolstering all kinds of organizations. That's  
8 not to say we couldn't use more.

9                   The most valuable thing will not be just  
10 at the construction phase. That'll be helpful, too.

11                   But the most valuable employment will  
12 actually come when we actually bring thousands of visitors  
13 to the region. Those convert to room accommodations.

14                   If you talk to the whale watch  
15 operators, if you talk to the hotel people, the restaurant  
16 people, sometimes things are going better than others, but I  
17 think, by and large if you ask them honestly, they would  
18 tell you that we could probably stand to be able to bring  
19 some more people to our region and we could probably work  
20 them in quite nicely. No trouble at all.

21                   And so I see added employment in it for  
22 all the businesses.

23                   We see the location as rather strategic,  
24 too, because it's strange, but we don't have any other way  
25 out of Brier or Long Islands, either. You have to go down

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1 and you have to come back.

2                   So that means that the likelihood of  
3 them staying in local areas in the region are, you know,  
4 much greater. If we give them reasons to stay for the  
5 morning, even though it's blowing, maybe they can go to the  
6 Centre and learn and experience things and maybe go on a  
7 guided trip of Northeast Cove, land-based activities, and  
8 maybe just in Nova Scotia as happens, quite like this, we  
9 get a change of weather that could happen instantly.

10                   And the whale watches are operational by  
11 afternoon, and you haven't lost all those potential  
12 customers for the day. And maybe we've just given them  
13 those reasons to come back.

14                   Dr. JILL GRANT: Mr. Outhouse, I would  
15 like to ask you about the Harlequin duck. You went on at  
16 some length about the Harlequin duck.

17                   According to the Environmental Impact  
18 Statement, there are two wintering areas for the Harlequin  
19 duck that have been identified, and neither of them is quite  
20 around the vicinity of the site.

21                   So do you have any evidence to offer  
22 that might indicate that this project would affect that  
23 population? You mentioned something about concerns about  
24 feeding areas, but the feeding areas are some distance from  
25 the site, so is there ---

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1 Mr. ROGER OUTHOUSE: Well...

2 Dr. JILL GRANT: --- anything else you  
3 could offer briefly to give ---

4 Mr. ROGER OUTHOUSE: I will.

5 Dr. JILL GRANT: --- us an idea of that?

6 Mr. ROGER OUTHOUSE: I will. First of  
7 all, I should indicate to you that that the feeding sites  
8 are their primary feeding sites. This is where you will see  
9 most of them during their daytime activities.

10 That is not where all Harlequins do  
11 reside however 24 hours a day.

12 You will see them move directly up and  
13 down and they are not always located in their same precise  
14 location.

15 They have been spotted... For example,  
16 we had one this year spotted in Northeast Cove, in Freeport.  
17 Well typically, I don't expect to see one in Freeport  
18 Cove.

19 We also have them spotted on Brier  
20 Island, and we have a photograph that is in the article that  
21 I submitted the passages, that was taken by Scott Leslie.

22 Mr. Leslie is a prominent author sort of  
23 in our area now, and he has produced a wonderful book on the  
24 Fundy. I wish I had brought it today, I could have loan it  
25 to you, but it's worth the read.

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1                   He took that photo in Whale Cove, and  
2 Whale Cove is below of course the site where Bilcon is  
3 proposing its operations.

4                   There was quite a number of male and  
5 female ducks in that group.

6                   I mean birds, as you've heard before  
7 when Terry was mentioning about the whales and fish stocks  
8 and all that...

9                   And having been a hand liner from the  
10 time I was 13 until I was probably 18, fishing and boating  
11 alone, most of the time myself, I have to tell you that  
12 these things show up anywhere.

13                   There is no wall or border for these  
14 creatures, there just isn't. We can study them, and I  
15 suspect if I ask the people who have done the studies for  
16 the Harlequin Duck, they would tell you they have been there  
17 for "X" number of days out of the year.

18                   These birds are there from November  
19 right through to the Spring, and nobody is going to sit  
20 there on those rocks and watch those birds day in and day  
21 out probably, or it's certainly not the job that perhaps I'm  
22 going to sign up for, to see where those ducks actually  
23 reside all that time.

24                   So they do change.

25                   I've seen my best whale watching by the

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1 way off the rocks on Long Island, and people would find that  
2 change, but when you could actually literally toss a pebble  
3 almost on the back of some of these whales, sometimes coming  
4 up along a ledge that you're walking on or a cliff side,  
5 it's an incredible experience.

6 Your bird's eye view is tremendous, and  
7 you never know where they're going to be precisely.

8 THE CHAIRPERSON: Mr. Buxton?

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

11 THE CHAIRPERSON: Questions from the  
12 floor? Yes, please.

13 **PRESENTATION BY THE FREEPORT COMMUNITY DEVELOPMENT**  
14 **ASSOCIATION - QUESTIONS FROM THE PUBLIC**

15 Ms. CAROL LITTLETON: For Mr. Outhouse.  
16 I'm Carol Littleton.

17 I have heard that you're involved with  
18 quite an innovative project with the students in the high  
19 school in Freeport, and that it has something to do with  
20 creating skills in these young people for them to work in  
21 eco-tourism, and I would like to know what your vision is  
22 for how that will all fit in?

23 Mr. ROGER OUTHOUSE: Your question sort  
24 of goes back a little bit to Dr. Corbett's discussion, and  
25 that is...

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1 Well some time ago, it appeared that we  
2 really needed to do more to develop our own areas, so I  
3 think the groups that I work with, whether it's Digby  
4 Area Tourism or whether it's Freeport Community Development  
5 or the Applied Geomatics Research Group, or you know, the  
6 Bay of Fundy Discovery Centre Association, we're all  
7 focussing on trying to get people to realize what the  
8 potential is.

9 So as an educator, as Mr. Corbett is, I  
10 find it intriguing to see if we can get more involvement  
11 from our youth.

12 You really don't get to appreciate or to  
13 build on your skills unless you get involved with it.

14 Now when I grew up in the area, I think  
15 I got involved with it because I just naturally like hunting  
16 and fishing.

17 Those endeavours aren't necessarily  
18 lotted by lots of people these days, and probably not the  
19 way that everyone gets involved, but by getting them  
20 involved in Oceans 11 curriculum, by trying to get them  
21 interested in what's going on around them through field  
22 experiences and getting them involved with other groups in  
23 the Gulf of Main, that seemed to be a worthy project to take  
24 on.

25 So this year, the Bay of Fundy Discovery

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1 Centre Association, working with the Tri-county District  
2 School Board and the Islands Consolidated school staff and  
3 administration, they have been working quite hard to bring  
4 some of these things into a reality.

5                   We currently have participated in a mini  
6 Gomi conference at the Acadia University just a few weeks  
7 ago, and there were teams there from Sackville, Bear River,  
8 Clare, Barrington and so forth.

9                   So we did have a good time. It was two  
10 and a half days of learning projects and how to community-  
11 map using technology from the Applied Geomatics Research  
12 Group, and the training programs that we have used there, we  
13 used in future projects in our Cove area and any other  
14 endeavour that we want to map out marsh areas to see how it  
15 transitions or how it changes over time.

16                   One of the things that we found was that  
17 there is so little baseline data in the Bay of Fundy, and  
18 many marine areas that unfortunately, you don't get a full  
19 picture and therefore when you go to somebody to say: "I  
20 think something is happening or something is going wrong or  
21 something is starting to be missing", they say: "Well, what  
22 was it like 10 years ago or 20 years ago?" And you have  
23 nothing to compare it to.

24                   I sat around with so many professionals  
25 at the Bay of Fundy Ecosystem Partnership a few years ago,



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1 which they support what we're doing in our work in the  
2 Discovery Centre, but I was kind of appalled to realize that  
3 we couldn't even say that the health of the fisheries in the  
4 Bay of Fundy is really in a decline.

5                   That to me was shocking coming from the  
6 fishing in the '70s and seeing what it's like now. That was  
7 a shock to me, but...

8                   So we have gone back, we have looked at  
9 things. Currently, our plan is to take place July 7th. We  
10 have a team put together, myself and a lady from Brier  
11 Island who is J&Bilcon of Nova Scotia Printing, and she's  
12 also a good steward of the environment.

13                   She has written her own book of wild  
14 flowers, and she basically does anything and everything in  
15 her power to bring the environment across to the young  
16 people.

17                   THE CHAIRPERSON: Thank you.

18                   Mr. ROGER OUTHOUSE: So we're headed down  
19 to the States for a week-long conference, yes.

20                   THE CHAIRPERSON: That's wonderful, thank  
21 you.

22                   Mr. ROGER OUTHOUSE: Yes. Sorry. I did  
23 want to say it's on stewardship and leadership, which went  
24 back to your question or your comment earlier: "Do we want  
25 to keep repeating this kind of scenario over and over and

SIERRA CLUB OF CANADA, ATLANTIC CANADA CHAPTER  
(Mr. MARK DITTRICK)

1 over again?"

2 And the answer is no, the answer is to  
3 equip our youth with the skills to be able to discern, to be  
4 able to make the best decisions possible with the resources  
5 that we have.

6 THE CHAIRPERSON: Thank you Mr. Outhouse.  
7 I think that brings to a conclusion this particular  
8 session. We will resume at 6:00 this evening.

9 Thanks again Mr. Outhouse.

10 --- Recess at 4:08 p.m.

11 --- Upon resuming at 6:00 p.m.

12 THE CHAIRPERSON: Ladies and gentlemen,  
13 we're about to begin.

14 Tonight's session begins with a  
15 presentation by Mark Dittrick from the Atlantic Canada  
16 Chapter of the Sierra Club.

17 Mr. Dittrick?

18 **PRESENTATION BY THE ATLANTIC CANADA CHAPTER/SIERRA CLUB OF**  
19 **CANADA - Mr. MARK DITTRICK**

20 Mr. MARK DITTRICK: Okay. Can you hear  
21 me okay?

22 My name is Mark Dittrick, I am formerly  
23 the Conservation Chair of the Atlantic Canada Chapter of  
24 Sierra Club of Canada, and currently the founding  
25 Conservation Chair of the Chapter.

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1 I am also the spokesperson for an  
2 initiative that is operating under the Atlantic Coast  
3 Ecoregion Region Task Force in Sierra Club, in the Sierra  
4 Club of Canada called North Atlantic Right Whale BEACON, and  
5 I'll be talking about this at the end of this presentation a  
6 little, briefly. I won't say too much about it.

7 Anyway, I want to start by... I'm  
8 actually not talking about right whales, which is what I'm  
9 going to be talking about.

10 Since Jen Graham had brought up or a  
11 question was asked to her about mega-quarries and super-  
12 quarries, I just decided that I would throw a little  
13 something in the beginning real quick about quarries.

14 This is from the project description,  
15 and in bold, we see that this is referred to as a small  
16 basalt quarry, and I'd like to show you a quarry that I  
17 found on the Web, and I will give this, the directions for  
18 getting there to the Panel.

19 If they want to pursue it, this is quite  
20 an interesting site.

21 This is a 1.6 million tonne a year  
22 quarry near Raleigh, North Carolina. So I'm going to go  
23 back and see what a 1.6 million tonne quarry is, which is  
24 considerably smaller or somewhat smaller than the quarry  
25 we're talking about looks like.

1                   Anyway... But I'm principally talking  
2 about the North Atlantic Right Whale here, and I have to  
3 apologize. A lot of people use this slide, and it's  
4 Southern Right Whale, which is a different species, but it's  
5 pretty close.

6                   Anyway, here I have an excerpt from the  
7 Aquatic Ecology Marine, from the comments on the EIS, and  
8 I've got a pointer here so I'll try if I can...

9                   I'm not going to read the whole thing:  
10                   "Right Whale sightings in addition to  
11                   the..."

12                   Anyway, the thing that's important here  
13 is we have two sources of information, sighting information  
14 that are in the EIS, not that that's the only thing in  
15 there, but principally we have maps 42A and 42F, which are  
16 maps based on sightings data kept by the University of Rhode  
17 Island, mostly gathered by the New England Aquarium, and  
18 that's for the years 2000 and 2005.

19                   And there's also a series of maps. The  
20 one on right whales is 38A based on DFO's station, the St.  
21 Andrews biological station, in New Brunswick.

22                   These databases... You have to see that  
23 these databases, in other words all three of these databases  
24 are said by the Proponent to indicate that right whales were  
25 sighted very infrequently in the area of the proposed ship

1 route between the inbound/outbound shipping lanes and the  
2 marine terminal at Whites Point.

3                   So we're talking about not at the quarry  
4 site, but within the shipping lanes between what you call  
5 the transit separation scheme and the quarry site.

6                   And then, it's concluded that as  
7 indicated on map 38A... But again, just remember this is  
8 based on all three sightings.

9                   One sighting of a right whale was  
10 recorded during an approximate 30-year period in this area  
11 of the ship route, and this would seem to me to suggest that  
12 the possibilities are...

13                   Or I'll ask this as a question. Is a  
14 right whale between the quarry and the inbound/outbound  
15 shipping route a very infrequent... Or so very infrequent  
16 as to be many as rare as a 30-year event?

17                   And that's an excerpt, the last line at  
18 that, and it does to me indicate that my gosh, a 30-year  
19 period, you might find a right whale in the vicinity of the  
20 shipping route?

21                   Here is right whale sightings. This is  
22 map 42F, which shows right whale sightings that are in the  
23 Rhode Island database for 2005.

24                   And this is the other document. The  
25 reason I mentioned this one, it's the most recent one but

1 it's also... I'll explain more about this particular map in  
2 a minute.

3 Here, we have 38A, which is right whale  
4 sightings over a 30-year period, according to the document,  
5 to the EIS, or the comments on the EIS, but there's no place  
6 indicated here, on this map or any of the other maps, that  
7 these are actually 30 years of sightings, so that's a little  
8 puzzling.

9 Anyway, here we have the proposed ship  
10 routes, and I'm going to go next... Now here are sightings  
11 from 1987 to 2000, New England Aquarium Consortium and these  
12 are raw sightings. These are not... These don't account  
13 for effort, these are raw sightings.

14 And for what I'm trying to do here, it's  
15 best that we look at raw sightings. There are different  
16 colours of those little dots, and those tell us what months  
17 the whales were sighted in.

18 I'm only interested in the aggregate of  
19 sightings between '87 and 2000.

20 Here, again we have the ship route, and  
21 here we have those sightings laid over the shipping routes,  
22 and again, this is between '87 and 2000, in a period of 13  
23 years, and we've already heard that right whales along the  
24 route are so infrequent as to be almost maybe a 30-year  
25 occurrence.

1                   Now here again, we have map 42F. 42F,  
2 if I were to quote from... This was the map that was used  
3 in the marine... What was the name of that, the marine  
4 presentation, the special marine presentation by Bilcon of  
5 Nova Scotia.

6                   In that presentation on page 647, in  
7 that transcript, Paul Buxton says:

8                   "Right Whale sightings..."

9                   And again, we did look at this chart  
10 earlier on, this is the chart he's referring to.

11                   "Right Whale sightings... The North  
12 Atlantic Right Whale Conservation here  
13 with a heavy concentration of whale  
14 sightings within the conservation  
15 area."

16                   This was the only map that was shown  
17 during that presentation, but however, here we have map 42B,  
18 which was in that series of maps from the Rhode Island  
19 database, and I would say that there are more than a few  
20 right whales pretty handy to the shipping route, and this is  
21 one year. This is 2001.

22                   To refresh your memory, we have been  
23 told that right whales along the shipping route won't happen  
24 maybe more than once in 30 years, even though I know that's  
25 very much an exaggeration.

1                   Now here's another map. Now this is an  
2 issue for another part of the Bay of Fundy. This is a  
3 proposed L&G terminal on the main side of Passamaquoddy  
4 Bay.

5                   This was prepared by a company called  
6 Downeast L&G. It's based also on the Rhode Island database,  
7 and the dates here...

8                   This is 30 years of sightings, from '76  
9 to 2006, and the ship routes we have here, the purpose of  
10 this map from down east was to show that during certain  
11 parts of the year, when there are right whales here, and  
12 these are all right whales we're seeing here, they will use  
13 Grand Manan Channel.

14                   Now whether or not they're able to do  
15 that is up for question, but it shows that you will not  
16 encounter right whales as much as if you swing over to the  
17 shipping lanes and then take them through. I thought that  
18 might be interesting.

19                   Here is another map, and I'm sorry it's  
20 so fuzzy. We put this on at the last minute, but this is  
21 all whales. This shows all whales over 30 years, again,  
22 based on the Rhode Island database, and again they're  
23 showing that their ship in the Grand Manan Channel would  
24 probably not encounter whales.

25                   But now look at all whales, especially



1 humpbacks, between the shipping lanes and the quarry site.  
2 It's not a place to be, either a humpback or a right whale I  
3 contend.

4                   Now this is Chris Taggart the other day  
5 who was here, and he told us about currents and what might  
6 happen if there's debris at the site, and that it might...

7                   It's very carefully worded, but might  
8 end up in the Grand Manan Basin or the conservation area,  
9 but he also suggested that going from the quarry directly  
10 into the shipping lanes may not be the best way to get to  
11 the shipping lanes if you're really concerned about not  
12 striking right whales and other whales.

13                   Well this map is more than right whales,  
14 but as you can see, it's heavily weighted by right whales.  
15 And to the right, you can see the Bilcon route, and then  
16 indicated is the alternate route which would have the whales  
17 go up and in at a higher level, and in fact they would  
18 encounter fewer whales.

