

# PUBLIC HEARING

## WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

### JOINT REVIEW PANEL

---

V O L U M E 12

---

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

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Friday, June 29, 2007

PRESENTERS: -Native Council of Nova Scotia (MERDS)  
Mr. Roger Hunka  
-Ms. Elizabeth May  
-Mr. Brogan Anderson  
-Mr. Chris Miller  
-Mr. Dean Kenley  
-Ms. Nora Peach/Judith Peach/Wanda Vantassel  
-North Mountain Preservation Group  
Mr. Jim Fisher and Dr. Robert Barkwell  
Mr. Steve Lewis and Mr. Andi Reardon  
Ms. Heather Leblanc and Mr. Jon Percy  
-Ms. Cheryl Denton  
-Mr. Bruce Cunningham  
-Atlantic Canada Chapter, Sierra Club of Cda  
Mr. John Bennett  
-Mr. William Denton

---

Recorded by: A.S.A.P. Reporting Services Inc.  
200 Elgin Street, Suite 1004 Ottawa, Ontario K2P 1L5  
130 King Street W., Suite 1800 Toronto, Ontario M5X 1E3  
613-564-2727 (Ottawa Office) / 416-861-8720 (Toronto Office)  
613-564-7756 (Ottawa Fax) / 416-946-1693 (Toronto Fax)  
1-888-661-2727 (Toll Free)

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

1 Digby, Nova Scotia

2 --- Upon resuming on Friday, June 29, 2007, at 9:00 a.m.

3 THE CHAIRPERSON: Ladies and gentlemen,  
4 we'd like to get underway please, thank you.

5 I see some new faces in the audience, so  
6 I'll introduce the Panel for you. On my left is Dr. Jill  
7 Grant, who is a professional planner.

8 On my right is Dr. Gunter Muecke, who is  
9 an earth scientist, and my name is Robert Fournier, and I'm  
10 an oceanographer by training, and I'm the Chair of this  
11 particular Panel.

12 Some of you will notice that some  
13 individuals are wearing headphones at the moment. It's not  
14 for simultaneous translation. The acoustics in the room are  
15 not very good, so those of you who feel they need to augment  
16 the sound, put a set of headphones on, they are much...  
17 It's clearer.

18 Any of you in the audience who are  
19 planning to provide us with a PowerPoint presentation or  
20 anything that involves the computer, bring it to the  
21 secretariat if you haven't already done so.

22 We would like to have an early crack at  
23 it, because we had to postpone a presentation last week  
24 because we had difficulties in reconciling it, so the sooner  
25 you get it to the Secretariat, the better it will be.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   A brief note about tomorrow. Tomorrow  
2 is the last day of this Panel, and tomorrow afternoon is  
3 called the closing session.

4                   The closing session provides an  
5 opportunity for individuals to summarize their presentation,  
6 so if a presentation has been made by a registered  
7 participant and they wish to summarize, just to hit the high  
8 points, we have already registered 18 or 20 individuals who  
9 we will attempt to fit in to about three and a half hours  
10 or so, which means that they will get about five minutes  
11 each.

12                   It's not very much but remember, it's  
13 only the high points.

14                   The Proponent will also be making a  
15 presentation at that time. The Proponent of course will  
16 have longer than five minutes. I think there's 15 minutes  
17 there, but nevertheless the Proponent and registered  
18 presenters. I simply bring this to your attention.

19                   One other thing before we begin. The  
20 schedule today is very, very full. The total number of  
21 presenters, the total amount of time available and the  
22 expectation that presenters will also interact in the  
23 questioning makes the schedule really full.

24                   What I'm saying is that it will be  
25 necessary for me to exercise a bit more rigour and asking

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 people to be short or concise or to keep it to the  
2 questions.

3                   When an individual comes forward and  
4 stands at the microphone, what they're being asked to do is  
5 to question, not to make a statement.

6                   If a statement is underway, I will ask  
7 you to terminate it. Please go right to the question, and  
8 try and keep it moving along so that we can get everybody in  
9 in a reasonable amount of time, okay?

10                  So I'm just warning you that we will be  
11 a little bit tighter today, a little bit more rigorous today  
12 than we have been over the last few days.

13                  I think that's all the housekeeping  
14 items, so we should get right to it.

15                  The first presentation this morning is  
16 by Roger Hunka, who is representing the Native Council of  
17 Nova Scotia.

18                  Mr. Hunka?

19 **PRESENTATION BY THE NATIVE COUNCIL OF NOVA SCOTIA - Mr.**

20 **ROGER HUNKA**

21                  Mr. ROGER HUNKA: Good morning. To begin  
22 with, I would like to thank the Panel for accommodating the  
23 Native Council of Nova Scotia and the Secretariat, who has  
24 been very helpful, and the Proponent.

25                  It's ironic. Today, when we're talking

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 about a rock and we look at our massive universe, what is  
2 this rock floating at a massive speed, a small dust particle  
3 in the whole universe or cosmos as we know it to be. That  
4 little rock does have a bit of fuzz on it, and that fuzz is  
5 life.

6                                   It's called earth, mother earth to us.  
7 That little fuzz is no more than the fuzz on a tennis ball.  
8 It has billions of forms of life on it, all interconnected  
9 and all interdependent.

10                               The Native Council of Nova Scotia is an  
11 Aboriginal Peoples Representative Organization. I provided  
12 or I registered with the Secretariat a binder, and I left  
13 some out back.

14                               In it, it has a fair amount of  
15 information. I would suggest, and I'm not going through  
16 all of it, piece by piece, because we'll be here forever,  
17 but I do want to highlight some parts of this dossier that  
18 I would recommend that both the Proponent and the Panel  
19 review carefully, as this will be our evidence before this  
20 Panel.

21                               I have also provided copies to the  
22 Proponent. And I'll use some Mi'Kmaq language here and I've  
23 provided the Secretariat and the Court Reporter with some  
24 spellings, so hopefully they will be reflected in the  
25 transcript.

1                   Who are the Mi'Kmaq people? The  
2 Mi'Kmaq people are one of the aboriginal indigenous peoples  
3 of this land, and it's ironic that just a few miles down  
4 **from here, actually a lot further, it=s not** a few miles, but  
5 in Debert, **the site of** one of the oldest Paleo-Indian sites  
6 in North American is recorded, and that's the **a four**  
7 **thousand year old** site of the Mi'Kmaq people.

8                   Also, we know **from history that** 1604 is  
9 an important date in this area too.

10                  So, the Mi'Kmaq have been around a long  
11 time. The Mi'Kmaq people have a relationship with all forms  
12 of persons, including aboriginal relationships with other  
13 aboriginal nations.

14                  This booklet, the Treaty Handbook which  
15 is in the kit, **provides more information about contact**  
16 **relationships, and** I would suggest you look at it. It  
17 identifies over 18 pre-confederation treaties.