19                   I'll go back to the previous map, and  
20 you'll see that that is indicated on the 30-year sighting  
21 map, which shows that there are few whales of any kind,  
22 fewer whales of any kind actually in that new designated  
23 traffic scheme.

24                   So again, we're questioning whether or  
25 not Bilcon really did its homework to see what was the

1 safest route to get away from the quarry.

2 They have made an awful lot, there is a  
3 lot they have invested in saying that they will not go  
4 through the conservation area, but we've seen in a couple of  
5 cases here we're going through the conservation area.

6 While it may not seem as good a route,  
7 it probably is a better route, and we're suggesting that the  
8 Panel should note this, and that Bilcon should rethink its  
9 route.

10 Now we might want to see if there's  
11 other whales around that Bilcon did not report on in their  
12 EIS or in their comments in the EIS.

13 Here is the cover page, the title for a  
14 cruise report from 2005, the same year that is 42F. The  
15 people there are quite well known, they work mostly out of  
16 Woods Hole, and this cruise is overseen by the Northeast  
17 Fishery Service Centre, which is part of NOAA NMFS, National  
18 Marine and Fishery Service.

19 This is map or figure 2. Right whale  
20 sighting locations during their large whale cruise for 2005,  
21 between July 28 and August 16.

22 Do note... I didn't have time to make a  
23 real good blowup of this, but note where one of the right  
24 whale sightings is on what they call the Northern Transit  
25 Line, I'd say pretty dead on the quarry site.

1                   Now this was not reported, this was not  
2 in the EIS or any place else in their data.

3                   This is the narrative for that  
4 particular day of these cruises, and an excerpt:

5                   "We saw only one other right whale on  
6 our easternmost line at 44'29'' north at 66'12'' minutes  
7 west. This is where that whale was sighted.

8                   I called Richard Pace at Woods Hole who  
9 is in charge of the Delaware II large whale survey Cruises,  
10 and he corroborated this sighting, but he told me that they  
11 did not have...that they were not able to identify this  
12 whale.

13                   Now I wanted to see how difficult it  
14 would be to find this whale. It wasn't too hard. You go on  
15 Google, you say: "Digby Neck whale survey", and it popped up  
16 number one: "Cruise report: Delaware II large whale survey",  
17 and there you have got it, you've got the cruise report, and  
18 then you go to figure 2 and you can see the right whale,  
19 it's virtually at the site.

20                   Now, that whale as I said before was not  
21 identified, we don't know who it is, but we may be able to.

22                   This is a little fuzzy, but on my computer it's very, very  
23 sharp, and I've also talked at the people at the College of  
24 the Atlantic, and this will be sent to Paul Hamilton at New  
25 England Aquarium, and also to the people who did this whale

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1 survey, to see if we can identify this whale.

2 I'd like to... It probably has a number  
3 if they can identify it, and it may or may not have a name.

4 I've given it the interim name of Greta.

5 This was taken by Bob Morsches. This  
6 was on August 29, 25 days after the August 4 sighting from  
7 the Delaware II cruise, at 2:00 in the afternoon, and the  
8 location was, and you can see it right there,  
9 44'29.362''north by 66'10.460'' west.

10 We can put that on the map, and that's  
11 approximately where that is on the ship route. Let's put  
12 them together on another map.

13 This is the 2005 map. This shows you  
14 that... These were two sightings. We can now add to the  
15 Bilcon used in its marine presentation.

16 There are many more sightings that could  
17 probably be put on this map.

18 Anyway, this is the kind of ship that's  
19 going to be coming in. I'm just going to quickly talk about  
20 some shipping, and how many ships we might expect at this  
21 quarry and what the right whales might be up against.

22 Here would be... Here is the North  
23 Mountain on the Nova Scotia geo-map, and there's one of  
24 the... That's the Whites Point Quarry approximate location,  
25 and that would mean 50 ships a year or 100 transits per

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1 year.

2 Over the 50 years of the life of the  
3 quarry, through that area, which of course doesn't have many  
4 right whales in it, 2,500 ships or 5,000 transits over the  
5 50-year life of this quarry.

6 Then again, we might have more quarries,  
7 and while the ones way up north near Cape Split, after the  
8 DRN gave us their talk about where the Upper Flow is...  
9 Well, anyway...

10 There's a good chance we might have six  
11 quarries, and if we did, and this is hypothetical of course,  
12 and I know it's hypothetical, but we would have 300 ships a  
13 year or 600 transits per year.

14 If all of those quarries were in  
15 operation for 50 years, we would have 15,000 ships or 30,000  
16 transits travelling through significant right whale habitat,  
17 and I think the sighting data that we have shown shows that  
18 that is significant right whale habitat.

19 Here's a little bit about what we've  
20 seen recently, and the other day you heard that very  
21 frequently do we find dead right whales in the Bay of Fundy  
22 after all, especially ones that are the victims of ship  
23 collisions.

24 Well, this was July 24th, 2006. I think  
25 I missed a slide, no? Well, maybe I... Anyway. This was

1 Campobello Island, and that's Nancy Knowlton in the purple  
2 shirt.

3                               This is Kelly Cove, Nova Scotia, and  
4 that's Michael Moore from Woods Hole, and that was just two  
5 months later that another right whale was brought ashore and  
6 necropsied.

7                               Now I thought I had a slide in here of  
8 the newspaper report of the whale that was necropsied at  
9 Culloden in 2003.

10                              Well, this map shows the whale that was  
11 necropsied in 2003; the Campobello necropsy on July 24,  
12 2006; and two months later, Kelly Cove, on September 3,  
13 2006.

14                              I have a little disclaimer here,  
15 those... The Culloden whale and the Kelly Cove whale were  
16 probably not struck in the middle...

17 --- Pause (mic fixed)

18                              Okay, where was I? Those two whales,  
19 especially the one in Kelly Cove, was sighted down in the  
20 Roseway Basin as a fatality, and the currents do go up in  
21 this direction, so I'm not saying that these whales were all  
22 killed directly in the middle of the Bay of Fundy, but I am  
23 saying that three necropsies took place within three years,  
24 within a 60-mile radius in the Bay of Fundy.

25                              This is a very troubling piece of

1 information. They were all female whales, that's even more  
2 troubling because when you lose a female whale, you lose  
3 future whales.

4                   Anyway, I just thought this a nice  
5 Google... It was a little sharper. Anybody who wants to...  
6 When this goes on the CEAA Website, I suggest you go on  
7 this and see this nice and bright, because you really get a  
8 good overview of where the quarry is and where the whales  
9 are, and try to remember those maps of sightings and how  
10 many whales are just between Gran Manan and Digby Neck.

11                   This is the... Canada has a North  
12 Atlantic Right Whale recovery plan, and from that plan,  
13 there's...

14                   I took a quote, which is:

15                   "The ideal solution would be to  
16 eliminate vessel traffic in areas where  
17 right whales occur, but this is  
18 obviously impossible."

19                   We said in our comments on the  
20 Environmental Impact Statement that we agree that the  
21 Canadian Right Whale Recover Plan's ideal solution for  
22 protecting the right whale from ship strike is not practical  
23 and virtually impossible, but it is not at all impossible or  
24 even impractical to take steps to eliminate vessel traffic  
25 in the future, especially if that traffic is associated with

1 the proposed project that promises to provide little in the  
2 way of benefits and many probably negative impacts if it  
3 becomes a reality.

4                   Anyway, sometimes good things come from  
5 other things I'll say. The North Atlantic Right Whale  
6 BEACON Project, I can say BEACON or Bilcon to some extent  
7 here.

8                   BEACON stands for Binational Early Alert  
9 Coastal Network.

10                   This is a map... I tried to find a map  
11 that would show the entire range of the right whale, and  
12 also the network of the Atlantic Coastal Ecoregion Task  
13 Force, and I found a perfect map.

14                   Sadly, it's the map of the right whale  
15 ship strike deaths from the New England Aquarium.

16                   There's one cross at the very top in  
17 Nova Scotia there, in the Bay of Fundy, and that's the  
18 Culloden whale, the whale that was struck at... The whale  
19 that was found in Campobello, which was struck very close by  
20 the way to Campobello, and the right whales at Kelly Cove  
21 are not indicated on this map, but what I did is I  
22 overshaded, and these are the Sierra Club Chapters and the  
23 Atlantic Canada Chapter of the Sierra Club of Canada that  
24 make up the BEACON Network.

25                   Our motto if you would have is:

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SIERRA CLUB OF CANADA, ATLANTIC CANADA CHAPTER  
(QUESTIONS BY THE PANEL)

1 "Monitoring coastal development with  
2 protecting the North Atlantic Right  
3 Whale in mind."

4 So the quarry at Digby Neck is  
5 definitely a project that threatens the North Atlantic Right  
6 Whale, as are the two L&G Terminal projects in Passamaquoddy  
7 Bay. They are very much in the wrong place.

8 Anyway, I think that concludes my  
9 PowerPoint.

10 THE CHAIRPERSON: Thank you Mr. Dittrick.

11 **PRESENTATION BY THE ATLANTIC CANADA CHAPTER, SIERRA CLUB OF**  
12 **CANADA - QUESTIONS BY THE PANEL**

13 Dr. JILL GRANT: Mr. Dittrick, is there  
14 any way to know what kinds of ships struck the whales in the  
15 last map you showed us?

16 It indicated there's whale strikes up  
17 and down the coast. Is it mostly large ships or can it be  
18 small ships?

19 Mr. MARK DITTRICK: I think it was  
20 already mentioned to this Panel that the ship that... The  
21 whale that was killed near Grand Manan Island, and  
22 necropsied on Campobello was struck by a ship that was  
23 probably around 60 feet, and it was probably a commercial  
24 fishing vessel.

25 The whale at Culloden was the victim of

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1 a blunt trauma from a very large ship. I could have put a  
2 slide in there of Michael Moore looking at a two-inch crack  
3 in the skull from one end to the other that would have  
4 showed you, and that was...

5 I was there at the necropsy when they  
6 saw that.

7 That nailed it for them that this was a  
8 blunt trauma from a very large ship.

9 The ship (sic) that was necropsied at  
10 Kelly Cove was also the result of a collision with a very  
11 large vessel, blunt trauma.

12 Dr. JILL GRANT: I wonder whether your  
13 network has looked at the possibility of slowing vessels  
14 down?

15 I mean, I know that the shipping lanes  
16 are moot. Is reducing the speed of vessels another option  
17 to try to reduce the risk to the right whale?

18 Mr. MARK DITTRICK: We are very much in  
19 support of the National Marine Fishery Services' regulations  
20 that they're trying to get put into place right now, and  
21 their suggestion is for a 10-knot limit in any area where  
22 there might be right whales.

23 Dr. JILL GRANT: Is that just a  
24 recommendation at this time or has that been adopted as  
25 policy anywhere?

SIERRA CLUB OF CANADA, ATLANTIC CANADA CHAPTER  
(QUESTIONS BY THE PANEL)

1                   Mr. MARK DITTRICK: It hasn't as far as I  
2 know actually been put into the works, and as a matter of  
3 fact, I believe it's the Ocean Conservancy and the Humane  
4 Society of the U.S. who are currently sewing the Government  
5 to put those regulations in place, or at least emergency  
6 regulations for a 10-knot limit ASAP.

7                   Dr. GUNTER MUECKE: Bilcon has suggested  
8 a number of other avoidance criteria other than lowering  
9 speed.

10                   How effective do you believe these would  
11 be?

12                   Mr. MARK DITTRICK: Can you tell me which  
13 ones you're specifically talking about?

14                   Dr. GUNTER MUECKE: Observation by boats  
15 of whales, sending out a small boat, et cetera?

16                   Mr. MARK DITTRICK: I think that we've  
17 heard pretty clearly that having observers on boats and  
18 searching through the water for boats... I know this  
19 applies both to ship strikes and blasting before they blast,  
20 but that's "iffy" at best.

21                   There's another thing that is being  
22 done. Chris Clark from Cornell last year did a full study  
23 in the Savannah Harbour area off of Georgia, and part of the  
24 permitting for one of the L&G Terminals in Massachusetts Bay  
25 had the Proponent...

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1 I believe the amount was \$6.5 million,  
2 that was donated to put a passive acoustic array situation  
3 in place there, and there is already some passive acoustics  
4 in Cape Cod Bay, but they're talking about doing it a very  
5 large array.

6 There are two L&G Terminals that have  
7 been permitted in fact for Massachusetts Bay, right next to  
8 the Stellwagen Bank Sanctuary.

9 Dr. GUNTER MUECKE: Could you just  
10 explain passive acoustics, what it involves?

11 Mr. MARK DITTRICK: Well, a lot of people  
12 intuitively say: "Well, why don't you have sonar, you can  
13 just send data a signal and it can bounce back and you'll  
14 know where the whales are?"

15 Well, it's because of the fact that the  
16 whales who sonar themselves, that's not a good idea. That's  
17 intrusive.

18 Passive acoustics is to have a  
19 hydrophone, an array of hydrophones listening for whales, to  
20 see if there are whales in the vicinity of where you are.  
21 If an array were to really work effectively, that array  
22 would in real time connect probably with a satellite and  
23 locations of whales detected by passive acoustics would go  
24 to the captain of a ship right away.

25 The real problem with that is that some

1 whales are a lot more vocal than others. Humpbacks vocalize  
2 quite a bit. Right whales are a much more "iffy"  
3 proposition, especially mothers and calves.

4 We have a lot of mothers and calves,  
5 they call this the nursery up here. So trying to detect  
6 mother and calves might not work with passive acoustics, but  
7 something like that is a whole lot better than having  
8 nothing.

9 Dr. GUNTER MUECKE: Have there been  
10 scientific tests of passive acoustic systems to verify how  
11 effective they are?

12 Mr. MARK DITTRICK: As I said before, Dr.  
13 Chris Clark from the Cornell University, I believe in an  
14 ornithological laboratory, which does a lot of acoustics  
15 work, did a very large study of this off Georgia this past  
16 year, last summer...

17 No actually probably last winter, when  
18 they were in their calving area, and I believe that date is  
19 available and I think perhaps if you want me to look into  
20 where that data would be available and if it could be  
21 furnished to the Panel, I'd be happy to do that.

22 Dr. GUNTER MUECKE: You didn't mention  
23 blasting in your presentation at all. What are your  
24 concerns in terms of blasting on the right whale, in  
25 particular?

1                   Mr. MARK DITTRICK: I decided in this  
2 presentation to concentrate on ship strikes since, as I see  
3 it, the use of the, or the massaging of the data, the misuse  
4 of the data here, the sighting data was so obvious that I  
5 thought I would concentrate on that.

6                   One of the things that I think has been  
7 mentioned, and I didn't do the count myself, was that in the  
8 DFO letter to Bilcon, which they use, which they cite for  
9 their blasting protocol, the word "uncertainty" appeared  
10 something like 17 times.

11                   We simply don't know, and we should not  
12 permit this sort of a facility until we do know that  
13 blasting will not have any affect on the behaviour of the  
14 species that's so critically endangered as the North  
15 Atlantic right whale.

16                   Dr. GUNTER MUECKE: Thank you.

17                   Dr. JILL GRANT: One other question, Mr.  
18 Dittrick. Do we know much about right whale behaviour, when  
19 they're in the Bay of Fundy, about... You indicated that a  
20 right whale was observed in a certain area in 2005, and  
21 observed again by Mr. Morsches within a week or two. I  
22 don't know how, exactly how long.

23                   Do we know very much about whether the  
24 whales stay in particular areas for long periods of time, or  
25 are they very mobile?

SIERRA CLUB OF CANADA, ATLANTIC CANADA CHAPTER  
(QUESTIONS BY THE PANEL)

1                   Mr. MARK DITTRICK: Trying to nail that  
2 down is hard, but last fall, a very large number of whales,  
3 way more than usual, stayed very late in the upper Bay of  
4 Fundy, way north of the conservation area I have to say.

5                   I was out with Mackie Green from the  
6 Campobello Whale Rescue Team several times last fall in  
7 October, and in November, and one time we saw 11 whales very  
8 far away from the conservation area. They were seen just  
9 off the shore.

10                   You could see them; just watch them  
11 without binoculars off Black's Harbour, very far up. They  
12 were also directly outside of the entrance to Head Harbour  
13 Passage, which is where the LNG tankers would go.

14                   To answer that question I think you're  
15 probably asking me about, are could those two whales be the  
16 same whale? That's a good possibility. Whales do stay in  
17 certain areas for long periods of time.

18                   There are... I think I looked on the  
19 whale sightings. There's a site where you can look at the  
20 most recent sightings from aerial and water surveys, and  
21 they were 111 whales off Cape Cod as, on the 25th of June.  
22 This year was a record for the number of whales off Cape  
23 Cod, and in the Bank Sanctuary.

24                   Never had that many whales been seen at  
25 one time. It was roughly a third of the entire population.

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1 THE CHAIRPERSON: Mr. Dittrick, even  
2 though you didn't say explicitly that your presentation was  
3 directed at stopping this Project because of the right  
4 whales, that's implicit in what you said, and this Project  
5 has identified shipping as representing about six percent of  
6 the whale, of the traffic that could threaten a whale.

7 What about the other 94 percent? What  
8 are you doing about that, because even if this Project  
9 doesn't go forward, all the risks that you've identified are  
10 still there. The shipping... More than 500 ships a year  
11 are going to be moving right through that traffic zone, so  
12 in a sense, the problem is more than just this particular  
13 Project, is it not?