18                  Pre-confederation treaties are very  
19 important, because there **are** not that many pre-confederation  
20 treaties in Canada. There **are** over 500 treaty relationships  
21 **in Canada**, but very few pre-confederation treaties.

22                  They form the basis of the relationship  
23 between Mi'Kmaq and all other persons.

24                  There **are** aboriginal people who continue  
25 to reside on traditional **ancestral** homelands. They know

---

***A.S.A.P. Reporting Services***

***(613) 564-2727***

***(416) 861-8720***

1 these homelands as Mi'Kma'ki. Mi'Kma'ki takes in Nova  
2 Scotia, New Brunswick and P.E.I.

3 In 1690, there was a policy introduced  
4 in Parliament in England, and that policy has been the one  
5 that has been haunting aboriginal people throughout the ages  
6 in all the world. Not just North America, but in Australia,  
7 New Zealand, so forth, wherever the British Empire settled  
8 with its policy.

9 That policy is one that is of  
10 dispossession of resources and lands, disinheritance of  
11 identity, of birth's right identity, and now denial.

12 And that policy continues to this  
13 present day. And it's sad, but there's where all our  
14 problems lie.

15 The Mi'Kmaq are coastal Aboriginal  
16 People, and therefore all the coasts are important to them.  
17 They're known in the rest of North America as one of the  
18 great coast keepers. The Mi'Kmaq occupy the greatest  
19 amount of coast of all other Aboriginal Peoples on either  
20 coast.

21 I've included in the kit some  
22 information about history, homelands, structures and so  
23 forth, and I'm not going to repeat it, but I would suggest  
24 that you also look at that.

25 What about the terminologies "First

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 Nations" and "Aboriginal People"? We must remember that the  
2 Mi'Kmaq are a clan of people that have always occupied these  
3 lands.

4 They have a form of government, a form  
5 of language, a form of history. All societal organizational  
6 forms are there with the Mi'Kmaq people.

7 The creation of reserves was one of the  
8 first to displace, and ironically that started in Nova  
9 Scotia, in the 1840s and 1830s. Eventually, that model was  
10 copied everywhere.

11 We heard yesterday something about  
12 Indian Hill. Many people don't realize that there was only  
13 one Band Council up until after the Second World War, that  
14 was at Eskasoni.

15 Mi'Kmaq people were forced to, what was  
16 known as "walk", to a centralized area known as  
17 Shubenacadie. And many persons, many Mi'Kmaq men and women  
18 and elders in this area in 1947 and 1948, during the great  
19 centralization flop, what I call it, were forced to leave  
20 their own homelands there and their encampments, and go to  
21 Shubenacadie.

22 And you'll be able to trace a lot of  
23 Bear River residents in Shubenacadie to this day.

24 So you have two camps. Not two camps,  
25 but two divisions really. You have people on the reserve,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 and you have **the** traditional **ancestral** homeland peoples.

2                   The numbers are pretty well evenly  
3 split. The 13 Bands occupy some 45 reserves and the  
4 population there is about 7,000, almost 8,000.

5                   Off-reserve, again it's organized into  
6 communities and there's about 13 communities and the  
7 population there is about 9,000.

8                   So there's more people living off-  
9 reserve than on-reserve.

10                   I've provided some Stats Canada maps and  
11 comparatives, and you can look at those and you have all  
12 those numbers there.

13                   So what about Band Councils and Native  
14 Councils? And this is important for **Proponents** to  
15 understand. How do you **consult with Aboriginal Peoples? Who**  
16 are they?

17                   Well, **they have their** institutions.  
18 They **have** municipal governments, **their** national governments,  
19 whatever you want, but they are governing bodies recognized  
20 either by the Indian Act or recognized by Privy Council  
21 Office (PCO) to speak on behalf of or entertain questions  
22 and provide commentary as to what **their** communities may  
23 wish, okay?

24                   So we have 13 Band Councils through  
25 Indian Affairs, and we have Native Councils. They all **were**

---

***A.S.A.P. Reporting Services***

***(613) 564-2727***

***(416) 861-8720***

1 formed

2 approximately in the early 1960s, established themselves.

3                   The Native Council of Nova Scotia  
4 formally structured itself to be a voice to the councils of  
5 government as well as a service provider of many programs  
6 and services, health, education, culture, language and so  
7 forth, and in that kit I have provided a pile of different  
8 fact sheets about the different programs and services.

9                   One area that the Native Councils has  
10 been involved with a lot has been natural life resources,  
11 natural life uses, because of tree requirements.

12                   It has a NETUKULIMKEWE'L Commission,  
13 that's a natural life commission. It's been established in  
14 the early '80s. That Commission administers a range of  
15 activities. Let's put it this way, for the community to  
16 harvest animal life, berry life, plant life, and it issues  
17 yearly guidelines under the authority of the Mi'kmaq Grand  
18 Council.

19                   These are guidelines issued every year,  
20 and this is a copy of the 2006 one. 2007 hasn't come out,  
21 because usually we deal with the moose and the larger  
22 animals.

23                   We also deal with, and I provided this,  
24 various harvesting of resources of the ocean and they're  
25 known as the Aquatic Resource Guidelines, and they produce

1 these every year because certain things change, and these  
2 are guidelines to the community as far as conservation,  
3 sustainability and how to actually practice **harvesting**.

4 **Netukulimkew=el** is a word that in  
5 the Mi'Kmaq language has not yet had an English language  
6 **translation**, but it embodies everything. It's a respect **for**  
7 **the environment**, it's how to use the environment,  
8 remembering to pay respect for it, leave some for the future  
9 generations, it's sustainable development, it's responsible  
10 conservation and so forth.

11 Equally, the community has produced, in  
12 cooperation with many others **materials for better**  
13 **understanding**. **We have worked** even with Band Councils **and**  
14 **produced** education booklets about what Mi'Kmaq people do on-  
15 reserve or off-reserve, but primarily off-reserve, on  
16 traditional lands, and they have such **a** booklet known as  
17 "towards a better understanding".

18 There are about 40,000 of these out now,  
19 and it's been around since 1993. It's basically a **primer**.  
20 If you don't know anything about Mi'Kmaq fishing, get this  
21 book, it gives you an idea.

22 The community also produces a range of  
23 materials dealing with issues about the environment, and  
24 SARA. **SARA** is right on the hot line because Mi'Kmaq  
25 Aboriginal People have an interest in species, and so they

---

***A.S.A.P. Reporting Services***

***(613) 564-2727***

***(416) 861-8720***

1 produce community booklets like this one about SARA. It's a  
2 good primer.

3                   The fact of the matter is, Environment  
4 Canada uses this primer to send out to schools and persons  
5 to know basic information about SARA. They also produce  
6 materials about the specific species in Nova Scotia.

7                   So it does do a lot of work and  
8 communicates within the community about natural life issues.

9                   I'm not here to condemn or promote the  
10 Project, however we have to look at what the Mi'Kmaq see as  
11 important.