14 Mr. MARK DITTRICK: We are active  
15 interveners into the two LNG Terminal Projects in the  
16 permitting process in Passamaquoddy Bay. We were very  
17 actively opposing those two Projects.

18 Those two Projects were cited by the  
19 Proponent in one of its documents as, you know, a lot more  
20 shipping. I don't know if they got their six percent  
21 counting those two LNG Terminals. One is supposed to have  
22 180 ships, or 360 transits per year; the other one is only  
23 50 ships, or 100 transits per year.

24 Those Projects are, in all likelihood,  
25 not going to be happening for a number of reasons. The



1 market is not there for the gas, and the Canadian Government  
2 has said explicitly from Stephen Harper down, and letters  
3 have been sent through diplomatic channels saying the  
4 Canadian Government will not allow ships through Head  
5 Harbour Passage.

6                   Now the reason for that is not directly  
7 connected with the right whales, even though the Canadian  
8 Government does know. I'm sure we've had conversations with  
9 them through the Conservation Council of New Brunswick that  
10 this is one of the issues that the Canadian Government's  
11 concerned with.

12                   So I would say that we are also  
13 concerned about the new LNG Terminal that's proposed for  
14 Saint John, the Irving Project. We're also very concerned  
15 in the new oil refinery that's being proposed by Irving,  
16 which will also add more traffic. There's also a project  
17 for doubling the size of the mine, the gypsum mine in  
18 Hantsport.

19                   We are concerned about all shipping in  
20 the Bay of Fundy. From Art MacKay's presentation the other  
21 day, the industrialization of Passamaquoddy Bay, the Bay of  
22 Fundy and the whole area is a major concern. I'm sorry that  
23 Laurie Murrison wasn't able to come over from Grand Manan.  
24 She's been looking at these whales for something like 40  
25 years. She is very concerned. She brought up the gypsum

1 mine the last time I spoke to her.

2 We are concerned about other shipping,  
3 but especially projects that are absolutely... When we look  
4 at the significance of the need for the Quarry Project,  
5 which is probably the most insignificant aspect of this  
6 entire process, is the need for the quarry...

7 It's exactly when I said there before  
8 what is kind of like our mandate, based on the Canadian  
9 Right Whale Recovery Plan. If a project is not necessary;  
10 if it doesn't have any social merit, or doesn't really  
11 contribute in a significant way - I'll use the word  
12 "significant" - then we think that any threat to the right  
13 whale measured against that is extremely significant.

14 THE CHAIRPERSON: Has your organization  
15 done any projections on potential right whale deaths over  
16 the next five to ten years, assuming the numbers remain  
17 stable? If this Project was not approved, the LNG Terminals  
18 were not approved, the gypsum plant was not approved, and it  
19 stayed roughly around 600 ships a year, the numbers you've  
20 produced suggest that it's just a matter of time, right?

21 Mr. MARK DITTRICK: Well, gosh, there are  
22 a lot of people who are very depressed at what's been  
23 happening, and what shipping there does exist. I know that  
24 I was surprised not to see Jerry Conway with DFO, when there  
25 were so many people here, because he shakes his head. When

1 he was down there in Kelly Cove, to see so many right  
2 whales, that three-year period, when we had three necropsies  
3 in the Bay of Fundy, got a lot of people very down.

4           The thing is that it's been assumed that  
5 even with what's been going on recently, if we can save two  
6 female right whales a year... Hal Caswell, from Wood Hole,  
7 in a study, a very well-known study has said that if we can  
8 save two female right whales a year, we can tip the scales  
9 in the other direction, and rather than a gradual decline in  
10 the population, we could actually start building the  
11 population.

12           At one point, the southern right whale,  
13 which is not challenged by as much shipping as we have in  
14 this part of the world, was probably in almost as bad shape  
15 as the North Atlantic right whale. That population is now  
16 around 7,000 animals.

17           I would suggest that the Panel... I  
18 don't know if you have time for this, but a recent book by  
19 Scott Crouse from the New England Aquarium, which is called  
20 "The Urban Whale"; it's an edited volume. There's an awful  
21 lot of scientists who contributed to this. This will tell  
22 you an awful lot about it, I think. You know, this issue  
23 really requires learning a lot more about right whales.

24           I don't think... I wouldn't be sitting  
25 here talking about this if I thought that the right whale

1 was doomed, and that we might as well just wash our hands,  
2 and let everything happen. I think if we stop this Project,  
3 I think if we stop the Projects in Passamaquoddy Bay, which  
4 is very likely to happen, that we will tip the scales in the  
5 other direction.

6 I was quoted in the "Bangor Daily News"  
7 about six months ago, saying that, before giving a  
8 presentation in Belfast, Maine, that the fate of the North  
9 Atlantic Right Whale, in all likelihood, would be decided in  
10 the Bay of Fundy, and I believe that, and that's why we're  
11 working so hard to make sure that inappropriate development  
12 does not happen, especially when it threatens the right  
13 whale.

14 THE CHAIRPERSON: One final comment, and  
15 that is that even if you stop those Projects, you still have  
16 600 ships a year, and they're still in the traffic lanes, so  
17 it seems to me that the strategy to protect the right whale  
18 has to be more than just stopping Projects. It has to be  
19 more sophisticated, more knowledgeable, maybe more  
20 technological, such as putting some sort of device on them  
21 or whatever.

22 But it seems to be, if I'm not mistaken,  
23 the right whale's been protected since 1934, and since that  
24 time, the numbers have hovered around 300, so they haven't  
25 improved, they haven't gone away. So there's something

1 going on that we really don't understand. As an  
2 oceanographer, it's just a perplexing situation to begin  
3 with.

4 Mr. MARK DITTRICK: We've talked here a  
5 little bit about passive acoustic arrays. That's being done  
6 now outside of Boston. That should be done in a large part  
7 of the Bay of Fundy. It's going to cost some money, but I  
8 think it's worth doing. Also, the NMFS new speed  
9 regulations should help.

10 I think the Proponent for the quarry has  
11 used some of this to justify its Project; to say that, well,  
12 we will be able to mitigate by slowing our ships down to 12  
13 knots. That, indeed, will be better than racing from the  
14 quarry site to the shipping lanes at 15 to 20 knots, but it  
15 still doesn't eliminate that ship.

16 And all of these measures; moving the  
17 shipping, moving the transit separation scheme a little to  
18 the east and a little to the south, away from the highest  
19 concentration of right whales did help. There's no doubt  
20 about that. So all of these things...

21 But the word that we really have to  
22 remember, when we think about any of this, is "incremental".

23 When the shipping lanes were moved, it incrementally  
24 reduced the possibility that a whale would be hit by a ship.  
25 It didn't eliminate it, and Bilcon's ships reducing their

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(QUESTIONS FROM THE PROPONENT)

1 speed to 12 knots will incrementally reduce the possibility  
2 that one of their ships will hit a right whale, but it will  
3 not eliminate it.

4 More ships associated with this quarry  
5 are definitely a threat, and because of the nature of this  
6 whale, and the size of its population, it is significant.  
7 And any way you can paint this as insignificant is  
8 irresponsible.

9 THE CHAIRPERSON: Thank you, Mr.  
10 Dittrick. Mr. Buxton?

11 **PRESENTATION BY THE ATLANTIC CANADA CHAPTER, SIERRA CLUB OF**  
12 **CANADA - QUESTIONS FROM THE PROPONENT**

13 Mr. PAUL BUXTON: I'm just wondering  
14 about cruise ships, Mr. Chair, which are being promoted  
15 significantly in Saint John, New Brunswick. In fact, they  
16 have risen from ten years ago, virtually nothing, to very  
17 significant, and it's not unusual to go to Saint John in the  
18 summer and see two very large cruise ships in the harbour.

19 And my understanding is that these  
20 cruise ships cruise at 26, 28 knots, and that is seen to be,  
21 by the tourism industry, as a good thing, and cruise ships  
22 are being promoted, and promoted very significantly.

23 And, of course, they come in, in the  
24 summer, right in the whale season, so I'm just wondering how  
25 you see cruise ships with respect to saving or preserving

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(QUESTIONS FROM THE PROPONENT)

1 the right whale.

2 Mr. MARK DITTRICK: I don't mean to be  
3 frivolous, but you used the word "significant" twice during  
4 that response, and... Or that question, I should say, and I  
5 would love to hear you use the word significant for an  
6 impact, at one point.

7 Cruise ships, any extra shipping, any  
8 increase of shipping in the Bay of Fundy is a concern to us,  
9 not just in the interior part of the Bay of Fundy. We're  
10 concerned about the fact that we now have... And this, you  
11 want to talk about tourism, and an impact, and an unpopular  
12 subject, we now have a ferry coming... A fast ferry. The  
13 Cat is now coming from Portland to Yarmouth four days a  
14 week, and then from Bar Harbour three days a week, and  
15 they've already expressed an interest in having a dedicated  
16 ferry from Portland to Yarmouth, and one from Bar Harbour to  
17 Yarmouth.

18 Obviously, this will be a great boom to  
19 tourism in this part of the Province, but it will also be a  
20 major increase in the threat to the right whale, because  
21 these are ships that are not going to slow down to ten knots  
22 in the summer time, which is when they operate. They're  
23 going 50 miles an hour. We are not simply saying we're  
24 picking and choosing, or cherrypicking, you know, the  
25 projects that we're concerned about and opposed to, in some

1 cases.

2 I have spoken to Moe Brown of the New  
3 England Aquarium and several other people about those cruise  
4 ships, and we are concerned, and we're looking at it, and it  
5 is an issue that the North Atlantic Right Whale Consortium  
6 is aware of.

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

8 THE CHAIRPERSON: Questions from the  
9 audience?

10 **PRESENTATION BY THE ATLANTIC CANADA CHAPTER, SIERRA CLUB OF**  
11 **CANADA - QUESTIONS FROM THE PUBLIC**

12 THE CHAIRPERSON: Yes, Mr. Hunka?

13 Mr. ROGER HUNKA: Just for clarification,  
14 following the Chairman's comments from 1934 and onwards,  
15 would you say that awareness of the fatalities that could  
16 occur to the right whale by industry, shipping industry have  
17 resulted in, for example, the shipping industries agreeing  
18 to do something different? Change routes?

19 Mr. MARK DITTRICK: Again, to answer you,  
20 and also to answer Dr. Fournier's previous question, a lot  
21 is being done. There are a lot of things being done.  
22 They're skirting the Roseway Basin at certain times of the  
23 year; something that Moe Brown has been working with, with  
24 the Canadian Government very successfully, and DFO, and that  
25 is going to happen.



1                   There is a lot of awareness. A matter o  
2 fact, the last North Atlantic Right Whale Consortium meeting  
3 in New Bedford last November, a major effort was being made  
4 to educate. I am now on the Education Committee of the  
5 North Atlantic Right Whale Consortium, and that is something  
6 that they've said they haven't done enough of.

7                   So there's going to be a lot of outreach  
8 to explain to people where the right whale is, what the  
9 dangers are, and there's been a lot of public support, plus  
10 the shipping industry is also coming together on this.  
11 And I might also add that the whale-watch industry is. And  
12 I know that the whale-watch industry was painted as a threat  
13 to the right whale, and I'm sorry that I couldn't get Zach  
14 Klyver who runs the Bar Harbour Whale-Watch, and is also the  
15 head of the Association of Whale-Watch Naturalists of the  
16 Northeast.

17                   And I'd love for him, if... I know the  
18 30th is the deadline for you to get information, but he  
19 could probably provide you with an awful lot of information,  
20 and I wish he had been here to address the concerns of Mr.  
21 Buxton about whale-watching, and that study he cited.

22                   Mr. ROGER HUNKA: It may be an unfair  
23 question, but with the Shipping Federation doing things,  
24 would you think that the cruise ship industry, itself, would  
25 also be looking at its practices, of changing its practices;

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1 instead of cruising up at 25 knots or whatever the  
2 suggestion was, that they would also look at other  
3 activities to reduce impact, in time?

4 Mr. MARK DITTRICK: Presumably when the  
5 ten-knot limit comes into force, that the Canadian  
6 Government will bring something in to conform with that, and  
7 that cruise ships going through the transit separation  
8 scheme into Saint John and elsewhere in the Bay of Fundy  
9 will abide by the ten-knot limit. And that will reduce both  
10 the number of ship strikes, and also the consequences of a  
11 ship strike, the fatal consequences of a ship strike.

12 Mr. ROGER HUNKA: And one last  
13 supplementary. So...

14 Mr. MARK DITTRICK: And they will not, by  
15 law, be allowed to go more than ten knots. They'll be in  
16 contravention of that Regulation.

17 Mr. ROGER HUNKA: So by these incremental  
18 changes year by year, decade by decade, there is some hope?

19 Mr. MARK DITTRICK: Every little thing we  
20 do, there is hope.

21 Mr. ROGER HUNKA: Yeah. Thank you.

22 Mr. MARK DITTRICK: But we're also facing  
23 projects like the Whites Point Quarry, and that's another  
24 way we can... As I said before, that's another way we can  
25 help to protect the right whale is by taking a real hard

1 look at Projects like this, and seeing what their real  
2 threat is to the population of right whales.

3 But not just right whales. Even moving  
4 those shipping lanes the way they did to the benefit of  
5 right whales, to some degree further endangered humpbacks,  
6 because it moved it a little bit into where they are. And  
7 when you look at where humpbacks are... And that was where  
8 I got that, the other sightings map from down east LNG...  
9 There's an enormous number of humpbacks between the quarry  
10 and the entrance into the shipping lanes.

11 And I think one thing that has to happen  
12 with Bilcon, at some point, is they have to look at  
13 re-routing their ships, as inconvenient as that may be, with  
14 respect to public relations, and being able to say we're not  
15 going into the conservation area. They really should look  
16 at where their ships go with respect to really protecting  
17 the right whales.

18 And I think that that slide of Chris  
19 Taggart really showed you that the Proponent should be  
20 concerned about right whales more, and less about the visual  
21 aspects of what they're proposing.

22 THE CHAIRPERSON: All right. Thank you.

23 Sister Barbara?

24 SISTER BARBARA: Yes, my hand is Sister  
25 Barbara, and I'm from Rossway. I just have a question as to

1 who or what Department monitors ship speed in the Bay of  
2 Fundy?

3 Mr. MARK DITTRICK: That would probably  
4 be the Department of Transportation, Canada.

5 SISTER BARBARA: Mm-hm.

6 Mr. MARK DITTRICK: But all of these  
7 regulations would be in force, and I now see that Robert  
8 Thibault is sitting here, who is no longer with DFO, but...  
9 And I've taken a couple of... DFO really has to get on  
10 board with this. DFO has to be way more vigilant with  
11 respect to the protection of the right whale, and I'll have  
12 an opportunity maybe to talk to Robert later, but what was  
13 the question again? I was... Okay.

14 SISTER BARBARA: Who or what Department  
15 monitors speed?

16 Mr. MARK DITTRICK: I believe it's the  
17 Department of Transport, but then all of this... The speed  
18 in the Bay of Fundy's going to have to be worked on jointly  
19 with the U.S. Government, with the Canadian Government, and  
20 co-operatively, and the shipping industry, and companies  
21 like Irving.

22 SISTER BARBARA: So do they have a little  
23 speed guns, or radar guns to say, "Oh, you're going 25  
24 knots"?

25 Mr. MARK DITTRICK: I don't know how

1 we're going to do traffic cop on that one, but I think we  
2 could do it by satellite. There's ways that Fundy  
3 Traffic... It would be under the control of Fundy Traffic  
4 to monitor it, if that's what you mean, up in Saint John.

5 SISTER BARBARA: All right.

6 Mr. MARK DITTRICK: Yeah.

7 SISTER BARBARA: Thank you. Thanks.

8 THE CHAIRPERSON: Other questions? If  
9 not, thank you, Mr. Dittrick. As he's already  
10 semi-introduced. That's Robert Thibault will be our next  
11 presenter. Mr. Thibault?

12 **PRESENTATION BY MR. ROBERT THIBAULT**

13 Mr. ROBERT THIBAULT: Thank you very  
14 much, Dr. Fourier, distinguished Panellists. It's a  
15 pleasure to be here today.

16 I'm going to try to stay a little bit  
17 away from the environmental aspects of this. I have no  
18 expertise in the matter, and there's plenty of expertise on  
19 the Panel, which I wouldn't presume to try to explain  
20 oceanography, or hydrography, or all those things of the  
21 Panel.

22 My question is on the social economic  
23 aspects of the Proposal. I'm, at heart, a free enterpriser.  
24 I congratulate and encourage entrepreneurship. Our country  
25 depends on it. We could have no social programs, we could

1 do no scientific studies, we could do nothing without people  
2 making the economy run.

3                   The question comes when you look at a  
4 Project like this as to what are the right projects; what  
5 are the costs, what are the risks and what are the benefits?  
6 We're looking here at the non-renewable natural resource,  
7 static by nature that will be there forever. We're looking  
8 at the life of people living in those communities, and what  
9 they see as the future of that community, and I believe  
10 those become the basis questions that we have to grapple  
11 with.

12                   What is in our national interest? Is  
13 there a pressing need within Canada's national interest to  
14 disrupt the lives of those communities? Is there that  
15 pressing need in the economy of Nova Scotia, of Digby  
16 County? Is there some huge problem with our trading  
17 partners that we have to solve? Is there a lack of these  
18 aggregates within the United States that their economy will  
19 tumble if we don't provide it to them?