12                   It was best codified I think or best  
13 stated by the United Nations Secretary General, Kofi Annan a  
14 few years ago that, the greatest challenge to humanity is  
15 not peace, it's decision-makers coming to grips with how do  
16 you balance social progress, economic development and  
17 environmental integrity?

18                   How do you balance those three vitally  
19 important elements?

20                   Until we find the solution, we are going  
21 to be always at odds, but we must find solutions.

22                   From the aboriginal point of view, from  
23 the aboriginal world view, we've always maintained that  
24 respect for the environment is first. If you cannot respect  
25 mother earth and all her life-giving forces, the mineral

1 world giving life to the plant world, the plant world giving  
2 life to the flesh world, and the flesh world controlled by  
3 the elements world of the wind and the stars and the tides  
4 and the moons.

5                   Those four worlds are all  
6 interconnected. We must respect that, and we must govern  
7 ourselves accordingly on how we will use these resources.

8                   It's not just for social progress,  
9 it's not just for economic development. Without air,  
10 without water, those things will be unattainable.

11                   In 2002, we had heard news about this  
12 Project. The community has MERDS, and that's really not  
13 meant to be read in French - In English, it's the acronym  
14 for Mi'Kmaq Environment's Resources Development's Secretariat.  
15 We get involved in a range of hearings and EA=s and EIS=s,  
16 oil and gas, land and so forth. We try to provide comments  
17 or try to encourage the Proponents and the Governments,  
18 which they do know, the Governments do know, but for the  
19 Proponents, to make contact with Aboriginal People to  
20 actually start to talk to them as an important community, to  
21 learn what are some of the issues.

22                   We heard about this Project, so we did  
23 make contact with both the Nova Scotia Department of  
24 Environment and Labour, as well as the Canadian  
25 Environmental Assessment Agency.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   Let me go back. Why is it important to  
2 communicate with Aboriginal People? Up until 1982, the  
3 denial, the dispossession and the disinheritance were real,  
4 but in 1982 something happened.

5                   The political will of our governments,  
6 including the Federal Government, determined with Aboriginal  
7 People to recognize all the Aboriginal Peoples of Canada,  
8 that there were, on-reserve, off-reserve, up in the North,  
9 everywhere.

10                  The leaders determined to include in the  
11 Constitution Act of Canada two very important elements.  
12 One, recognizing that yes, the Aboriginal Peoples of Canada  
13 are a part of Canada, which by the way is an Iroquian word  
14 (KA NA DA place there).

15                  It also recognized at section 25, that  
16 the Aboriginal Treaty Rights of the Aboriginal Peoples of  
17 Canada, no matter where they are, will not be abrogated or  
18 derogated.

19                  In other words, they will not be made  
20 lesser or treated as frivol or as non-existent.

21                  And also added is a section 35 and said  
22 that the Aboriginal Peoples of Canada includes the Indians,  
23 the Inuit, the Metis, the Cree, Ojibwa, Mi=kmaq, Naskapi,  
24 and so forth.

25                  And they used that term Indian because

1 you have to remember, the term Indian is not a natural  
2 descriptive. It doesn't mean a person. It's really a  
3 fanciful creation. It's a colonial-made definition. It's a  
4 fanciful creation of what should be an Aboriginal person.

5 So it's important when we use the  
6 terminologies that we talk about Mi'Kmaq people, we talk  
7 about Aboriginal People, and that's why the acts and so  
8 forth refer to Aboriginal People.

9 I know people like to use First  
10 Nations, and some of the Aboriginal People on-reserve prefer  
11 that rather than "reserve".

12 Now First Nations doesn't mean there was  
13 a second nation, a third nation, it means first peoples of  
14 the First Nations of peoples, okay?

15 So there's a distinction, and it's  
16 important, very important to ensure that a Proponent begins  
17 to communicate with the Aboriginal People, because it's not  
18 a hard thing.

19 Everybody knows, and you could have  
20 found out, that there's 13 Band Councils and one Native  
21 Council. It's very easy, and it's replicated throughout the  
22 Canada, pretty well the same way.

23 There's 613 Bands in Canada. Indian  
24 Affairs should know that. They spend \$7 billion a year, so  
25 they'll have a fantastic database about who to contact.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1                   And the Privy Council Office or now  
2 Office of Federal Interlocator (OFI) has all the names and  
3 addresses of all the Native Councils.

4                   So I went through the folder. What we  
5 do have? We have a food fishery. We produce materials on  
6 food fishery, we talk about guidelines.

7                   We also have a communal commercial  
8 fishery. And that's an Aboriginal Communal Commercial  
9 Fishery. That fishery harvests lobsters and herring and so  
10 forth.

11                  The community owns close to 100  
12 different licenses, has 16 vessels, and it's a community  
13 development opportunity.

14                  No one person owns the licence, it's  
15 owned by the community as a whole. In other words, it's  
16 like a cooperative which doesn't exist too often now.

17                  It has licences in LFA 34, it has  
18 persons living in the area that collect different natural  
19 life on the shorelines or in the water for food fisheries  
20 and so forth. So there is activity in the area.

21                  When we commented on March - Not March,  
22 sorry, on August 24th, with the Canadian Environmental  
23 Assessment Agency, we registered with them at that time our  
24 interest, our need to be involved, and we asked for  
25 something, that the terms of reference should include

1 something which we have always asked for, and not too many  
2 times do they include it.

3 But I think I would like the Panel to  
4 seriously consider this, because it's **important**. I've been  
5 saying this, preaching the same thing for the last 15 years,  
6 **both to the Proponents and to the governments**. What is the  
7 Proponent's environmental protection policy?

8 We ask that all proponents should be  
9 required to file that with any authority, be it the  
10 provincial authority or federal authority, to **file a**  
11 **corporate environmental policy**. Especially when it involves  
12 the environment, but tell us what your corporate policy is.

13 It's not a new thing. The oil and gas  
14 industry has been doing that for many years now. They are  
15 really developing their corporate policy as to footprints  
16 and how to engage people, citizens, government officials,  
17 bureaucrats and so forth, and we suggested in our  
18 correspondence to the Canadian Environmental Assessment  
19 Agency, as well as the Nova Scotia Department of  
20 Environment and Labour that those be some of the areas **to be**  
21 looked at.

22 There are a number of **other items that**  
23 **we corresponded on**. This is on file, I won't go through  
24 them. That obviously was left out.

25 But I would think that the Panel may

---

***A.S.A.P. Reporting Services***

***(613) 564-2727***

***(416) 861-8720***

1 make use of that.

2 We received the guidelines of March  
3 2005. We had commented extensively on what they should  
4 include, and I want to turn to some of them now very briefly  
5 because in all the years of my involvement with EA=s and  
6 EIS=s, I have never, ever seen a 74-page guidance document.

7 I think Steve Chapman and company in  
8 CEAA Ottawa deserve a hand of applause, because this is  
9 almost a text book on how to design and how to produce an  
10 EIS.