20                   I don't believe that's true. I believe  
21 there's a market, because they have made a decision that for  
22 the social economic benefits of their community, that they  
23 don't permit this type of an operation in the communities  
24 where it would be economically feasible to exploit it for  
25 that market. So that all of a sudden it becomes

1 economically feasible to exploit it along the Bay of Fundy,  
2 and export to that market for those pure reasons.

3                   If we decide to go through with this,  
4 and we do it, and Bilcon does it in such a way as to  
5 minimize the disruption to the lives of the people, perhaps  
6 that can reasonably work, if you assume that all the  
7 ecological, environmental aspects can be taken care of, and  
8 again, I leave that to your judgment. Then you could say  
9 that perhaps the few jobs that would be created would be a  
10 benefit; the money that would be generated in the economy  
11 would be a benefit; the balance of trade, that would be a  
12 benefit.

13                   But if it's a success now, it will be a  
14 greater success in the future, and at one point, 50 years  
15 down the line, the disruption to the lives will be necessary  
16 because these pits will expand to where it would be very  
17 disruptive to the lives of people; where it would be  
18 visible; where you definitely would hear it.

19                   And at that point, there would be a  
20 number of families who would be economically dependent on  
21 those operations, and making it much more difficult to stop,  
22 at that point. I think now is the time to look at this  
23 seriously, to see whether we want Digby Neck area to be an  
24 exporter of rock; whether we want to make that risk.

25                   And, again, I'll try not to get on the

1 environmental side, but it's very difficult, and as an  
2 oceanographer, you will understand that you don't know it  
3 all, and that it's very difficult to predict what the  
4 reaction will be to an action, when you're looking at marine  
5 ecosystems.

6 I take you to the causeway in  
7 Barrington, which was built for a very good purpose; to  
8 operate, to get the people off their island, and give  
9 transport, and do economic development to that area. There  
10 are suggestions, credible suggestions that that's had a  
11 long-term influence on the migration of tuna, and the tuna  
12 fishery, and the existence of tuna in the Bay of Fundy  
13 because of... That it changed the migration pattern of  
14 herring and mackerel.

15 Nobody had predicted that, at the time.  
16 Nobody probably could today, if you did the studies. I  
17 don't know of an area that's been more studied from an  
18 oceanographic point of view than the Northumberland Strait,  
19 when the Confederation Bridge was put together. Now there  
20 are suggestions, when everything has been done in that  
21 construction to minimize the environmental disadvantages,  
22 everything has been done to minimize them, and there are  
23 great suggestions that it's had an impact on lobster harvest  
24 and lobster reproduction within certain areas on those  
25 coasts, and when you look at the charts, it's tough to



1 counter those arguments that are made by the fishermen in  
2 those areas.

3                   So it becomes a very difficult question.

4 Now I know, and I don't like driving through the Annapolis  
5 Valley, and seeing things like young mountain quarry. It's  
6 an eyesore, but it's necessary, and it has to happen. We  
7 need roads; we need concrete; we need economic development.

8 But in this case, we don't need it.

9                   We have to consider, when you are doing  
10 your recommendations, and I ask you to consider this from  
11 the socio-economic side; do we know, are we certain that we  
12 will be improving the lives of the people of Digby Neck?  
13 And it becomes a question as simple as that. We know from  
14 the economic side that there's a risk to the fishery,  
15 there's a risk to the whales, there are risks in those  
16 areas; perhaps can be mitigated, perhaps can't, but there is  
17 a risk.

18                   So are we sure from the socio-economic  
19 side that we will be making their lives better? Will those  
20 few jobs that will be created... And important they are,  
21 and there are people out there in support to the economic  
22 development that's being proposed... Will that balance  
23 improve the lives of those people?

24                   I can tell you that as a local Member of  
25 Parliament, from the calls that I've received, that the

Mr. ROBERT THIBAULT  
(QUESTIONS FROM THE PANEL)

1 people don't believe that it will. The vast majority of the  
2 people believe that it would be better not to proceed. Some  
3 want to see the economic development, and I can tell you  
4 that the people of Digby Neck, and St. Mary's Bay, and the  
5 Bay of Fundy have the sympathy of many, if not most of the  
6 people in this Province.

7                   So, again, I won't take too much of your  
8 time, but I will be pleased to take your questions. I  
9 congratulate you for, and thank you for accepting, on behalf  
10 of all Canadians, for accepting to do this Review. I ask  
11 you to consider seriously rejecting this Application.

12                   THE CHAIRPERSON: Thank you, Mr.  
13 Thibault.

14 **PRESENTATION BY MR. ROBERT THIBAULT - QUESTIONS FROM THE**  
15 **PANEL**

16                   Dr. JILL GRANT: Thank you, Mr. Thibault.  
17 We've had representations from both camps; those who want  
18 to see this happen, and those who don't; and I'd certainly  
19 like to hear more from you about your thoughts about the way  
20 this Project has polarized the community, and what you think  
21 the balance... You indicated that you think most people are  
22 against it, so can you give us some more feedback on your  
23 perceptions of how people are responding to this?

24                   Mr. ROBERT THIBAULT: The vast majority  
25 of the people who have contacted me are against the

1 Proposal. They're against it. And when I consider all the  
2 ramifications, and all the possibilities, one thing that  
3 keeps coming back to my mind is that in 50 years, in 30  
4 years, the rock will still be there, and it will be worth  
5 no less.

6                   So why, if the community is not ready  
7 for that, if that's not what they want, why would you  
8 proceed at this point. It's not... We don't need it, we  
9 don't need the aggregates in Nova Scotia. This is all for  
10 export. Economically it has some benefits, has some  
11 benefits to us, but do those benefits outweigh the negative  
12 impacts?

13                   The people who must ultimately decide  
14 that, in my mind, is the people who live the nearest by; the  
15 people who are affected. They survive now. They live.  
16 They have a beautiful community. If we're going to make a  
17 change to that community, if we're going to make an  
18 investment in that community, if we're going to put that  
19 community at stress or at risk, it must make their lives  
20 better, and currently they don't believe it will. They  
21 don't see it as improving their lives.

22                   So for those reasons, I would support  
23 those who oppose it.

24                   Dr. JILL GRANT: Do you see that this,  
25 that the community here has articulated a particular vision

1 about its wishes for development? Are there policies or  
2 strategies that have articulated those kinds of use?

3 Mr. ROBERT THIBAUT: Well, those are  
4 excellent questions to discuss with the municipality, and  
5 there are economic challenges in the area.

6 And when Bilcon first proposed this  
7 project, it had great support and then, as debate went on  
8 and as it went along, I think that support soured. And now  
9 I would say that there's less people who want it to proceed  
10 than who don't want it to proceed.

11 It's a difficult area for economic  
12 development. We're a long ways from market. We're a long  
13 way from those areas.

14 We've had some good developments, but  
15 we've also had some setbacks, so, you know, if you're  
16 getting the economic argument from the people, you would get  
17 both sides.

18 The quality of life seems to be the one  
19 that negates this project.

20 Dr. JILL GRANT: Can you tell us more  
21 about what you see as the quality of life in this region?  
22 What contributes to the quality of life?

23 Mr. ROBERT THIBAUT: Well, it's a very  
24 peaceful area. It's very nature intensive. If you go to  
25 Digby Neck and the Islands, it's paradise. You know, it has

1 economic challenges, but it also has some good riches from  
2 the fisheries. Whale watching has been a very good industry  
3 for the area.

4                               It has a lot of potential in tourism.  
5 In tourism right now in western Nova Scotia, I'd say we're  
6 at a low, you know, and it can only get better.

7                               Since September 11th and now with our  
8 rising cost of fuel and our rising Canadian dollar, that has  
9 created some challenges in the tourism industry, but  
10 anything that can happen in the future will be better.

11                              I think it would be risky to start  
12 destroying our assets, which is our natural beauty.

13                              THE CHAIRPERSON: Mr. Thibault, in some  
14 small way this is a kind of referendum, isn't it, in that,  
15 on one hand, you have people arguing for a traditional way  
16 of life that goes back more than a century, and you have  
17 others arguing that the future rests with industrialization  
18 or commercialization and so forth.

19                              How do you feel about that? Are you  
20 suggesting that rejection of a project like this is also a  
21 rejection of that alternative view of life?

22                              And if that's the case, how does the  
23 community survive and sustain itself under those  
24 circumstances?

25                              We're told the ground fishery is in

1 serious trouble, if not in great decline. The lobster  
2 fishery is good, but not as good as it has been. Whale  
3 watching is a seasonal effort.

4 Where is this going?

5 Mr. ROBERT THIBAUT: Well, if you look  
6 at the lobster fishery, I think if you look at the 15-year  
7 average, we're doing very well. You know, we're probably  
8 above the average in the 15-year cycle.

9 We have had 10 years of steady growth  
10 and the last two years have been more or less stable, and  
11 there's been price fluctuation, but all in all, in harvest,  
12 we've been doing quite well.

13 Our scallop industry is doing quite  
14 well. In our groundfish, the improvements that have been  
15 happening on Georges, the improvement generally in the area,  
16 it's not in dire straits.

17 The only thing different is that with  
18 modern economy and globalization and the way that you have  
19 to compete with everybody, it can no longer contribute to  
20 employment for all. It becomes a lot more concentrated.

21 We operate differently. We have  
22 different machinery. We don't fillet everything any more,  
23 so the fishery can only produce so much.

24 But I would say that the fishery is  
25 relatively stable and has some upside.

1                   Some areas that we have problems with  
2 is, again, I bring to another example of equal and opposite  
3 reaction, is we've had an increase in aquiculture,  
4 particularly in British Columbia, Campobello and those  
5 areas.

6                   But that, some would suggest, has a very  
7 difficult impact on the natural herring production because  
8 the sites that they choose are the best place for herring  
9 runs of the past where the herring weirs were, that they've  
10 bought those sites and, you know, pray it doesn't tend to  
11 swim towards a predator and could have, some would suggest,  
12 a problem with herring, which is the base stock for a lot of  
13 our fisheries.

14                   So those are the questions. So when you  
15 come back to the basic question that you're suggesting as to  
16 what is the economic future and when do you look at the old  
17 way of life and when do you modernize, I don't think that's  
18 the debate that's happening in the community.

19                   If you were talking about somebody  
20 putting up a mine in that area that would have a smelter  
21 that would create jobs, you know, a few hundred jobs at the  
22 upper end in the trades in those areas, the level of debate  
23 would be much different.

24                   But in this area, in this question,  
25 you're talking about a very low level of operation in

1 restricted fields, blasting, crushing and shipping. You  
2 know, this isn't necessary what is going to create the  
3 spinoff industry or the anchor industry that's going to give  
4 us a lot of expertise in manufacturing and all those things.

5 We had seen when we had the tin mine in  
6 Yarmouth that operated for a few years, we've seen that.  
7 We've seen it be an anchor and have a great incremental  
8 impact on the economy.

9 But this type of operation doesn't  
10 create that, but it does have the down side risk on the  
11 socioeconomic side.

12 THE CHAIRPERSON: Mr. Buxton, over to  
13 you.

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

16 THE CHAIRPERSON: Questions from the  
17 floor? Yes. Come forward, please.

18 **PRESENTATION BY Mr. ROBERT THIBAUT - QUESTIONS FROM THE**  
19 **PUBLIC**

20 Those of you interested, maybe you could  
21 just kind of congregate over there so I can see what we've  
22 got.

23 Ms. PAT MCCONNELL: Good evening, Mr.  
24 Thibault. Thank you for coming.

25 I'm wondering if you could explain...



1 THE CHAIRPERSON: Am...

2 Ms. PAT MCCONNELL: Oh, I'm sorry. My  
3 name is Pat McConnell, and I'm from Brier Island.

4 THE CHAIRPERSON: Thank you.

5 Ms. PAT MCCONNELL: Westport. I'm  
6 wondering if you could explain if there's any way such a  
7 project as this, the quarry, could be affected by NAFTA.

8 If we allow this quarry, is there such a  
9 thing that we would never be able to refuse one up on Cape  
10 Split, for instance, through NAFTA?

11 Mr. ROBERT THIBAUT: I'm not an expert  
12 on international trade, but my understanding of NAFTA is  
13 that it doesn't create that great fear that is out there  
14 from that side of it.

15 Where NAFTA comes into play where there  
16 is fear and there has been resistance or découragement,  
17 discouragement, expressed would be when you're looking at  
18 energy or you're looking at water.

19 In the export of energy, if we start  
20 selling oil and gas, as we do now, into the American market,  
21 with NAFTA it says that we can't cut back our exports to  
22 those countries because we have the need here with our  
23 country. We can't it in a national interest.

24 So if there's a reduction in our  
25 production, we have to keep shipping at the same proportion

1 that we're shipping before. Right or wrong, that's my  
2 understanding of NAFTA, so should we ever start bulk water  
3 export or things like that in the United States.

4                   There's nothing, to my knowledge, in  
5 NAFTA that says that it would supersede any environmental  
6 regulation or any other regulation with the country, but we  
7 couldn't tell Bilcon, should they be successful, you have to  
8 stop shipping to the United States. You have to sell it all  
9 to Canada in the national interest.

10                   Then NAFTA would come into play. The  
11 Americans could insist that the same proportions of export  
12 be maintained.

13                   Now, that's my understanding. I'm not  
14 an expert in international trade, but that is my  
15 understanding of NAFTA.

16                   Ms. PAT MCCONNELL: Thank you very much.

17                   Mr. MARK DITTRICK: Mark Dittrick, Sierra  
18 Club of Canada.

19                   I wonder if you could put your fisheries  
20 hat back on for a minute just to answer a question because,  
21 from my analysis of the Environmental Impact Statement and  
22 the efforts of the Proponent to ascertain where the right  
23 whales are and that sort of thing, and this is specific to  
24 right whales, in my opinion the protocols for observing were  
25 quite unrigorous.

1                   They didn't employ people who really  
2 were trained in marine mammal observation, for example.

3                   When the DFO people presented the other  
4 day, I asked the fellow who talked mostly about right whales  
5 after the meeting about what they got from analysing the  
6 sighting, the accuracy of sighting data, and the use of the  
7 data to draw conclusions. And he told me that, "Well, you  
8 know, we didn't really do that. We didn't really analyse  
9 their sighting data."

10                  That's, you know, just from hearsay from  
11 my hearing it that I'm saying that.

12                  To what degree, perhaps, should DFO be  
13 looking at its approach to protecting the right whale, the  
14 amount of emphasis they put on that part of their mandate?

15                  And if not, if that doesn't happen, who  
16 maybe in the Government of Canada should be tasked with  
17 protecting the North Atlantic right whale?

18                  Mr. ROBERT THIBAUT: Well, that's a good  
19 point, and I had my DFO hat off for quite some time, and I  
20 don't want to spend too much time of the Panel's because I'm  
21 sure there's other presenters on the right whale.

22                  But I should remind you that I had the  
23 only job at DFO that didn't have any minimum requirements.  
24 Everybody else needs some sort of level of education but the  
25 Minister.

1                   The Minister does depend on the  
2 recommendations of the Department.

3                   There were concerns, when you look at  
4 them. And I don't want to speak ill of the people at the  
5 Department. They have a lot of work to do.

6                   There's a lot of species at risk.  
7 There's a lot asked. When we did the **Oceans Act** and we  
8 started to do the marine protected areas, that stretched our  
9 science branches again where they have to be doing all the  
10 analysis, so it becomes very difficult. And sometimes  
11 there's a lot of lack of confidence in the science side.

12                   That's why I was very pleased, and I  
13 think we all should be, when the Federal Government of the  
14 day and the Provincial Government of the day agreed to a  
15 Joint Panel Review where the science and the analysis of DFO  
16 and every other organization is put to scrutiny of a Panel  
17 and of the public where those questions can be asked.

18                   Without that, the decisions on the  
19 Federal side would be taken by the Minister of Environment  
20 and the Minister of Fisheries based pretty well solely on  
21 the analysis of the experts within the Department.

22                   Not that they would necessarily be  
23 wrong. They're very well educated and conscientious people,  
24 but it doesn't invite public scrutiny to the same level that  
25 the Joint Panel Review does and so the public can have

1 confidence in the analysis and the decisions.

2 THE CHAIRPERSON: Mr. Marcocchio?

3 Mr. BRUNO MARCOCCHIO: Thank you. My  
4 name is Bruno Marcocchio. I'm with the Sierra Club of  
5 Canada.

6 Through the Chair, I'd like to thank Mr.  
7 Thibault for his analysis.

8 There have been some suggestions,  
9 primarily from the supporters of this project through this  
10 process, that the tourism industry is in decline, somehow  
11 suggesting that we need an alternative to this, so I was  
12 very grateful for your analysis, the clarity with which you  
13 described the cyclical nature of the tourism industry and,  
14 in particular, the forces at play that have led to the  
15 current downturn that, hopefully, with the Canadian dollar,  
16 et cetera, that we can address and that will once again  
17 return to a healthy tourism industry here.

18 We had a suggestion from a tourism  
19 operator, and I would like your comment, who felt that,  
20 directly or indirectly, the whale-watching industry was at  
21 the root, the core of the tourism industry here.

22 Would you agree with that analysis about  
23 the primary importance of whale watching, not only to the  
24 tourism industry, but to the economic health of the region?

25 Mr. ROBERT THIBAUT: Well, the whale

1 industry is a very important component. You'd have to have  
2 an economist to do the analysis to say what element is the  
3 core, you know, what would you remove from the area that the  
4 whole thing would collapse.

5 I don't know that there is one such  
6 thing within the tourism mix.

7 We have a lot of tourists who come to  
8 this area who have come because we've been an exporter of  
9 people for a long time and we've exported a lot of people to  
10 New England until the 1950s and to other metropolitan areas  
11 since who return, and their descendants return, for their  
12 roots, and it does create a base of tourism.

13 We have facilities such as the Digby  
14 Pines. We have the ferries that encourages people to come.  
15 We have the beach, and we have the nature.

16 And part of that nature and the ocean  
17 experience is whale watching. It's relatively new. You  
18 know, I suppose it's 20, 30 years now, but it's a very good  
19 anchor industry, whale watching, bird watching, all those  
20 things, hopefully that we'll be able to grow in those areas.

21 Certainly we don't want to lose that  
22 aspect of our tourism industry. It is very important.

23 Mr. BRUNO MARCOCCHIO: Thank you, and  
24 once again I'd like to thank you for the clarity of your  
25 analysis, for your ability to be able to recognize and give

1 some meaningful input on the debate in the community and the  
2 struggle finding a socioeconomic balance.

3 I, personally, have found your evidence  
4 very helpful. I certainly hope the Panel did as well.  
5 Thank you very much.

6 THE CHAIRPERSON: Mr. Moir or Sister  
7 Barbara? I think she was first. Yes, please. Sister  
8 Barbara.

9 SISTER BARBARA: Thank you. Sister  
10 Barbara from Rossway, Mr. Thibault.

11 In the early '90s there was another rock  
12 quarry proposal for St. Mary's Bay side.

13 Now, 2007, we're up this far with a  
14 Joint Panel Review on one in Whites Point.

15 Is there anything you can do in Ottawa  
16 to prevent us going through the same procedure, say, 5, 10,  
17 15 years down the road with another Joint Panel Review on  
18 another quarry somewhere else?

19 Is there anything you can do for us in  
20 Ottawa?

21 Mr. ROBERT THIBAULT: Well, that's a very  
22 good question, and I don't think Ottawa is necessarily the  
23 place that you'd turn to in this question.

24 The Federal Government's responsibility  
25 is on the environmental side and protection of the water and

1 protection of marine habitat.

2                   When you get to the quality of life  
3 side, what do you want in your community, then that's a  
4 provincial responsibility. And in most areas within that,  
5 it's delegated to the municipalities where you can have  
6 zoning by-laws and you can regulate what is happening in  
7 your communities.

8                   In the area of mining, it's a little  
9 different, where the municipality has less of an impact.

10                   The Provincial Government still does,  
11 but if you remember and if you go to back where it started,  
12 I don't think you look for villains in this thing.

13                   I think one of the first times that this  
14 was proposed, there was support for this proposal. And  
15 Bilcon, to their credit, has made investments towards going  
16 on with what was supported economic development at the time.

17                   If there's an answer that I would find  
18 to prevent, preclude from having to go through this type of  
19 thing again in the future is that we don't victimize so many  
20 people.

21                   What happens in the process like this is  
22 that we end up victimizing Bilcon and we victimize the  
23 community. There will be a loser and a winner at the  
24 outcome of this.

25                   It would be much better if the



1 Provincial Government looked at its regulations as it  
2 applies to zoning and land use and those things and that the  
3 municipality has the capability of going through these  
4 analyses at the front end so that there wouldn't be such a  
5 huge investment have to be done by Proponents at the front  
6 end or that the community isn't held at ransom for four or  
7 five years, as this type of process does.

8                   So if there was a suggestion I would  
9 make, that would be to go into that type of direction in the  
10 future.

11                   It wouldn't answer all problems because,  
12 at the end of the day, you still have to come to the basic  
13 analysis, but the Proponents might be able to change their  
14 proposal to meet the requirements of the community or change  
15 their minds altogether from the beginning.

16                   SISTER BARBARA: Thank you very much.

17                   Mr. ANDY MOIR: Andy Moir from Freeport.

18                   As a former Minister and now an  
19 opposition MP, you've got a pretty good idea of what the  
20 look of the federal budget is, and I guess a lot of us are  
21 very concerned that, should this project be approved and go  
22 ahead, we're concerned about the ability of government  
23 departments such as DFO and Department of Environment to  
24 actually have the staff and the expertise to monitor what is  
25 going on so that we feel safe in our own environment.

1                   So I guess I'd like your comment, given  
2 the state of those departments, how confident do you feel  
3 that they would be able to have the staff hours and  
4 resources necessary to monitor this?

5                   Mr. ROBERT THIBAUT: Well, that depends  
6 on what would be the conditions of the licensing and what  
7 would be required for DFO, and I have no way of knowing  
8 that.

9                   But I want to bring back to a point Mr.  
10 Dittrick was raising earlier, and it was the speed of the  
11 vessels.

12                   With the current regulations,  
13 international regulations in shipping that are happening  
14 since 911, ships now of that size have to have locating  
15 devices, emitting devices, so the speed of those ships can  
16 be monitored quite easily by Fundy Traffic or by other  
17 people.

18                   So the rest would depend on what the  
19 protocol is. Often, what happens in the protocols that are  
20 developed with industry and now we see it a lot in the  
21 mining is that the responsibility to meet certain  
22 commitments is with the Proponent, the criteria established  
23 by the relative departments, whether provincial or federal,  
24 and administered by a third party, whether it's an  
25 engineering firm, environmental firm or those other things.

1                   It's not necessarily always done by DFO  
2 themselves. They may monitor and ensure that the protocol  
3 is followed rather than doing all the work themselves.

4                   Mr. ASHRAF MAHTAB: Thank you, Mr. Chair.  
5 My name is Ashraf Mahtab.

6                   I just wanted to mention to Mr. Thibault  
7 that there was no support, not any more support for the  
8 quarry by the public as it is now.

9                   What happened in 2002 that the  
10 application was filed for four hectare or 3.9 hectare, and  
11 it was the Province, the Department of Environment and  
12 Labour, which was in support. However, we were told time  
13 and time again that, don't worry. This is going to be only  
14 a 10 acre project and we'll follow the process.

15                   And at the same time, starting from  
16 September 2002 and on multiple occasions later, the  
17 Proponent was having meetings with both the Provincial and  
18 the Federal Governments, and the public was still assured by  
19 the Government, by their agents, that it's only a 10 acre  
20 project.

21                   So this has been a process of deception  
22 right from the beginning by the Provincial Government, so  
23 now that statement that you have made, I think it's not what  
24 the public feels.

25                   There was not the support for the quarry

1 and there was a deception, obviously, on the part of the  
2 Government.

3 THE CHAIRPERSON: Mr. Mahtab, do you have  
4 a question for Mr. Thibault?

5 Mr. ASHRAF MAHTAB: My question is, do  
6 you still feel, after I made the statement, that there was  
7 support in the beginning for the quarry?

8 Mr. ROBERT THIBAULT: Well, the people  
9 who spoke to me about it and when I spoke to their Municipal  
10 Councillors and the people in the community and the MLA of  
11 the time, who was a Provincial Minister, at the beginning,  
12 the very beginning when the proposal was beginning, to my  
13 understanding they understood that there would be a large  
14 scale.

15 What the scale was, I don't know if  
16 anybody knew, mining or quarry development that would create  
17 the 50, 60 jobs and people were very happy, you know, at the  
18 beginning.

19 That was before any further debate had  
20 happened on it.

21 Those are the first news that I got of  
22 the project from the community. Now, none of them, to my  
23 knowledge, would have been doing any further analysis on the  
24 proposal at that point, you know.

25 I don't think any of those people who

1 were talking about it could have told you if it was 10, 20,  
2 1,000 acres. All they understood is that there was going to  
3 be a mining or a quarry operation that was going to create  
4 jobs, and they were excited about the jobs.

5 That's the point that I wish to make.

6 Mr. ASHRAF MAHTAB: Thank you.

7 Mr. ROGER HUNKA: Roger Hunka.

8 Mr. Minister...

9 Mr. ROBERT THIBAUT: Former Minister.

10 Mr. ROGER HUNKA: Former Minister. Well,  
11 you're always a Minister.

12 I was heartened to hear in your evidence  
13 the will of the community, that what's best for the public  
14 good of the community, and also the comment that this Panel,  
15 this Joint Panel, provides an opportunity for scrutiny.

16 But in your experience, would you also  
17 say that panels of this nature allow or what the Act allows  
18 is for public participation to help in the decision-making  
19 process by having views heard? It's not just a scrutiny,  
20 but also views of the public?

21 Mr. ROBERT THIBAUT: Well, absolutely,  
22 and this, I believe, is the hearings that we're having today  
23 where people can bring their views.

24 I understand they're also accepting  
25 written submissions. The Panel makes recommendations to

1 both levels of government based on the appointed criteria.  
2 It's a very open process. It's as open a process as you can  
3 have other than having 30 million individual decisions by  
4 every Canadian, you know, where Canadians can participate  
5 within the process, have their views known, and be on the  
6 record.

7 Mr. ROGER HUNKA: So it's a vital part of  
8 the process.

9 Mr. ROBERT THIBAUT: Yeah, yeah.

10 Mr. ROGER HUNKA: The other part that I  
11 listened to and I heard you refer to the resource itself,  
12 the environment, the pristine environment as a resource,  
13 which is very good to hear. It's a very Aboriginal concept  
14 I would believe in, too.

15 Would you also go further and say that  
16 if there is an effect on that resource, the pristine  
17 environment, a scar, a hole, that that somehow is an adverse  
18 effect?

19 Mr. ROBERT THIBAUT: I absolutely would.  
20 The question is, when you look at the effects, that effect,  
21 that would be one of the costs of the project, so then you  
22 analyse or evaluate the cost against the benefits.

23 And if you look at the total cost and  
24 the total benefits, I don't believe it's been demonstrated  
25 to the community that it's a net benefit.

1 Mr. ROGER HUNKA: Thank you.

2 One final, supplementary which sort of  
3 falls along the theme that I've been going, the Province.  
4 I'm always picking on the Province, but in fairness to the  
5 Proponent, I truly believe and I think you alluded a bit in  
6 your last answer here that the Province has a larger role to  
7 play to assist Proponents with what it expects.

8 Do you believe that should be  
9 recommendations from all kinds of panels that the Government  
10 of Nova Scotia has to have policies and plans that are fair  
11 and open and transparent to the Proponent as well as the  
12 public?

13 Mr. ROBERT THIBAULT: Yes, but I don't  
14 want to point fingers of blame at anybody.

15 Mr. ROGER HUNKA: No.

16 Mr. ROBERT THIBAULT: At the end of the  
17 day, when the crunch came, when the decision was to be made,  
18 the Province agreed to join in the Joint Panel. And I think  
19 that is what, to my mind, is important.

20 Perhaps it could have been done  
21 differently before, perhaps it couldn't have.

22 But I believe the proper decision was  
23 made at the end. That brings the socioeconomic questions to  
24 the fore because the Provincial Government is participating  
25 in the Joint Panel and it creates, in my mind, a full

1 discussion on the environment, the scientific, the  
2 ecological side as well as the socioeconomic.

3 Mr. ROGER HUNKA: Thank you very much.

4 THE CHAIRPERSON: Other questions?

5 If not, thank you very much, Mr.

6 Thibault.

7 Mr. ROBERT THIBAUT: And thank you.

8 THE CHAIRPERSON: We're moving into the  
9 next presentation with Don Mullin.

10 **PRESENTATION BY MR. DON MULLIN**

11 Mr. DON MULLIN: Good evening. It's Don  
12 Mullin.

13 Before we begin my presentation, there  
14 are a couple of things which I guess are points of order or  
15 things to go on the record because this is the only forum  
16 that I really have for doing that.

17 And one of them has to do with comments  
18 that have been spoken this week about people being paid to  
19 attend this Panel hearing.

20 And as a spokesperson for the  
21 partnership as opposed to myself, I have to say that, with  
22 the exception of Lisa Mitchell, the partnership has not paid  
23 for anyone to attend these hearings other than offering a  
24 van service from Halifax to Digby four times during the  
25 hearings under participant funding.



1                   And there was a second comment made with  
2 regard the Proponent asked Dr. Gibson if he had been paid by  
3 the partnership to come and give evidence or give  
4 information.

5                   Dr. Gibson was not paid for attending or  
6 presenting. His travel and related expenses were covered by  
7 participant funding under the auspices of the Clean  
8 Annapolis River Project, or CARP, not the partnership, as  
9 Dr. Gibson himself misunderstood and said that we had been  
10 the funding agent for that.

11                   So that's important to clear the record  
12 on that.

13                   Mr. Chair, members of the Panel, thank  
14 you for giving me this opportunity to have my views heard.

15                   I would like to begin by commending you  
16 for your patience, flexibility and stamina. I have attended  
17 every day of this hearing, and the tone has generally been  
18 respectful, with only a few exceptions.

19                   I find myself near the 11th day of  
20 hearings like a turkey buzzard trying to find a bit of  
21 substances on a piece of road kill. There's not that much  
22 left to pick on.

23                   Hopefully there's something left in my  
24 picking that will be relevant in the Panel's deliberations.

25                   I don't wish to change the tone of

1 respect that has characterized these hearings, but I will  
2 probably say some things during this presentation that some  
3 may not want to hear. I regret that, and I try hard to  
4 avoid conflict whenever possible.

5 Almost all my presentation is based on  
6 documented evidence. If I am wrong in any of my facts I  
7 present, I apologize in advance and will gladly be  
8 corrected.

9 Where it is opinion, I will attempt to  
10 provide the basis for that opinion.

11 I have had serious concerns about this  
12 project from the beginning. I moved here seven years ago  
13 after visiting the area a couple of years earlier.

14 I have lived many places in Canada and  
15 have spent some time in all Canadian provinces and all but  
16 one of its territories, as well as a dozen or more  
17 countries.

18 I did not visit them because I am  
19 wealthy, but largely because I served in Canada's military.

20 I have seen nice places to visit, but I have found few  
21 where I wanted to live.

22 I chose to live here because it is a  
23 special place, a solitude among the faceless, characterless,  
24 soleless geographical gathering spots distributed globally.

25 This makes me a CFA, and some have tried

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1 to depict all of the opponents to the quarry as rich CFAs.

2 Let me assure you, I am not rich.

3                   And as far as being a CFA, I have never  
4 had a store clerk or the municipal tax office ask me if I  
5 have always lived in the area or if the money I was about to  
6 give them came from honest work or a pension.

7                   Like most seniors, I live on a modest  
8 fixed income. However, I am rich in terms of quality of  
9 surroundings.

10                   Many would give much to enjoy what I  
11 have, a pretty community, a safe community, a generous  
12 community, spectacular sunsets and an unrivalled view of the  
13 Bay of Fundy and St. Mary's Bay, Peter's Island and an  
14 occasional looming Grand Manan.

15                   I have seen all varieties of industries.

16 I have done work for nuclear plants, asphalt companies,  
17 poultry processors, textile mills and the most hostile  
18 environment of all, government departments and agencies.

19                   Manufacturing and other heavy industries  
20 have their place, but this is not it. I did not need to  
21 know a lot about the project, only its intended scale and  
22 location, to be opposed to this project.

23                   Am I a banana, build absolutely nothing  
24 anywhere near anything, as Chris Callaghan told us the  
25 Proponent referred to opponents last Saturday in her

1 presentation?

2                   The perspective I bring to this  
3 presentation is that of a social scientist. What has  
4 particularly shaped my views is my study of the effects of  
5 natural environments on human behaviour and the modification  
6 of human environment interactions.

7                   I want to discuss issues that are not  
8 technical in nature, but are equally or more important in  
9 the Panel's deliberations on this project. Specifically, I  
10 want to discuss the performance and accountability of this  
11 particular Proponent, for surely that is relevant to the  
12 Panel's decision-making process as it pertains to this  
13 project, under this management approach.

14                   Next, I want to discuss the Proponent's  
15 demonstrated consideration of the community that will be  
16 impacted by this project, if approved.

17                   I had intended to discuss the  
18 precautionary principle, to argue that the numerous  
19 uncertainties disclosed prior to and during these hearing  
20 make the Panel's decision obvious and easy, but this has  
21 already been dealt with, and I will cover it only in my  
22 written submission.

23                   Performance and accountability of the  
24 Proponent. There has been considerable discussion during  
25 these hearings about the performance and contribution made

1 by the CLC that was in place during much of the run-up to  
2 this hearing, and the viability of any proposed role of a  
3 CLC if the project receives approval.

4 I was not heartened by the vague  
5 statements made by Environment and Labour on Thursday, the  
6 21st, making it clear to me that the Department's monitoring  
7 of the performance of CLCs was subjective and informal, at  
8 best. I heard nothing to suggest that the Department would  
9 ensure any future CLC was constructive, other than a vague  
10 reference to possibly offering professional intervention or  
11 facilitation if a need was identified, presumably in a  
12 crisis situation.

13 I cannot definitively demonstrate why  
14 this or any other CLC performs poorly. However, there are  
15 strong hints, and I have described these in my written  
16 submission, and I won't address them now.

17 I am totally at a loss to explain why  
18 several supporters, when asked to relate their experiences  
19 with the CLC, have stated that they were very satisfied.  
20 They stated they have received answers to every question  
21 they ever asked and were fully satisfied with the  
22 information given.

23 What I am about to present next is a  
24 documented account of unmet commitments made during CLC  
25 meetings, as reflected in the minutes of such meetings

1 Perhaps answers were given to every question. Perhaps every  
2 promise was kept. I can only say that such actions were not  
3 documented in the minutes, and therefore there is no public  
4 record, no ability of the public, who couldn't or didn't  
5 attend CLC meetings, to obtain promised information or know  
6 what was available.