11 I mean, all you have to do pretty well  
12 is fill in the blanks. That is extensive.

13 I don't really think I=ve seen one as  
14 complete. And I'm not knocking the Proponent, but I truly  
15 believe that with 74 pages of explanation and all of the  
16 areas to be covered, you should not have had any problem  
17 filling in a good EIS that could be easily followed, read  
18 and covered all those points.

19 Because I have never, ever seen one so  
20 extensive before, and this was extensive. It actually  
21 covers everything, everything, and explains it all on top of  
22 that.

23 So I don't know what happened here, but  
24 be that as it may we have many questions unanswered.

25 When I go to section 2.3 in the

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Environmental Impact Statement, it talks about:

2 "Biological and human elements..."

3 In other words, the Environmental Impact  
4 Assessment is a planning tool to mitigate significant  
5 adverse environmental effects induced by the Project, and  
6 that is both physical, biological and human elements. It  
7 also further says that in that event, you will be able to  
8 use both legislation, but the higher standard will apply or  
9 prevail.

10 And what is the higher standard? We  
11 have the Canadian **Environmental Assessment Act**, but  
12 remember, that act is constantly being challenged in the  
13 Courts.

14 One of the areas that both the Panel and  
15 Proponent is seized with and knows about is that the Court  
16 has constantly commented on the appropriateness of an  
17 environmental assessment or the appropriateness of an  
18 Environmental Impact Statement as far as Aboriginal Peoples  
19 go. Were they involved? Were they consulted?

20 And Mikisew Cree, including Haida and  
21 Taku River cases, which was referred to by my friend Michael  
22 Cox yesterday, is about substantive law issues. That you  
23 must talk to Aboriginal People, you must consult. There's  
24 no question about it, you must.

25 If they don't want to, well you still

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 must. You've got a problem, but you must.

2 Mikisew Cree went further, it was a  
3 matter about a procedural determination, and that's what  
4 we're seized with here.

5 Mikisew Cree said to the Proponent, and  
6 that case did not involve the Minister of the Environment,  
7 it involved the Minister of Heritage Canada, which at that  
8 time had the responsibility for Parks, and I will just quote  
9 this:

10 "The Mikisew Cree objection to the road  
11 goes beyond the direct impact of closure  
12 to hunting and trapping of the area  
13 covered by the winter road and included  
14 the injurious affection it would have on  
15 their traditional lifestyle, which was  
16 central to their culture.

17 The Federal Court trial division set  
18 aside the Minister's approval based on  
19 breach of the Crown's fiduciary duty to  
20 consult with the Mikisew adequately and  
21 granted an interlocutory injunction  
22 against constructing the winter road."

23 And so it overturned just on that one  
24 point alone, that there was not adequate consultation.

25 And he further went on to say... And in

1 that case, there was no attempt.

2 "The fundamental objective of the modern  
3 law of aboriginal and treaty rights is  
4 the reconciliation of Aboriginal Peoples  
5 and non-Aboriginal Peoples and their  
6 respective claims, interests and  
7 ambitions.

8 The management of these relationships  
9 take place in the shadow of a long  
10 history of grievances and  
11 misunderstandings.

12 The multitude of smaller grievances  
13 created by the indifference of some  
14 government officials to Aboriginal  
15 People's concerns and the lack of  
16 respect inherent in that indifference  
17 has been as destructive to the process  
18 of reconciliation as some of the larger  
19 and more explosive controversies, and so  
20 it is in this case."

21 And that is what I refer to constantly.

22 Yes, I do believe that the Province of Nova Scotia failed  
23 all of us, but it failed you, the Proponent, too.

24 It should have made you aware that you  
25 have to consult and it should have provided you some

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 direction. It **should have** helped to do that.

2 By not doing that, it's actually placed  
3 all of us in a precarious position of having two things, **we**  
4 either approve or reject. And you don't have to look for  
5 reasons to approve or reject this.

6 I mean, and I hate doing this, but on  
7 the failure to consult alone there's a substantive reason  
8 not to approve the application. But we go on.

9 And, Mr. Chair, you alluded to  
10 something in your opening a few days ago or, actually, two  
11 weeks ago, which is almost a quote from the guidance  
12 document produced.

13 And the EIS will serve as the  
14 cornerstone of the Panel's review and evaluation of the  
15 potential impacts of the project.

16 The public, including Aboriginal  
17 peoples, and I was heartened to learn that because, yeah,  
18 we're not a lot. I mean, there's 20,000 Aboriginal people  
19 out of a population of almost 900,000 people in Nova Scotia.  
20 That's not a lot of people.

21 But they have interests. They have  
22 rights they exercise, and so it's important to involve them.

23 The guidelines outline the minimum  
24 information. And I won't quote on and on, but this  
25 document, the guidance document on preparing the EIS, is

1 replete with discussion, how to, why to, when to.

2 And I refer to page 9:

3 "And public participation is a central  
4 objective of the overall review process  
5 and a means by which the concerns and  
6 interests of the public are taken into  
7 account. In particular, these  
8 guidelines require the Proponent to  
9 demonstrate an understanding of  
10 traditional uses, interests, values and  
11 concerns and to recognize and respect  
12 them in preparing the EIS."

13 It's not an us and them situation. It  
14 is "Let us put in the EIS everything that we know about, and  
15 let us work with the people so that the uses, the interests,  
16 the values, the concerns are recognized and respected."

17 That's why you have public  
18 participation.

19 And yesterday the past Minister, when I  
20 asked him that question about the public, is it important,  
21 he said it is. Participatory governance has evolved in this  
22 country. It started in the '70s. It moved bit by bit in  
23 the '80s.

24 Finally, the **Canadian Environmental**  
25 **Assessment Act**, after a lot, a lot of effort by a lot of

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 Canadians, has come to the point of saying yes, we want to  
2 have the public involved because the public is providing  
3 decision makers not just the critique on the technical  
4 aspects, but bringing in those issues that are so important,  
5 the values, the way we treat the environment, how we see it,  
6 why we see it that way.

7                   And those things help decision makers,  
8 which the Panel is one. They're not the ultimate. We still  
9 have the Ministers. But to formulate decisions.

10                   It's not all cut and dry and, as I said,  
11 it's not just social progress or economic development. It's  
12 also environmental integrity, balancing those three.

13                   And I don't want to take much time.

14                   The reports are totally absent on  
15 consultation. Even though I had to kind of drag it out of  
16 the DFO fellow, and he was kind. He kind of said, "Well, it  
17 could have been better." I think they're deficient, really.

18                   But on the area of international  
19 agreements, that is asked for. We have, and I provided, a  
20 Canadian Biodiversity Strategy. I'm not going to repeat it  
21 all.

22                   But this Strategy clearly, clearly  
23 states this as Canada=s policy.

24                   Five minutes. Boy.

25                   "A society that lives and develops as

1 part of nature values the diversity of  
2 life, takes no more than can be  
3 replenished, and leaves to future  
4 generations a nurturing and dynamic  
5 world rich in its biodiversity."