7 I will not assign blame. I will merely  
8 describe what is stated in the minutes, and leave the  
9 attribution of responsibility to you.

10 And I'm going to be selective. I will  
11 chose from one particular CLC set of minutes, August 29th,  
12 2002. Statement made that a frame of reference for the  
13 level of particular emissions is being researched, and this  
14 issue will be responded to further. No evidence this was  
15 ever done.

16 Same meeting. Promise made that an  
17 answer would be sought regarding whether the water table  
18 stipulation requiring an amendment to the four-hectare  
19 permit. No evidence this was ever given.

20 Same minutes, same meeting. Promise  
21 made that the effect of blasting on hearing would be  
22 investigated and a response provided. No evidence that was  
23 ever done.

24 Same meeting. Statement made that:

25 "Typical harbour seals are typically not

1 affected by activity in the area, but a  
2 more detailed response will be given."  
3 No evidence this was ever done.

4 Same meeting. The Proponent stated that  
5 in terms of property values:

6 "With similar project, it has not  
7 seriously affected property values in  
8 those areas."

9 The Proponent will review and provide an  
10 answer. Unable to find evidence that this was done.

11 I will stop, because I have two more  
12 from that meeting, and many others, and they are part of my  
13 submission.

14 As a colleague of mine has said, if they  
15 treat the CLC and the public with such indifference when  
16 they want something, how will they treat us if they get it?

17 If promises and commitments mean nothing now, how much more  
18 vacuous will they be in the future.

19 Then there is the matter of misleading  
20 and ambiguous statements. At the July 2002 CLC meeting,  
21 when asked if this would be a 24-hour operation, Mr. Buxton  
22 replied that initially it would not. What does the  
23 qualifier "initially" mean?

24 He also said that while it's not  
25 certain, blasting is highly probable. How else could the

1 basalt be extracted?

2                   At a meeting on the 25th of September,  
3 2002, Mr. Buxton advised the committee that DFO had the  
4 blasting plan for a test which will be "a very small blast"  
5 in an area 40 by 80 feet. Asked if the test blast would be  
6 normal blast size, Mr. Buxton replied that in terms of size  
7 and delay, yes.

8                   I think we have worn out the subject of  
9 blast size, but it is important to mention in this context.  
10 I was also going to discuss the 460,000 in municipal taxes  
11 that Mr. Buxton stated to the Digby Board of Trade in 2003,  
12 but we've already dealt with that. I had addressed it at  
13 the municipal, regional, and district levels, and never was  
14 able to get any assessment because they refused to do an  
15 assessment until the structures are in place.

16                   Following the release of the EIS, Mr.  
17 Buxton was quoted in the "Digby Courier" as stating that the  
18 team of environmental scientists had failed to find any  
19 adverse environmental effects related to the proposed  
20 project.

21                   If he was misquoted, he should have  
22 requested a public announcement in the same paper. If he  
23 wasn't misquoted then the statements attributed to him are  
24 not only misleading, they are incorrect. Even with serious  
25 scientific deficiencies identified by the Panel and others



1 during the past 11 days of these hearings, the EIS does  
2 identify numerous adverse environmental effects, just not  
3 significant adverse environmental effects.

4           Intimidation. Words cannot describe how  
5 upset I was upon hearing Sister Barbara and Sister Bonnie  
6 separately tell this Panel that they had been approached by  
7 Mr. Wall, who will be operations manager if this projects  
8 receives approval, who asked them if they had been coerced  
9 into displaying a "Stop the Quarry" sign. I found that to  
10 be an extremely offensive act that gives me great concern  
11 regarding how individual citizens may be treated in the  
12 future.

13           I'm not sure if the Proponent is trying  
14 to intimidate people or create the illusion of widespread  
15 support for the quarry by littering properties with their  
16 signs, but I am neither fooled nor intimidated.

17           I would, however, like to know where to  
18 dispose of the sticker that was pasted on my garbage  
19 container without permission, and would request they seek  
20 permission before defacing my property again.

21           Unwillingness to address concerns of the  
22 Panel and of individuals. The Proponent failed to provide  
23 information requested by the Review Panel relating to a wide  
24 variety of issues. The Panel is well aware of these. There  
25 is no need to reiterate them here.

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1                   On individual concerns, by my count, 218  
2 anonymous submissions were received. These were submissions  
3 from individuals whose identity was protected by CEAA  
4 protocol. I have failed to find one single case in which  
5 the Proponent provided a unique response to any concern or  
6 issues raised by an anonymous submitter.

7                   In my case, I submitted substantive  
8 comments or expressed concerns on about 85 issues related to  
9 51 topics, and was referred to relevant sections of the EIS.  
10 However, in the large majority of cases answers to specific  
11 questions or details on specific issues raised were not  
12 addressed in the EIS material to which I was referred.

13                   I was not alone in this regard.  
14 Anonymous submissions range from a single item to as many as  
15 39 items, but I have not found a single case where the  
16 Proponent's response was other than "noted" or referenced to  
17 an EIS section.

18                   This, to me, reflects indifference on  
19 the part of the Proponent to any concerns expressed by  
20 individuals. Had I chosen to submit my comments under the  
21 umbrella of The Partnership of Sustainable Development of  
22 Digby Neck and Islands Society, as I could have, I would at  
23 least have received the courtesy of an acknowledgement of my  
24 concerns and possibly even had my concerns addressed.

25                   As it is, I cannot even be certain that

1 the Proponent read my submissions.

2 I would be pleased to provide a list of  
3 concerns from my submissions that have not been dealt with,  
4 but it is much too long to be listed here.

5 I feel angered that the considerable  
6 effort I put into reviewing the EIS was ignored. In a word  
7 that appears much too frequently in the EIS, I was treated  
8 as insignificant, just as fishermen are throughout the  
9 report.

10 Lack of record in similar undertaking  
11 and record of related companies' performance, the Proponent  
12 was directed by the Panel to describe their various  
13 experience with similar undertakings under similar  
14 regulatory regimes.

15 The Proponent, under questioning, has  
16 revealed that Mr. Wall, the proposed quarry manager, has  
17 experience in somewhat smaller quarry on a fresh body of  
18 water, but presented no evidence related to the regulatory  
19 regime in place at that location, or the transferability of  
20 that experience to an ocean environment.

21 Further, while the EIS expounds the  
22 corporate record of Clayton Concrete and its numerous  
23 awards, it does not fully disclose their environmental  
24 record, especially as it pertains to associated companies  
25 such as Amboy Aggregate.

1 I would be pleased to present the Panel  
2 with a list of case references where Clayton companies, or  
3 companies in which Clayton companies are a significant  
4 shareholder, have encountered legal challenges, particularly  
5 as it appears in relation to labour relation safety issues.

6 I must state that this incident report  
7 was provided by law students, and I cannot attest to its  
8 veracity, but their project supervisor for this undertaking  
9 was a practising lawyer who agreed to accept responsibility  
10 for reviewing pro bono projects.

11 I am concerned that my answers to the  
12 Proponent regarding this matter have remained unanswered,  
13 but then all my unique questions have been unanswered.  
14 These questions pertain to unwillingness to disclose  
15 corporate structure and accountability.

16 As stated earlier in these proceedings  
17 by Mrs. McCarthy, Bilcon of Nova Scotia is an unlimited  
18 liability company. Nova Scotia is one of only two Canadian  
19 jurisdictions that have provisions for such corporate  
20 entities.

21 I will just list briefly what those are.  
22 Unlimited liabilities companies  
23 established under Nova Scotia's **Companies Act**, such-and-such  
24 a sub-section, can be used in numerous cross-border tax  
25 planning situations.

1                   Some features of Nova Scotia unlimited  
2 liabilities companies include shareholders are immune from  
3 liability for the debts and activities of the company in the  
4 normal way, unless a company winds up or becomes bankrupt.

5                   There are no requirements of the  
6 Directors of these companies to be resident in Canada.  
7 Under law, U.S. law, these entities are treated as a flat  
8 flow-through entity for U.S. tax purposes, and U.S. resident  
9 investors that hold their Canadian investments through one  
10 of these may generally consolidate the profits and losses of  
11 their indirect Canadian operations within those of the other  
12 members of their corporate group, when computing their U.S.  
13 tax liabilities.

14                   Does the status of Bilcon of Nova Scotia  
15 as an unlimited liability company mean that its  
16 shareholders, the Clayton Group of Companies, or any members  
17 thereof, would not be held liable for the costs of a  
18 catastrophic environmental event, provided that the company  
19 did not wind up or become bankrupt?

20                   Could Bilcon of Nova Scotia or Bilcon of  
21 Delaware declare bankruptcy under Canadian or U.S. laws and  
22 reduce the actual cost it pays for environmental damage?

23                   Unwillingness to provide adequate  
24 financial safeguard. Although directed by the Panel to  
25 identify insurance regimes, all the company has indicated to

1 date is that we'll have the necessary industrial insurance,  
2 and the company will be responsible for any costs.

3 This hardly gives comfort, in a  
4 situation of possible catastrophic damage to the ecology of  
5 the area.

6 Issue two. Lack of consideration of  
7 enjoyment of life or property. Unacceptable depiction of  
8 Digby Neck, of which we've heard several comment. A lengthy  
9 description of socio-demographic preceded the comment that  
10 Digby Neck depicted the characteristics of a dying  
11 community.

12 Subsequent discussion indicated that  
13 only the shrinking population was meant to indicate a dying  
14 community.

15 Like Dr. Corbett in his presentation  
16 yesterday, and Roger Outhouse's presentation this afternoon,  
17 I take great exception to the depiction of this community as  
18 "dying", whether based on declining population or any other  
19 characteristic.

20 It is, like all communities in rural  
21 Canada, undergoing change from traditional industries and  
22 family-based operations to more technology and intensive and  
23 knowledge-based employment.

24 Digby Neck, in the area of being  
25 transformed, but has demonstrated a desire to maintain

1 values such as sustainability, community, and ecological  
2 protection, that are incompatible with and threatened by  
3 industrial development of the kind represented by this  
4 project.

5                   Unsupported statement of socio-economic  
6 impact of projects. In response to the Panel's directive  
7 that the Proponent consider the possible effects of the  
8 project on mental health and well being among those in  
9 favour of and opposed to the project, Bilcon's EIS stated  
10 that it does not believe that this question can be answered  
11 in a scientific manner.

12                   Yet, the report states the belief that  
13 while there may be some loss of social cohesion in the  
14 community prior to the commencement of the quarry  
15 operations, this will disappear. But they provide  
16 absolutely no scientific evidence to support the assertion.

17                   Is the lack of a proper scientific  
18 manner the reason the proponent has also failed to address  
19 the impact of the project on older versus younger residents?  
20 Or of year-round versus seasonal residents?

21                   Could it be that because the effects are  
22 only local or regional the effects will, by definition be  
23 insignificant, it is therefore unworthy of serious study?  
24 Or could it be that the socio-economic impacts on the  
25 community cannot be remediated, and thus it is better to

1 leave this Pandora's Box unopened.

2                   Absence of reference to the enjoyment of  
3 life or property issues. The **Nova Scotia Environment Act**  
4 include socio-economic in the environmental impacts that  
5 must be addressed in an Environmental Assessment. The Act  
6 further defines socio-economic impact as including  
7 "enjoyment of life or property".

8                   In the 5,000 or so pages provided by the  
9 Proponent in the EIS and response document, neither the  
10 enjoyment of life or the enjoyment of property are ever used  
11 or even obliquely addressed.

12                   Is this because the Proponent does not  
13 believe that these issues cannot be addressed in a  
14 scientific manner, or is it because it is obvious that there  
15 will be an adverse impact on both the enjoyment of life or  
16 property as a result of this project, and that such effects  
17 cannot be mitigated, and as a result are threats to the  
18 project's approval?

19                   Many of the presenters over the last few  
20 days have spoken to this issue of enjoyment of life or  
21 property using generally the term "quality of life".  
22 Indeed, the quality of life available here is what makes  
23 this such a refuge for those weary of the rat race of  
24 industrial and commercial beehives.

25                   Many people have spoken of the threat to

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1 this quality of life, but I have heard no answers from  
2 Bilcon regarding the protection of quality of life. Perhaps  
3 more insulting to residents is that they haven't even  
4 addressed the issue.

5                   The very questionable study of  
6 traditional community knowledge. The issue of the  
7 questionable study of traditional community knowledge has  
8 already been addressed, so I will only raise it briefly here  
9 to remind the Panel that traditional knowledge has been  
10 inadequately addressed.

11                   In the response document, volume three,  
12 commenting on the potential use of local knowledge on the  
13 effects of tides and currents, the Proponent stated:

14                   "The Bay of Fundy is a region of  
15 continual change, variations in sea  
16 level change that resulted in several  
17 periods of high tide, as well as low  
18 tide. This has occurred over a time  
19 span of approximately 10,000 years;  
20 thus, the present oceanographic  
21 conditions are unique and considered in  
22 a constant state of flux. Such a  
23 complex history of sea-level change,  
24 crustal(sic) movement, and Bay geometry,  
25 renders aboriginal and traditional

1 knowledge of limited value, as  
2 observations would've been made under  
3 different environmental conditions."

4 This incredible statement appears to  
5 completely devalue any local or traditional knowledge of  
6 past or present marine characteristics, and is dismissive of  
7 understandings that individuals in our community have gained  
8 from 50 or more years of observation and experience.

9 I want to comment briefly on the  
10 attitudinal study. The pronouncement of increasing support  
11 for the quarry, based on a comparison of survey results of  
12 2005 and 2006, cannot go unchallenged. There were many  
13 errors in the 2005 report, and although I raised them in a  
14 submission, they have never been addressed.

15 The same company conducted the 2006  
16 survey. And examination of the respondent characteristics  
17 renders comparison of results dubious. For example, the  
18 2006 sample contained a substantially-higher percentage of  
19 part-time workers compared to full-time employees, and fewer  
20 employed versus non-employed individuals.

21 Most striking is the difference in  
22 residency between the two samples. In the 2005 sample,  
23 roughly 75 percent of respondents were permanent residents  
24 of Digby County. In the 2006 sample, almost 100 percent  
25 were Digby County residents.

1                   No information is provided for the 2006  
2 survey sample in terms of home community. Was the sample  
3 drawn from the sample telephone prefixes, and in the same  
4 percentages, as the 2005 survey, or were communities that  
5 had shown more or less support for the project over-sampled  
6 or under-sampled in 2006?

7                   Any comparison that does not consider  
8 differences in responding characteristics is not only  
9 irrelevant but misleading, intentionally or otherwise.  
10 Incidentally, the presentation by AMEC on Monday stated that  
11 residents of the area are distrustful of, and I believe I'm  
12 quoting here, "projects developed by people from away".

13                   Well, I can't find any questions in the  
14 survey that would lead to this conclusion. I can find,  
15 however, questions relating to beliefs as to whether the  
16 Federal and Provincial Governments act in everybody's best  
17 interest.

18                   The answer to both questions is no.

19                   In what is probably the most helpful  
20 finding in the survey, the report concludes that residents  
21 of the area have a low trust in the two levels of  
22 Government.

23                   The Panel asked the question the other  
24 day, "Why aren't more fishermen making their views known?"  
25 The answer rests in the survey's conclusion. The Panel is

1 seen as Government, or its arm or agent, and a very large  
2 proportion of citizens, particularly fishermen who have seen  
3 part of the industry collapse from what they see to be  
4 Government mismanagement, simply don't trust it.

5                   Would you want to participate in a  
6 process that resulted in your being hurt again? Would you  
7 want to legitimize a flawed process by your participation in  
8 it? Certainly not.

9                   That's not a pretty answer, but  
10 sometimes the truth isn't. You probably would have to have  
11 walked a mile in their shoes to fully understand the  
12 distrust and cynicism toward Government, and I believe to  
13 large corporations, that shapes attitudes and behaviours of  
14 many Digby Neckers and Islanders.

15                   I hope that you will prove them wrong;  
16 that bad things that they don't want won't be forced down  
17 their throats by either Government or big business.

18                   A decision that reflects their wishes  
19 will empower them to believe that they have significance and  
20 their actions can make a difference. It will help restore  
21 the dignity and self respect they deserve as Digby Neckers  
22 and Islanders and citizens in a democracy.

23                   Thank you very much.

24                   THE CHAIRPERSON: Thank you, Mr. Mullin.

25 **PRESENTATION BY Mr. DON MULLIN - QUESTIONS BY THE PANEL**

1                   Dr. GUNTER MUECKE: Mr. Mullin, you  
2 obviously spent a lot of time and effort looking into the  
3 EIS and to the responses that Bilcon had provided.

4                   I want to ask you a very general  
5 question about it. How would you characterize the clarity,  
6 organization, and accessibility of information in these  
7 documents?

8                   Mr. DON MULLIN: You're right, I spent a  
9 long time. It's been a little over five years and my  
10 colleagues are fond of saying, "If it's in the EIS, ask Don  
11 about it, because he's read it more often than anybody  
12 else."

13                   I have the benefits of a good education,  
14 and I have the benefits of experience in working with  
15 technical and other documents, and it truly was beyond  
16 comprehension of a reasonably-educated, reasonably-  
17 experienced person, to make analytic sense of that document.

18                   I asked what the reading level was,  
19 because as I recall in the guidelines it was suggested that  
20 it be tailored to a suitable reading level. And there are  
21 indexes for determining the readability index of any written  
22 material. I would say that this was probably at a graduate  
23 level. And that's unacceptable. It's unacceptable in any  
24 community, but certainly a traditional community where the  
25 levels of education may not be that high.

1 I couldn't, I leafed through that  
2 document repeatedly. I would go back to it, and I wouldn't  
3 know which volume to find it in, so I'd have to start my  
4 search all over again, even though I had read it already  
5 once or twice, because it just was not transparent. The  
6 structure of the information was not sufficiently  
7 transparent that I could find anything quickly.

8 Dr. JILL GRANT: I'd like to follow up  
9 with you, Mr. Mullin, about the enjoyment of life and  
10 property.

11 You made a comment that the community is  
12 not dying, and that one of the things that the EIS should've  
13 addressed is this question of enjoyment of life and  
14 property. I wonder if you could elaborate a little bit on  
15 that to suggest how you see the project taking away from the  
16 enjoyment of life and property in the community.

17 Mr. DON MULLIN: Well, I think you've  
18 heard a lot people say things like, "I'm really attached to  
19 the place, it's a part of my life, the ocean is part of my  
20 being, it's my soul.

21 And I haven't grown up here always, but  
22 where I grew up is a very special part of me, and I'm sure  
23 Digby Neckers feel exactly the same way. I can relate to it  
24 only in the sense that I've been here seven years, and I  
25 truly can understand what they mean.

1                   And industrialization of the nature  
2 offered by this quarry is so anathema to traditional ways of  
3 life, so invasive or intrusive to the quietness and  
4 tranquillity and natural beauty of this place, it just, for  
5 me, was a no-brainer from the start, and I think I share  
6 that with probably 98 percent of the population. It was a  
7 non-starter.

8                   Dr. JILL GRANT: And what's your view  
9 about the ability of the Proponent to compensate for the  
10 effects on property.

11                  Mr. DON MULLIN: Oh, the effects on  
12 property is so minimum in the scope of enjoyment of life or  
13 property. Compensating somebody for a house which has been  
14 devalued by 20 percent can never adequately replace the  
15 enjoyment, the memories, the tradition, the special  
16 attachment they have to property.

17                  Property, we're talking houses versus  
18 homes, here. You can compensate people for houses. You  
19 can't compensate people for homes.

20                  Dr. JILL GRANT: You made some comments  
21 in your presentation about legal challenges and legal  
22 findings against the company.

23                  Did you have a report on that that you  
24 could provide to the Panel?

25                  Mr. DON MULLIN: Yes, I certainly will.

1 Dr. JILL GRANT: Can we have an  
2 undertaking that you'll provide that to the Panel?

3 Mr. DON MULLIN: I have it with me. Your  
4 undertaking will be acted upon quite shortly.

5 Dr. JILL GRANT: Thank you.

6 THE CHAIRPERSON: Thank you, Mr. Mullin.  
7 Mr. Buxton?

8 Mr. PAUL BUXTON: Thank you, Mr. Chair.  
9 I don't have any questions, thank you.

10 **PRESENTATION BY Mr. DON MULLIN - QUESTIONS FROM THE PUBLIC**

11 THE CHAIRPERSON: Ms. Graham?

12 Ms. LINDA GRAHAM: Thank you, Mr. Chair.  
13 Linda Graham.

14 Mr. Mullin, you spoke about your  
15 intimidation and a sign that was put on your garbage bin, I  
16 believe. Yet in the past week and a half you were seen  
17 taking support signs off my land in Freeport.

18 And then you approached the car of the  
19 young man I asked to replace the signs. You think they  
20 would not have felt intimidated had a parent not been with  
21 them? Or you approaching her car did not make her feel  
22 threatened?

23 Mr. DON MULLIN: If you would like to  
24 answer me, I would prefer that you take civil action if you  
25 believe there is any truth in the statement that I removed



1 or asked anybody to remove any sign.

2 Ms. LINDA GRAHAM: I'm sorry. You were  
3 seen. Mr. Mullin...

4 Mr. DON MULLIN: I'm sorry, I will not  
5 accept being accused of something I didn't do. If you  
6 believe that I did it...

7 THE CHAIRPERSON: Ms. Graham, Mr. Mullin.  
8 Ms. Graham, you're to ask him a question, not to accuse him  
9 of anything.

10 Ms. LINDA GRAHAM: Okay. I did ask a  
11 question, as to if he felt they would have felt intimidated.

12 THE CHAIRPERSON: And he responded.

13 Ms. LINDA GRAHAM: And he responded. You  
14 have been more vocal with the Stop the Quarry Committee  
15 protesting against the blasting and the dust and the noise  
16 and the harm to all parts of the environment.

17 Yet in 2005 in Tiverton, not 10  
18 kilometres from Whites Cove, actually closer to your home, a  
19 quarry operated; blasting trucks, dust, and rocks dumped  
20 into Petite Passage.

21 Why didn't you protest and try to stop  
22 that quarry, as well?

23 Mr. DON MULLIN: That question has been  
24 asked and addressed at least five times this week. I have  
25 talked about the scale of that, I asked Mr. Buxton if my

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1 estimation that that quarry in Tiverton represented a volume  
2 one-seven-hundredth the volume of rock that was to be  
3 extracted from Whites Point Quarry, to which he replied,  
4 "Well, I'm not sure, but it was insignificant".

5 Ms. LINDA GRAHAM: I'm sorry, Mr. Chair,  
6 I wasn't able to attend every meeting, so I've never heard  
7 that answer to my satisfaction.

8 THE CHAIRPERSON: That's fine.

9 Ms. LINDA GRAHAM: Thank you.

10 THE CHAIRPERSON: Thank you, Ms. Graham.

11 Other questions? No? Thank you, Mr. Mullin.

12 **PRESENTATION BY THE DIGBY NECK COMMUNITY DEVELOPMENT**

13 **ASSOCIATION - Mr. ARTHUR BULL**

14 Mr. ARTHUR BULL: Thank you, and thank  
15 you for this opportunity to present.

16 My name is Arthur Bull. I'm presenting  
17 on behalf of the Digby Neck Community Development  
18 Association, and I understand you've had a long day so I'll  
19 try and keep this as short as I can.

20 We did submit briefs on the guidelines  
21 and on the EIS and I'm going to be focussing on much the  
22 same material, but not the same level of detail. I will be  
23 referring to that. I'll be adding some general points, as  
24 well.

25 It's our view that this quarry poses a

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1 threat to the future well being of the communities of Digby  
2 Neck, and specifically to existing and potential livelihoods  
3 and incomes on Digby Neck.

4                   Now, just staying within the socio-  
5 economic realm, you're going to be weighing the potential  
6 benefit and harm of the quarry, and it's clear on the  
7 benefit side of the equation that it's almost entirely  
8 dependent on the creation of new jobs. I understand it's  
9 somewhere in the area of 29 full-time equivalent jobs.

10                   Now, we believe that the evidence  
11 indicates that these jobs will be offset if not entirely  
12 negated by the destruction of existing and potential jobs on  
13 Digby Neck. So I'm going to focus on existing and potential  
14 jobs, and in particular just in the fisheries and in the  
15 tourism sectors.

16                   If I may, though, I'd like to say a few  
17 words about our organization, just to give you a sense of  
18 our ability to address these questions. For 12 year the  
19 association has worked towards healthy communities and  
20 healthy environments on Digby Neck, and we've had a Board  
21 made up of representatives from each village and all sectors  
22 of our community.

23                   Our ongoing activities have included  
24 running the CAP Centre, the local Computer Access Centre in  
25 the school, and producing a newsletter that has gone to

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1 every household on Digby Neck is now a subscription  
2 newsletter. We've also run a range of adult education  
3 programs and literacy programs, training.

4           As the organization with the mandate for  
5 community economic development on Digby Neck, we know quite  
6 a bit about the creation of sustainable livelihoods and  
7 jobs. We've been at it for 12 years. We've run small  
8 business fairs during small business week. We've been  
9 involved in the creation of a community-based business that  
10 actually created dozens of jobs over the last ten years.  
11 We've created summer jobs for students. We've run training  
12 programs, in particular a very successful one about how to  
13 use computers in small home-based businesses. So we know  
14 quite a bit about jobs.

15           One of the key things about job creation  
16 on Digby Neck is something it has in common with all rural  
17 Nova Scotia, and that is the great potential for job  
18 creation is in small business. The Canadian Federation of  
19 Independent Business tells us that 75 percent of the jobs,  
20 especially new jobs, in rural Nova Scotia, are in businesses  
21 with four people or less. That's almost three-quarters of  
22 all the jobs.

23           So that's been our focus; the creation  
24 of sustainable jobs in small businesses.

25           And we also have had the mandate for

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1 facilitating discussions for the residents of Digby Neck  
2 about their future, or the kind of economic future they  
3 want, the kinds of jobs they want to see. We've done that  
4 through planning, envisioning retreats, we've had forums on  
5 community economic development and run a number of projects,  
6 as well as having discussions about public policy affecting  
7 community economic development.

8                   So this is something we were at long  
9 before the quarry came along.

10                   And I'd just like to say a couple things  
11 about our perspective on this process, so I can frame up my  
12 comments on fisheries and tourism. Firstly, we believe that  
13 Digby Neck is the community that deserves primary  
14 consideration in weighing the benefits and harms of this  
15 projects.

16                   Now, lots of other communities are going  
17 to be affected in the Bay of Fundy and up and down the  
18 region, but it's Digby Neck that is going to feel the  
19 impact, and particularly Little River, and Whale Cove, which  
20 are important communities on Digby Neck.

21                   Now, the second thing is that we believe  
22 the residents of Digby Neck should not have to bear the  
23 burden for benefits that go to other communities. That is,  
24 in terms of quality of life, our environment, and our  
25 economy. It's not acceptable that our community should be

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1 harmed to create benefit for other communities. It just  
2 doesn't make sense, and it's not the way our society works  
3 in general. And it's not good practice in terms of  
4 community economic development, I could add.

5                   And thirdly I would say, in weighing the  
6 creation and the destruction of livelihoods, we believe that  
7 we do not have to present a case for the ultimate  
8 destruction or catastrophe in terms of jobs on Digby Neck.  
9 We don't have to present evidence for some apocalypse of  
10 destruction of hundreds of jobs.

11                   Rather, we only have to show that  
12 there's a high probability that existing and potential  
13 livelihoods will be lost, especially in fisheries and  
14 tourism.

15                   Thus, if it's the company's sole claim  
16 to benefit for the community is the creation of 30 jobs, and  
17 there's very high evidence that say 15 jobs would be lost,  
18 it basically removes the underpinning for the rationale of  
19 this project, given all the risks that you've been hearing  
20 about for the last almost two weeks.

21                   So we believe that the evidence points  
22 to a complete negation of potential job creation, in fact.  
23 And this, I think, needs to be taken in context of the  
24 cumulative effect of all these stresses and job losses, not  
25 just one fishery at a time or one sector, one part of the

1 tourism sector, but to look at them all together, the  
2 overall impact on livelihoods and income on Digby Neck.

3           So moving on to the fisheries, we  
4 believe there's a strong possibility that there'll be a loss  
5 of livelihoods and income in the fisheries sector by this  
6 project, and our comments are based primarily on local  
7 knowledge. We took it very seriously that you included  
8 local knowledge in the guidelines. So we talked to large  
9 numbers of fishermen and to people involved in the fisheries  
10 business and in fish processing.

11           So starting with the lobster fishery, a  
12 couple of things that are important note when we're talking  
13 about livelihoods in the lobster fishery. The first is the  
14 Digby Neck lobster fishery is part of the most successful  
15 fishery in this country. LFA-34 lobster is the single-most  
16 successful fishery in Canada.

17           And the second thing is that there's a  
18 wide consensus, rarely found between fishermen and DFO, that  
19 this fishery is under a great deal of stress because of  
20 increase effort and because of shifting patterns in fishing.

21           So there's a lot of stresses on this fishery. And it is  
22 vulnerable, because this fishery is the economic foundation  
23 of the whole economy of this region, based on one species.

24           So any changes in terms of habitat, in  
25 terms of climate change, in terms of invasive species or

1 blites, the slightest change in this makes the whole thing  
2 extremely fragile when you consider our economy is based on  
3 one species.

4                   So when you look at this proposed  
5 quarry, in fact we're adding a whole series of stresses to  
6 this fishery, both on a local scale and on a wider scale in  
7 the region, starting with the effects of blasting on the  
8 lobster in that immediate area. And we understand there's a  
9 good deal of uncertainty about the blasting itself. I  
10 understand the amount of blasting keeps going up, and I  
11 haven't got the latest report on it, but it's a question  
12 that concerns us greatly, combined with the fact that there  
13 doesn't seem to be good research on the effect of blasting  
14 on lobsters.

15                   Invasive species is another question.  
16 Fishermen again and again say, "We have real concern about  
17 this. There doesn't seem to be enough protection. The  
18 company doesn't seem to be takin responsibility on this."  
19 And fishermen in this area know that there is now a blite in  
20 Long Island Sound and has been over the last few years,  
21 which has decimated the lobster fishery in that region of  
22 the Eastern Seaboard.

23                   Pretty concerned that the ships are  
24 coming up here with that ballast without a whole lot of  
25 protection about where the ballast goes and when.



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1                   The effect of particulate and dust on  
2 juvenile lobster, another one. Another one that the  
3 fishermen talked about a lot was the loss of gear as an  
4 additional stress.

5                   In the quadrant that, DFO measures  
6 effort by quadrants, in the one immediately off Digby Neck  
7 there's in fact between two and three thousand lobster  
8 traps. And that is increasing because there's now a shift  
9 of effort in the lobster fishery from Yarmouth and below up  
10 into the Bay of Fundy.

11                   Now, these traps are on trawl, so-  
12 called, which is to say they're on lines of up to 20 to 25  
13 traps. So when a trap is hauled up, it's not just a trap,  
14 it's a whole lot of gear.

15                   And so it appears the company has  
16 seriously underestimated this in terms of the cost and the  
17 time and the process for compensating that loss of gear. It  
18 takes a long time to get those tags from DFO. It's going to  
19 be very expensive and there's all the lost fishing time  
20 while you're waiting for that process.

21                   So there seems to be a very fuzzy  
22 process in place.

23                   We talked to all the fishermen from  
24 Whale Cove who fish in that area, and they told us there had  
25 not been a discussion about compensation. So we're very

1 concerned about that stress on the local livelihoods in the  
2 lobster fishery.

3 Put all those together, and you have a  
4 significant increase in stress on our key fishing economy  
5 here.

6 In the herring fishery, we heard from  
7 the general manager of Connors Brothers that there is over a  
8 million dollars in herring landed directly from the area off  
9 of Digby Neck. And that includes up to 12 to 14 seiners  
10 fishing in that area, but it also includes the weir at Sandy  
11 Cove, which is almost adjacent to the quarry site, which is  
12 the most successful herring weir in Nova Scotia, and employs  
13 four people from Digby Neck.

14 Herring are well know, notorious, for  
15 being sensitive to light and to sound, and so there's  
16 serious concern that the patterns of the herring swimming up  
17 Digby Neck will be broken up by that disturbance and there  
18 will be a loss of income and livelihoods there.

19 Again, we learned in the scallop fishery  
20 from the General Manager of D.B. Kenney, which is owner of  
21 part of the scallop fleet here, that they have serious  
22 concerns about the particulate from dust on scallops as a  
23 filter feeder. And this isn't just a question of saying,  
24 well, they might get contaminated and then we could fix the  
25 problem.

1                   Their concern was about markets.  
2 They're in a global, very competitive market situation.  
3 Once that contamination happens, their whole position is  
4 going to be weakened in terms of marketing that product.  
5 And there's a lot of jobs in Digby County in the scallop  
6 fishery.

7                   Dozens of people on Digby Neck rely on  
8 gathering of periwinkles and dulse for supplementing their  
9 income. This is many, many part-time jobs. Once again,  
10 this is food. If that food is unpalatable and cannot be  
11 marketed, then the whole marketability in that industry is  
12 threatened, and the people in that industry are people who  
13 are the most vulnerable economically in the fishery. These  
14 are not lobster fishermen. These are people supplementing  
15 small incomes.

16                   Very important in a small community  
17 where a lot of the economy is dependent on finding a lot of  
18 small interlocking household incomes. So that's a big  
19 concern that we heard of from the major buyers of  
20 periwinkles and dulse.

21                   And then finally, in terms of fisheries,  
22 there are two fish plants in Little River, and both owners  
23 told us that they have had a lot of trouble getting fresh  
24 water for their plants. In fact, they said they had to  
25 drill a well not too far from the quarry site to actually

1 secure fresh water. It's been very difficult.

2                   What they told us is, if they do not  
3 have water that's not salinated, that's not fresh, they  
4 cannot cut groundfish. They can't run those plants. Those  
5 two plants employ more than 30 people in Little River.

6                   Now, I haven't been following all the  
7 details of the hydrology and so forth, but these two mean  
8 who run these two businesses are representing decades and  
9 decades of knowledge about the water table on Digby Neck and  
10 what it takes for them to keep those jobs operating.

11                   So I think it's a very serious concern  
12 that those jobs should be put at risk.

13                   So if you combine all those factors in  
14 the fisheries, we see that there's a high probability that  
15 there's going to be significant loss of livelihoods in the  
16 fisheries, in the order of dozens of full-time sustainable  
17 jobs.

18                   And these are sustainable jobs in the  
19 fisheries, these are not jobs going away.

20                   So it is very hard to justify  
21 threatening these jobs and the rationale of creating a few  
22 dozen new jobs, many of which will not actually be from  
23 Digby Neck.