6 That hasn't been adequately discussed in  
7 the EIS. As well as the NAFTA and all the rest of the stuff.  
8 This is so key to this whole project, and it should be.

9 I wonder if I could bargain for my five  
10 minutes. I can't. I always try.

11 Also, the World Summit on Sustainable  
12 Development, and one important area there. This was, again,  
13 announced and we had M. Chrétien and a delegation of  
14 hundreds of people in Johannesburg.

15 One very important element that came out  
16 of that Summit that was probably, you know, a lot of people  
17 thought nothing of it, but for Aboriginal people or the  
18 indigenous people of the world it was key.

19 Section 21 or 22:

20 "We affirm the vital role of the  
21 indigenous people in sustainable  
22 development."

23 And that's another way of saying you got  
24 to involve or you have to involve Aboriginal people in any  
25 project, no matter in what form.

1                   Those areas are important. I left a  
2 little bit about the Canadian Environmental, the preamble.  
3 The preamble talks about something very important, Mr. Chair  
4 and distinguished Panel.

5                   It's not only that it seeks to achieve  
6 sustainable development by conserving and enhancing  
7 environmental quality and conserves and enhances the  
8 environmental quality, but that in the decision-making  
9 process that you're anticipating **public participation,**  
10 **public guidance.**

11                   In other words, whereas the Government  
12 of Canada is committed to exercising leadership within  
13 Canada and internationally in anticipating and preventing  
14 the degradation of environmental quality and, at the same  
15 time, ensuring that economic development is compatible with  
16 the high values Canadians place on environmental quality.

17                   And you see the word "value" again comes  
18 out. High values.

19                   And in other words, it means that if the  
20 society or the community places a high value **on the**  
21 **environment,** and we heard yesterday from the former Minister  
22 that, from his view as well as many, that the community  
23 places **high value on** the environment, no matter what it is,  
24 but in their eyes it has a high value.

25                   It is, in other words, a resource. It

---

*A.S.A.P. Reporting Services*

**(613) 564-2727**

**(416) 861-8720**

1 is an intrinsic resource that is of ultimate value to  
2 anything else that happens there. And therefore, a  
3 Proponent or anybody must take that into account.

4                   You cannot treat that frivolously. It  
5 is paramount.

6                   So this is why you have their  
7 involvement, so that you say, well, there's a value here  
8 that I have to respect. And as a Panel, I have to ensure  
9 that it was respected, is respected and will be respected.

10                   That is the evolution of environmental  
11 law as we progress.

12                   One last thing. I was confused and I  
13 asked many questions about the mineral policy, and I heard  
14 about the 2005 *policy*.

15                   Well, I cannot find one. The only  
16 mineral policy I know of is the one issued by the Government  
17 of Nova Scotia Natural Resources in 1996. There are a lot  
18 *of policies* under review now. There's a lot of work on it.

19                   And I'm not picking at the Province of  
20 Nova Scotia. I mean, I'm a Nova Scotian, but I do pick on  
21 them once in a while. I guess I have to this time because I  
22 think they failed us.

23                   In their policy, it says:

24                   "The government will provide leadership  
25 by implementing the policy and assuring

1           that the necessary conditions are  
2           maintained for the mineral industry to  
3           create wealth for present and future  
4           generations of Nova Scotians. The  
5           government is committed to implementing  
6           this policy to the best of its ability,  
7           subject to the availability of funds and  
8           resources."

9           There's always that regular caveat.

10           Well, what leadership did it show to the  
11 Proponent? What leadership did the Nova Scotia Department  
12 of Natural Resources show to the community, the Panel or  
13 anybody else? I suggest none.

14           And on page 4:

15           "Future supplies of minerals [so on and  
16           so forth]... at the same time, there is  
17           an urgency to find ways to adapt mineral  
18           resource initiatives to changing social,  
19           economic and environmental commitments."

20           The three themes keep coming out.  
21 Social progress, economic development and environment  
22 integrity are together. You cannot dissect them any more.

23           You must look at them together in any  
24 project. The Province recognizes this, that the industry  
25 must work to be recognized as a responsible corporate and

1 environmental citizen.

2 I need not repeat this, but a corporate  
3 environmental policy is key. We should see the corporate  
4 environmental policy.

5 And then we go on, government and  
6 industry and so forth. You can read the rest, but page 16:

7 "Cooperation and consultation between  
8 the Department, the industry and other  
9 interested stakeholders will foster a  
10 balance between promoting the search,  
11 discovery and development of mineral  
12 wealth while, at the same time,  
13 sustaining the ecological integrity and  
14 biodiversity of natural areas for a long  
15 time."

16 All of these languages, all of these  
17 words, be they international, domestic, come into even Nova  
18 Scotia.

19 And the policy goes on. This is the  
20 existing policy, which also applies to aggregate. I know  
21 it's not really minerals, but it does.

22 At conclusion, I am just suggesting that  
23 it's unfortunate that the Proponent was invited but not  
24 helped. Not helped to look at maybe other areas, where are  
25 others that I could look at this. Definitely not this one.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   Definitely this is not the place to have  
2 a mine. This is not the right place. But they were not  
3 helped.

4                   And I haven't been following every day  
5 here. I've got so many **other projects in** my head there.  
6 But I'm quite disappointed and disillusioned by the Nova  
7 Scotia Department of Environment, but mostly the Nova Scotia  
8 Department of Natural Resources, that it hasn't come forward  
9 forthright and provided that leadership to all of us.

10                   Where are some of the **other** areas?  
11 What can you do? How can we **help with** that? What are the  
12 balances that we need? How can we ensure that the community  
13 values are respected **ed** foremost, environmental integrity,  
14 social progress and environmental integrity as well as  
15 economic development?

16                   How do we do that? That has not been  
17 forthcoming.

18                   I can't apologize for the Government of  
19 Nova Scotia, but as a Nova Scotian I do apologize to you  
20 'cause that's not the way we operate. That's not the way  
21 Mi'Kmaq people would operate.

22                   As I said, I'm not for or against it,  
23 but I think this project is wrong in this area. There's not  
24 enough information from listening to them.

25                   You've tried, but you haven't really

---

***A.S.A.P. Reporting Services***

***(613) 564-2727***

***(416) 861-8720***

1 heard everything from the Aboriginal people, and there are  
2 some serious impacts that will occur to us from this.

3 I had a lot more, but maybe I'll **leave**  
4 **the rest out.** Can I borrow my five minutes from tomorrow  
5 and do it today?

6 But anyway, I'll leave it at that, and  
7 I'm here to answer any questions I may.

8 THE CHAIRPERSON: Thank you, Mr. Hunka.  
9 Gunter? No, we have no questions. The Panel has no  
10 questions.

11 Mr. Buxton?

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

14 THE CHAIRPERSON: Are there any questions  
15 from the audience?

16 It appears not. Thank you, Mr. Hunka.

17 Mr. ROGER HUNKA: Thank you.

18 THE CHAIRPERSON: Our next presentation  
19 is by Elizabeth May. Is Elizabeth May here? Yes, she is.

20 **PRESENTATION BY Ms. ELIZABETH MAY**

21 Ms. ELIZABETH MAY: Good morning, Mr.  
22 Chair and Panel.

23 THE CHAIRPERSON: Good morning. Please  
24 identify yourself for the record.

25 Ms. ELIZABETH MAY: Good morning. My



1 name is Elizabeth May. I'm the leader of the Green Party of  
2 Canada. I'm extremely pleased to have this opportunity to  
3 address the Panel on the subject of the Whites Point quarry  
4 and marine terminal proposal.

5 I guess I could summarize my  
6 presentation. Since the last presenter mentioned that he  
7 was not here to condemn the project or the Proponent, I  
8 guess I will.

9 I'm going to attempt to summarize my  
10 written brief as much as possible to try to free up some  
11 time for the Panel. I know you're hard pressed today.

12 And I just want to reinforce that  
13 everything in the written brief I will assume is part of the  
14 record and I can hit the high points and add some new  
15 information, if that's all right.

16 So my position is leader of the Green  
17 Party of Canada. I will skip over those parts of my brief  
18 that deal with my background and involvement in  
19 environmental assessment.

20 I do want to stress that I have a  
21 growing concern that environmental assessment risks becoming  
22 a useless exercise. The Proponents increasing, and not just  
23 this but others, see it as a hoop that must be jumped  
24 through without actually taking it seriously as something  
25 that would give guidance to their project to mitigate

1 environmental impacts, to ensure that they really understand  
2 the baseline ecological realities of the environment in  
3 which they plan to work and to conduct themselves  
4 accordingly.

5                   So environmental assessment, when  
6 properly undertaken, does play a constructive role in  
7 project planning, allowing for alterations of a project to  
8 reduce impacts where possible.

9                   There's always been the flaw that it's  
10 self-assessment, but when it's done rigourously, it gives  
11 the Panel and the public some opportunity to actually  
12 improve a project and to ensure that, if it goes ahead, it  
13 goes ahead in a way that does minimal environmental damage.

14                   Now, in other words, most Environment  
15 Impact Statements, even with the inherent flaws of self-  
16 assessment, do at least generate research that allows a  
17 Panel or an agency to assess the baseline state of the local  
18 environment and weigh potential impacts.

19                   In other words, even poor environmental  
20 assessments such as that which I worked on last year which  
21 the Sydney Tar Ponds Agency prepared for a Panel at least  
22 generated some useful information.

23                   In this case, this Environmental Impact  
24 Statement represents a new low in decades of Canadian  
25 environmental assessment.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   Its length cannot obscure the fact that  
2 it is devoid of the minimum acceptable level of science  
3 required for a Panel to assess impacts.

4                   The Environmental Impact Statement  
5 repeatedly makes assertions unsupported by evidence. The  
6 EIS relies on anecdotal opinion for key conclusions.

7                   In fact, the report is dominated by  
8 conclusions offered as fact without any or adequate  
9 underpinnings of science or reliable information.

10                  As this Panel itself noted on the  
11 opening day of the hearings, the Proponent has failed to  
12 adhere to the guidelines set out in its initial guidelines  
13 order.

14                  In my comments, I'm going to try to  
15 focus on those areas that I don't think you've heard about  
16 from other presenters, just in interests of time and to try  
17 and attempt to be helpful to you, but I do want to state for  
18 the record that the Green Party of Canada supports and  
19 thanks the public interest intervenors, the Partnership for  
20 Sustainable Development of Digby Neck and Islands Society,  
21 the Sierra Club of Canada Atlantic Canada Chapter, and  
22 particularly what I found a devastating critique by Dr.  
23 Chris Taggart doing so on behalf of the Sierra Club.

24                  The fact that his presentation was  
25 marked "not peer reviewed" was merely a sign of his academic

---

*A.S.A.P. Reporting Services*

**(613) 564-2727**

**(416) 861-8720**

1 rigour, not some lack of the importance of the findings he  
2 made of the more gaps than information in the EIS relating  
3 to whales.

4 I want to thank the Ecology Action  
5 Centre, Canadian Parks and Wilderness Society Nova Scotia  
6 Chapter.

7 And while I'm at it, I also would like  
8 to thank previous politicians who made this Panel Review  
9 possible, the Honourable Robert Thibault, who was Minister  
10 of Fisheries at the time, and David Anderson, who's Minister  
11 of Environment.

12 I think a Panel focus on a project like  
13 this shows the benefits of engaging the public and checking  
14 the science.

15 I want to concentrate for a moment now  
16 on the NAFTA issue. This has come up, and I just want to  
17 say, just for the record, that the Proponent attempts to  
18 minimize the threat of Chapter 11. I think that's the major  
19 issue for us here, is Chapter 11 of NAFTA, Investor Right  
20 Protections.

21 And it's clear this has come up because  
22 local residents have concerns.

23 If the Proponent wanted to get rid of  
24 the Chapter 11 issue before the Panel and as a concern of  
25 the local residents, the most straightforward thing to do

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 would be to pledge never to invoke Chapter 11, never to sue  
2 under Chapter 11, and to post a bond of some kind to that  
3 effect.

4                   In other words, triggering NAFTA in this  
5 instance is entirely at the discretion of the investor and  
6 there is no question but that changes to the regulatory  
7 environment in Nova Scotia at either the provincial or  
8 federal level that Bilcon didn't like could give rise to a  
9 Chapter 11 suit.

10                   Now, I'll just go through what it  
11 presented. The EIS has presented a largely fanciful  
12 interpretation of NAFTA investor protections, uncontaminated  
13 by experience with Chapter 11 in real life.

14                   The EIS asserts that:

15                   "Article 1114 implies that environmental  
16 considerations should receive priority  
17 over encouragement of investments."

18                   And the Proponent also attempts to rely  
19 on Chapter 12 of NAFTA as a protection for environmental  
20 measures.

21                   In summation, the EIS claims:

22                   "...the broader goal of environmental  
23 protection conservation is binding on  
24 all parties in their adherence to the  
25 specific provisions of NAFTA, including

1 Chapter 11."

2 Well, let me just briefly summarize.

3 The experience is entirely to the  
4 contrary. Chapter 11 has been used successfully by US  
5 corporations in suits against Canadian and Mexican  
6 governments in a number of cases where state and federal  
7 laws or regulations or policy changes were claimed to have  
8 reduced profit.

9 One case that was not mentioned by  
10 either the Department of Foreign Affairs international trade  
11 experts before you or by the Proponent is very relevant, is  
12 the case of **Metalclad v. Mexico**.

13 In this case, the US waste disposal  
14 giant Metalclad received damages totalling \$18 million US  
15 when an impoverished state government in Mexico refused a  
16 permit for a 650,000 tonne a year toxic waste disposal  
17 facility near the community's water supply.