24                   I'm moving on to tourism. In a similar  
25 approach, we spoke to tourism operators primarily to get

1 their input about: "What do you think? How do you think  
2 this quarry is going to affect your businesses, your incomes  
3 and livelihoods in it?"

4           And the points they made were a lot of  
5 concern about the marketability of this area, that is to say  
6 they're trying to brand this area as an eco-tourism  
7 destination, but it's very, very hard to do that if it  
8 actually gets a reputation as a place where there's large-  
9 scale heavy industrial extraction of non-renewable  
10 resources.

11           It just doesn't fit the brand, it's the  
12 wrong brand.

13           That was one of their biggest concerns,  
14 and we heard that from TIAN, the Department of Tourism and  
15 Culture, we heard that from tourism operators and so on.

16           Likewise, whale watchers said they're  
17 concerned about the whales moving offshore. They cannot  
18 pursue these whales endlessly, it's not financially viable  
19 to do that.

20           And the point here is... It's not so  
21 much about killing the whales, it's just about the whales  
22 finding this blasting a nuisance.

23           Because they will move, and when they  
24 do, there are hundreds of jobs every summer on Digby Neck in  
25 the whale watching industry, and they're very concerned.

1                   Once again, local knowledge, people who  
2 make their living in this field, who know where whales go  
3 and how they behave.

4                   Add to that the aesthetic concerns, that  
5 is people coming in and seeing, smelling, feeling and  
6 hearing the effects of industrial development.

7                   How many people will come back when  
8 they're coming to an eco-tourism destination?

9                   And then I'll just add. In terms of  
10 tourism, it's not just a question of looking at existing  
11 jobs being threatened. It's equally important to look at  
12 potential jobs.

13                  Study after study has shown that Digby  
14 Neck and the Islands is one of a handful of places in Nova  
15 Scotia which has huge eco-tourism possibilities.

16                  Once again, the Provincial Government  
17 has said this, local operators have said this. These are  
18 the people who know about tourism in Nova Scotia and this is  
19 their opinion, that there is a great deal of potential for  
20 tourism.

21                  And I know the company doesn't believe  
22 that, and that's their right to say that, but in fact, in  
23 terms of who is the most informed on this, I think we should  
24 probably listen to TIAN, Department of Tourism and local  
25 tourism operators.

1                   I just want to make a couple of general  
2 points in closing. One has to do with trust, something that  
3 probably hasn't been talked about too much so far.

4                   If this Project goes ahead, this company  
5 is going to have an enormous role in the future, determining  
6 the future of our community in terms of monitoring, in terms  
7 of compensation, mitigation and general community  
8 relations.

9                   So I think it's important to look at how  
10 this company might be undertaking that in good faith, and  
11 the only evidence we have for that is the behaviour of the  
12 company so far towards our community.

13                   And I'm not going to reiterate all the  
14 points, I think Mr. Mullin just really went through a number  
15 of the points which indicate a general lack of respect for  
16 our community.

17                   The point I want to make is that was  
18 when they were trying to win our hearts and minds. How are  
19 they going to behave when they have carte blanche?

20                   This has to do... You know, when you  
21 look at how they have not used local knowledge or respected  
22 local knowledge, even though it was in the guidelines, how  
23 they have represented the community as a failing community,  
24 and some of the other points that Don Mullin made in terms  
25 of unfulfilled promises and so forth.

1                   And in addition, intimidation, including  
2 sewing a senior citizen who said that her ancestors were  
3 buried at the quarry site.

4                   So I guess what we're saying here is  
5 please do not leave our community in the hands of this  
6 company, at the mercy of this company based on their past  
7 record.

8                   We believe that this Project will harm  
9 us, will harm our community now and in the future, and we  
10 see evidence for high probability that there will be a  
11 concentrated pattern of harm; socio-economic, environmental  
12 and social harm.

13                   Now Digby Neck is a proud community.  
14 It's not given to ask favours or seeking special treatment,  
15 but today we are asking for your consideration for our very  
16 future well-being.

17                   Now in some cultures, they have special  
18 gestures and language for seeking assistance, there's a  
19 whole language of supplication and ways of seeking mercy,  
20 and this is hard, hard to use this kind of a language, but  
21 even in our culture, even in our language we use words like  
22 beseech and entreat.

23                   We have powerful old words in our  
24 language.

25                   And this evening, we beseech you,



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1 members of the Panel, to protect us from the harm that this  
2 quarry will do to us.

3 We're only asking for the opportunity to  
4 build our own future, for ourselves, for our children and  
5 for the generations to come on Digby Neck.

6 Thank you.

7 THE CHAIRPERSON: Thank you Mr. Bull.

8 **PRESENTATION BY THE DIGBY NECK COMMUNITY DEVELOPMENT**

9 **ASSOCIATION - QUESTIONS FROM THE PANEL**

10 Dr. JILL GRANT: Thank you Mr. Bull. Can  
11 you give us some more background on your organization, how  
12 it is funded, how you operate? Do you have a Community  
13 Board or...

14 Just give us a better understanding of  
15 what it is you do.

16 Mr. ARTHUR BULL: Sure, it's essentially  
17 a citizen's organization. It doesn't have core funding from  
18 any level of government. We have had project funding over  
19 the years from various levels of government, as well as some  
20 funding from different foundations.

21 Essentially, it's a volunteer  
22 organization incorporated as a volunteer non-profit society  
23 in Nova Scotia.

24 We have a Membership, and the Board is  
25 elected by the Membership. We have had a committee

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1 structure in the past to run the campsite and looking at  
2 small business and so forth.

3 We have gone through the usual ups and  
4 downs that community groups go through over the last 12  
5 years, but the organization continues, and it continues to  
6 be a viable local organization.

7 I don't know if that answers your  
8 question totally?

9 Dr. JILL GRANT: It does, thank you. And  
10 can you give us an idea of... You said you have some kind  
11 of a plan or a vision statement for the organization.

12 Can you tell us what objectives your  
13 organization has or what your vision is?

14 Mr. ARTHUR BULL: Our mission statement  
15 is to support healthy communities and healthy environments  
16 on Digby Neck, and so that's where we take our starting  
17 point.

18 We also take as our starting point the  
19 citizens of Digby Neck, the residents of Digby Neck, and  
20 that's why we have gone back and had retreats and planning  
21 processes where we listen to the community, and where we  
22 actually go and ask: "What do you think the future should  
23 look like for Digby Neck?"

24 So it's not something we set in stone,  
25 that's a very dynamic process, one that involves primarily

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1 listening and taking our direction, and I can say that in 12  
2 years of asking and listening, we have never once heard  
3 anybody say they thought that industrial development was  
4 their vision of the future of Digby Neck.

5 Dr. JILL GRANT: Can you give us an idea  
6 of your interaction with local government? Is there some  
7 way in which you inform local government, advise, take  
8 direction from them in any way?

9 Mr. ARTHUR BULL: We haven't had a lot of  
10 formal connection with local government. We keep our local  
11 councillors informed about the work we're doing.

12 It's probably an area we need to work on  
13 more, but in particular, we're very aware that given this  
14 quarry, there's a lot of work to be done on coastal  
15 management and the municipalities have a major role in that,  
16 so if there's any learning in this, I guess it's the Greek  
17 School of learning that is learned by suffering.

18 We're realizing that we need to actually  
19 work more closely with the municipal government.

20 Dr. JILL GRANT: And my final question is  
21 about the Western Valley Development Authority, who do  
22 have...

23 Did you have any kind of association  
24 or... Do you have any kind of association with that  
25 community development organization?

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DIGBY NECK COMMUNITY DEVELOPMENT ASSOCIATION  
(QUESTIONS FROM THE PANEL)

1                   Mr. ARTHUR BULL: Not formally, but we  
2 worked with that off and on, as we will with the new  
3 regional development authority.

4                   There are local development  
5 associations, probably at the last count about a dozen in  
6 Digby County, and they're very much village level or... You  
7 know, like Digby Neck level organizations. Then, you have  
8 the regional one which covers the two counties.

9                   So you really have to have interaction  
10 between those, so that will be...

11                   The WVDA, we did... After they left, we  
12 waited and now there's a new one and we're looking forward  
13 to working with them too.

14                   Dr. GUNTER MUECKE: Yes, could you tell  
15 me, has Bilcon interacted with your association? Have you  
16 had contact with them, presentations? What was the level of  
17 interaction?

18                   Mr. ARTHUR BULL: To my knowledge, there  
19 was none.

20                   Dr. GUNTER MUECKE: Have you been invited  
21 by them at their meetings or to meetings with them or  
22 what...

23                   Mr. ARTHUR BULL: Only to the extent of  
24 the Community Liaison Committee.

25                   I guess everybody on Digby Neck was

DIGBY NECK COMMUNITY DEVELOPMENT ASSOCIATION  
(QUESTIONS FROM THE PROPONENT)

1 invited to be part of that. This is to the best of my  
2 knowledge.

3                   There wasn't a specific invitation  
4 except as part of that.

5                   THE CHAIRPERSON: Mr. Buxton?

6 **PRESENTATION BY THE DIGBY NECK COMMUNITY DEVELOPMENT**  
7 **ASSOCIATION - QUESTIONS FROM THE PROPONENT**

8                   Mr. PAUL BUXTON: I'm not sure that I've  
9 got any questions Mr. Chair, but I think the record gives a  
10 little different interpretation of the litigation that went  
11 on.

12                   I think this is perhaps the third or  
13 fourth speaker that has left or tried to leave the  
14 impression to the Panel that there were no consultations  
15 with fishermen, no meetings were held.

16                   We can provide the names to Mr. Bull if  
17 he would like them. I don't think it really adds to  
18 anything for me to ask questions.

19                   I'm just looking at a letter to the  
20 Digby Neck Community Development Association, and I can see  
21 the date on the letter, it's going all the way back to  
22 December 2003, talking about consultation, and:

23                   "Please do not hesitate to contact if  
24 you require any further information", et  
25 cetera, et cetera.

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(QUESTIONS FROM THE PUBLIC)

1                   And I think the answer to that was that  
2 you didn't intend to consult.

3                   I leave it at that Mr. Chair, and I  
4 thank you.

5                   THE CHAIRPERSON: Thank you Mr. Buxton,  
6 questions from the floor?

7                   Yes, please, Ms. McCarthy.

8 **PRESENTATION BY DIGBY NECK COMMUNITY DEVELOPMENT ASSOCIATION**  
9 **- QUESTIONS FROM THE PUBLIC**

10                   Ms. MARY McCARTHY: Mr. Chair, a question  
11 for Mr. Bull.

12                   Could you tell us very briefly something  
13 about the mandate of the Coastal Communities Network and how  
14 long you have been with them and what has been achieved so  
15 far?

16                   I hope I have the right terminology when  
17 I say Coastal Communities Network.

18                   Mr. ARTHUR BULL: Yes, thank you. Yeah,  
19 that is a relevant question, because...

20                   And I will add to it if I may, we are  
21 part of wider networks, including the Coastal Communities  
22 Network, which is an organization that has been ongoing  
23 since 1991 and has a mandate to represent coastal  
24 communities in Nova Scotia.

25                   I was the Chair of the Coastal

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1 Communities Network for five years as well.

2                   Their mandate is provincial, so they  
3 don't... You won't see them here, they don't weigh in on  
4 local issues.

5                   In general, their opinion is that local  
6 communities need to have a good degree of control over these  
7 issues, and a larger degree than they have currently.

8                   As such, they have been very involved in  
9 community based management, and it's particularly in the  
10 fisheries and coastal-zone management, and that is...

11                   These are developments where citizens in  
12 coastal communities are taking a larger degree of  
13 responsibility for the management of fisheries and for  
14 coastal zone.

15                   And I can add that we also have worked  
16 very closely with the Bay of Fundy Marine Resource Centre,  
17 another organization which has a mandate in the Nova Scotia  
18 side of the Bay of Fundy, but also looks at the broader Bay  
19 of Fundy.

20                   The MRC as it's known is located at  
21 Cornwallis Park, and it also has been a major supporter of  
22 community based management, and the reason that is relevant  
23 is because this area has become very well known for  
24 community-based management.

25                   The groundfish under 45-foot fleet here

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(QUESTIONS FROM THE PUBLIC)

1 is managed according to community-based management and is  
2 one of the most successful examples of that.

3 Our organization has been part of  
4 supporting that, the Fundy Fixed Gear Council together with  
5 the Bay of Fundy Marine Resource Centre.

6 Sorry, I'm throwing a lot of names at  
7 you here, but the point is that... I mean "The nature of  
8 things", that David Suzuki came here and made a program  
9 about the Fundy Fixed Gear Council, because it was an  
10 example of local stewardship, local responsibility, and not  
11 asking Government to do everything but to say: "We will step  
12 in, we are the ones who live here", and take a larger degree  
13 of control and responsibility for management.

14 The reason that's important is because  
15 when that is underway and something like this quarry  
16 happens, that will be undermined in a major way.

17 After 10 years of struggling to say:  
18 "You know, we can step in." Citizens can play a role in  
19 local harvesting and in local conservation, and then  
20 something like this comes along and it basically knocks the  
21 supports out, knocks the legs out from under this work of  
22 community-based management, and I think that that is an  
23 important consideration.

24 Mr. BOB MORSCHES: Doctor, my question is  
25 directed to Mr. Bull.

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DIGBY NECK COMMUNITY DEVELOPMENT ASSOCIATION  
(QUESTIONS FROM THE PUBLIC)

1 THE CHAIRPERSON: Identify yourself Sir  
2 please.

3 Mr. BOB MORSCHEs: I'm sorry. Is  
4 this...

5 THE CHAIRPERSON: Yes, it's working.

6 Mr. BOB MORSCHEs: Can you hear me?  
7 Okay. I'm sorry Sir, I can't hear.

8 The Proponent has...

9 THE CHAIRPERSON: Mr. Morsches, identify  
10 yourself.

11 Mr. BOB MORSCHEs: Oh, I'm sorry, my name  
12 is Bob Morsches, from Sandy Cove, and I'm on the executive  
13 committee for the Partnership.

14 The Proponent has put in the EIS that  
15 they plan to employ 34 people at the starting rate of \$15 an  
16 hour.

17 Yet the lobster people, I checked with  
18 several lobster men and some of them fish in St. Mary's and  
19 then they move over the Bay of Fundy at a certain time of  
20 year when the lobsters get better over there.

21 So there's between 35 and 40 lobster  
22 boats, employing 3.5 to 4 people, and I don't know what  
23 they get paid, but I think they make a little bit more than  
24 that.

25 You have two great fish houses, you have

DIGBY NECK COMMUNITY DEVELOPMENT ASSOCIATION  
(QUESTIONS FROM THE PUBLIC)

1 herrings, you have one in at West Sandy Cove, which is the  
2 biggest in Nova Scotia.

3                   When they start blasting and it ruins  
4 the herring, it ruins the lobster, what do these people do?

5     I mean, you know...

6                   The boats are sitting there, they have  
7 no jobs. It seems to me their \$15 an hour, 34 people, is  
8 not going to be a great plus to the economy on Digby Neck,  
9 would you agree with that?

10                   Mr. ARTHUR BULL: Yes, I would agree with  
11 that assessment, and I would support that with a study that  
12 the Coastal Communities Network did a few years ago.

13                   Basically, it was about wharves, but  
14 they looked at the economic social well-being of rural  
15 communities in Nova Scotia, and what they found was very  
16 interesting, they found that yes, there's youth out-  
17 migration and there's erosion in infrastructure and  
18 services, but in fact in what they call the "shell-fish  
19 communities" in Nova Scotia, those lobster communities and  
20 snow crab up in Cape Breton, these are thriving communities,  
21 these are viable communities and by Canadian rural  
22 standards, this is the great success of rural Canadian  
23 economies.

24                   What we heard from fishermen and from  
25 tourism operators was: "Don't mess with it."

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(QUESTIONS FROM THE PUBLIC)

1 Mr. BOB MORSCHEs: That you Mr. Bull.

2 Thank you Doctor.

3 THE CHAIRPERSON: Thank you Mr. Morses.

4 Question coming? Yeah.

5 Mr. WARREN PATON: My name is Warren  
6 Paton, and I would like to ask Mr. Bull about an issue that  
7 has come out a number of times over the last couple of days  
8 or even today about the early support for the quarry.

9 There was an assertion made that there  
10 was a lot of support in the beginning for it, and that that  
11 has changed.

12 Is that the way you would look at this  
13 issue Mr. Bull?

14 Mr. ARTHUR BULL: That is not at all the  
15 way I would look at the issue, and I base that on the  
16 petition that was done on Digby Neck in the early days, in  
17 which over 3/4 of the residents of Digby Neck signed the  
18 petition saying they opposed the quarry, so it's...

19 It wasn't a scientific survey, we didn't  
20 go and hire a big company, people put their names on paper,  
21 so that's what I would base that assertion upon.

22 THE CHAIRPERSON: Thank you. Are there  
23 others? No? Okay. Thank you Mr. Bull.

24 That ends this particular session.

25 Mr. ARTHUR BULL: Thank you.

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DIGBY NECK COMMUNITY DEVELOPMENT ASSOCIATION  
(QUESTIONS FROM THE PUBLIC)

1 THE CHAIRPERSON: Now tomorrow... Let me  
2 remind you all tomorrow we begin at 9:00 again. There will  
3 be no evening session tomorrow.

4 We will see you all at 9:00 tomorrow  
5 morning, thank you.

6 --- Whereupon the matter adjourned at 8:40 p.m. to be  
7 resumed on Friday, June 29, at 9:00 a.m.