18 The groundwater in the community had  
19 already been contaminated. It was an environmental and  
20 health concern that was paramount, and yet the NAFTA Chapter  
21 11 Tribunal found that Mexico, at the federal level, owed  
22 Metalclad money for the decision of the state government.

23 The test on appeal, and Mexico did try  
24 to appeal, is a very difficult one. You have to prove that  
25 the decision of the Arbitration Panel was wholly

1 unreasonable.

2                   And it's such a stiff test that Mexico  
3 was unable to succeed there.

4                   Probably the most bizarre Chapter 11  
5 case, also one not mentioned that I've seen in proceedings  
6 here, is the case of S.D. Myers, a US-based company that is  
7 a waste disposal company, deals with PCB-contaminated waste.

8                   It won \$50 million in damages against  
9 Canada. I just want to mention this point at page 5 in my  
10 brief there's a typo. I want to refer to Article 104 of  
11 NAFTA. In my brief, I somehow wrote 24. I apologize.

12                   Article 104, by the way, created what  
13 was supposed to be a safe haven around key multilateral  
14 environmental agreements so that if a government was  
15 operating in reference to Endangered Species or the Basel  
16 Convention or the Montreal Protocol, those actions would not  
17 be seen to be in violation of any other sections of the  
18 NAFTA.

19                   In fact, of course, Basel, which deals  
20 with the transport of hazardous waste, was the one on which  
21 the Government of Canada sought to rely.

22                   The Tribunal dismissed this and said  
23 that since the US had not subsequently ratified Basel it  
24 could not be raised as a defence, even though it was  
25 referenced by name in NAFTA.

1                   Now, this is one that takes some time.  
2 This next sentence is so mind-bendingly bizarre that the  
3 only kind of pre-trade experience in reading one needs is  
4 Lewis Carroll, but let me read it to you:

5                   "Furthermore, even though it was illegal  
6 at all relevant times for the US to  
7 accept PCB-contaminated waste, Canada  
8 was found to have committed an act  
9 tantamount to expropriation in  
10 prohibiting the export of PCBs to the  
11 US."

12                   In other words, it would have been  
13 illegal for the US to receive the export of PCB-contaminated  
14 waste from Canada, but since Canada banned its export to the  
15 US, we owed S.D. Myers \$50 million.

16                   Canada appealed. The test on appeal, as  
17 I said, was very stiff and, as a result, Canada failed on  
18 appeal.

19                   Ethyl Corporation, the case of the  
20 manganese-based gasoline additive, MMT, well-known case.  
21 The Chapter 11 challenge ended up being settled before the  
22 Tribunal ruled as a result of other trade application rules  
23 within Canada, but Canada did settle with Ethyl Corporation  
24 and pay them over \$12 million, which was taken from the  
25 core-based budget of Environment Canada, which I don't



1 mention in the brief had a significant chilling effect on  
2 regulators' willingness to ban toxic chemicals.

3                   There was no question that manganese and  
4 gasoline additive is used, was not at the time was illegal  
5 in the United States.

6                   In any case, the applications of Chapter  
7 11, just to summarize, do not depend on the decision of a  
8 government or regulator being based on weak science, being  
9 in any way wrong in principle or in law, or even being trade  
10 discriminatory.

11                   The only test is, has a foreign  
12 corporation experienced a reduction in its expectation of  
13 profits. So it's not the case that, in this situation,  
14 Chapter 11 wouldn't apply.

15                   So, in summation, should this project  
16 be allowed to proceed and Bilcon should, in future, face  
17 more stringent rules to protect right whales from ship  
18 strikes, to protect water quality or lobster habitat or to  
19 reduce dust or noise. Any and/or all of these events could  
20 give rise to a successful Chapter 11 suit.

21                   The presentation of NAFTA Chapter 11 in  
22 the EIS is worthless and misleading.

23                   Skipping ahead to Kyoto, Bilcon's  
24 presentation of the Kyoto Protocol and the science of  
25 climate change is also riddled with factual errors.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   I'll skip through the ones that are  
2 immaterial and merely indicate sloppiness, such as being out  
3 of date, not understanding the functioning of the IPCC, and  
4 not understanding much about climate science just to put  
5 that on the record because I'll come back to sea level rise.

6                   They also fail to mention the United  
7 Nations Convention for the Protection of Biological  
8 Diversity, which is quite relevant to the questions of  
9 whether this industrial activity in the vicinity of  
10 protected areas violates the provisions of Article 8.

11                   The areas surrounding sensitive areas  
12 should themselves receive sensitive treatment and  
13 management.

14                   Moving to Volume 5, Chapter 7, the  
15 Need For, Purpose of and Alternatives to the Proposed  
16 Project, it's very clear that need in this EIS is treated  
17 entirely as the Proponent's desire as opposed to any  
18 objectively considered issue of need.

19                   We hear that Bilcon feels it needs to  
20 have a quarry. It needs access to a source of raw aggregate  
21 material not subject to market fluctuations.

22                   There are no external measurements  
23 provided of this need. The EIS does not explore the impact  
24 on either Bilcon or its parent company on either profits or  
25 production from having to access raw aggregate material and

1 recycled aggregate material from concrete.

2                   The Panel confirmed on Bilcon's first  
3 day that Clayton has not operated its own quarry anywhere in  
4 the world. Its vaunted achievements as celebrated in the  
5 Bilcon EIS were managed in the complete absence of its own  
6 quarry.

7                   The EIS does not tell us how. The clear  
8 inference is that Clayton does not need this quarry to  
9 maintain operations. It merely wants it.

10                   The broader conceptualization of need  
11 would include such questions as, does New Jersey need more  
12 highways. Does Nova Scotia and Digby Neck and environs, in  
13 particular, need a quarry, an industrialization? Does the  
14 world need more concrete?

15                   I note parenthetically that concrete  
16 production is a significant contributor to greenhouse gas  
17 emissions, and I've got some statistics there about the  
18 relevance in the Canadian context.

19                   The all-important question of  
20 alternatives is given short shrift. The Proponent makes it  
21 clear that, from a production standpoint, recycling concrete  
22 is a viable alternative, technically.

23                   It rejects the pursuit of this  
24 alternative by stating as a conclusion that the supply of  
25 recyclable materials is inadequate.

1                   There is no presentation of any data as  
2 to the current practice of concrete recycling in Canada or  
3 in the United States, trends and availability of material  
4 for recycling or the costs or relative ease of access to raw  
5 versus recycled materials. The EIS simply tells us it is  
6 so.

7                   The do nothing alternative is dismissed  
8 with an outrageous claim lacking evidence or methodological  
9 framework anywhere in the EIS. It is one of the most  
10 important of Bilcon's unsupported assertions.

11                   Essentially, without having done even a  
12 rudimentary cost-benefit analysis of this project, Bilcon  
13 claims the "do nothing alternative will not result in a  
14 viable economic diversification opportunity for the Digby  
15 Neck and region."

16                   The preceding section never identified  
17 as a purpose or need for the project economic  
18 diversification of the Digby Neck region. Is the Panel to  
19 believe that the Proponent's motivation has suddenly shifted  
20 from its desire for a ready supply of basalt to the general  
21 benefits of residents of Digby Neck?

22                   More significantly, the Proponent has  
23 advanced the notion that its project would lead to economic  
24 diversification.

25                   It omits any examination of the very

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 real risk that its 34 new jobs in the community will come at  
2 the expense of losing some or all of the lobster fishery and  
3 its over 300 jobs, loss of tourism jobs estimated at over 80  
4 with the opportunity cost of driving away any new tourism  
5 investments.

6                   In other words, the do nothing  
7 alternative is more likely an attractive option in  
8 preserving a growing number of tourism jobs, maintaining a  
9 lucrative fishery and protecting a way of life.

10                   To summarize quite briefly my comments  
11 on the Proponent's attempts to say that the Cape Porcupine  
12 quarry at the Canso Causeway is in any way relevant to this  
13 example, it is not.

14                   The Causeway occurs in an area that  
15 actually, of course, didn't have an environmental  
16 assessment, but it fundamentally changed the area. It  
17 destroyed a big chunk of our local fishery at that region in  
18 the Strait of Canso, but what it also did was create an  
19 industrialized zone at the Strait.

20                   So tourists who are driving over the  
21 Canso Causeway can see very visibly from the Stora mill and  
22 the others that they're in an industrial zone and on their  
23 way to Cape Breton Island and the beauty spots that lie  
24 beyond.

25                   I was surprised to find as many people a

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 day asked the tourism office what was going on with that  
2 quarry as did.

3                   Of course, it would not be likely to  
4 destroy anyone's sense of their vacation, they're just  
5 starting it when they stop at the Visitor's Centre.

6                   A more applicable comparison would be  
7 the proposed quarry which was proposed in the early '90s,  
8 which are familiar to the Panel members for sure, and it's  
9 Kelly's Mountain along St. Anne's Harbour in Cape Breton  
10 Island.

11                   Local opposition there, as here, was  
12 strong. Local residents, as here, were concerned that the  
13 local lobster fishery could be negatively impacted by silt  
14 and gravel.

15                   Local residents, as here, were  
16 concerned that the scale of the operation was inconsistent  
17 with the community and were concerned that the quarry and  
18 marine terminal could have a negative impact on tourism.  
19 The quarry did not proceed at Kelly's Mountain, and neither  
20 should this one.

21                   I'm going to skip my comment on water  
22 quality and get right to climate change and sea level rise,  
23 because I think this is critical, and I'm not sure you've  
24 had a whole lot of information on it thus far that I have  
25 seen in the evidence.

1                   Bilcon has displayed a complete  
2   ignorance of key questions that should have been considered  
3   by any Proponent proposing a quarry along the Bay of Fundy  
4   and the marine terminal.

5                   The summary claims:

6                   "The quarry will not cause saltwater  
7                   intrusion since quarrying will occur  
8                   well above sea level and fresh  
9                   water/salt water interface and no  
10                  pumping will take place."

11                  The Proponent makes virtually no  
12   allowance for sea level rise resulting from climate change.

13   Given that the project is proposed to have a 50-year  
14   lifetime in operation and that sea level rise could have a  
15   significant impact in half a century, this omission is  
16   disturbing.

17                  Now the Proponent has relied on a rate  
18   of sea level rise from the Atlantic Marine Geological  
19   Consulting Limited of 20 to 30 centimetres a century.

20                  This is widely at variance with IPCC  
21   figures, and it's noted that IPCC (Intergovernmental Panel  
22   on Climate Change), has predicted sea level rise solely on  
23   the basis of expanding oceans through warmer and not at this  
24   point including...

25                  Although they have been heavily

1 criticized for this in recent reports from James Hansen and  
2 others in the United States.

3 I brought a recent news article that I  
4 can leave with you from the New York Times, it's a  
5 scientific paper for the Philosophical Transactions of the  
6 Royal Society, in which six leading scientific institutions  
7 in the United States, led by Director James Hansen of  
8 NASA's Goddard Institute for space studies are critical of  
9 the IPCC consensus for omitting the potentials in the next  
10 century from Greenland to Antarctica, as I note in my  
11 brief.

12 But that's a criticism of IPCC. All the  
13 same, IPCC's estimates are much higher than the one the  
14 Proponent has used.

15 I was intrigued by the study that they  
16 did rely upon, Shaw et al, which was a Geological Service of  
17 Canada paper from 1998 titled: "Sensitivity of Coasts of  
18 Canada to Sea Level Rise."

19 Now that paper, although almost 10  
20 years out of date at this point, places sea level rise at  
21 0.65 metres by 2100, which is more than twice the upper  
22 range of sea level rise the Proponent cited in the body of  
23 its EIS.

24 And when I wrote this, I wrote:

25 "It is likely the study undertaken by

---

***A.S.A.P. Reporting Services***

***(613) 564-2727***

***(416) 861-8720***



1           the Geological Survey of Canada would be  
2           quite different with the more recent sea  
3           level rise projections..."

4           I pursued this and found that one of the  
5 co-authors of the Shaw et al. paper, Don Forbes, who is now  
6 a research scientist still at the Geological Survey of  
7 Canada, Chaired the Intergovernmental Panel on climate  
8 change section on coastal issues.

9           I pursued it with him, and I have an e-  
10 mail from him, and also the most recent or 2007 IPCC  
11 projected level of temperature and sea level rise, but he  
12 had some specific comments.

13           If I could read them into the record...  
14    And it's in relation to Digby Neck.

15           He agreed that new projections with a  
16 maximum level of 0.59 metres under the scenario that's  
17 labelled in this graph as A1-F1, in other words an estimate  
18 of sea level rise under the IPCC scenarios.

19           He mentions, he says:

20           "As you correctly point out, this does  
21           not include potential impacts of  
22           increased contributions from the  
23           Greenland Ice Sheet and the Western  
24           Antarctica Ice Sheet due to accelerated  
25           outlet glacier dynamics.

1 Local sea level change will not  
2 necessarily be the same as the global  
3 mean, but the evidence suggests that in  
4 this area (in other words around the Bay  
5 of Fundy), we're likely to see about the  
6 same rise.

7 Local relative sea level rise (which is  
8 different) are what the beach and wharf  
9 see is also affected by vertical land  
10 motion dominated by post-glacial  
11 effects.

12 We do not have any good data from the  
13 Digby Neck area, but Myles suggest a  
14 rate of 10 to 15 centimetres per century  
15 and perhaps more.

16 A conservative approach would add 20  
17 centimetres to 60 centimetres for an  
18 estimate of 80 centimetres maximum  
19 relative sea level rise over the coming  
20 century in the Digby Neck area, plus any  
21 unexpected icecap inputs."

22 So I think that is clear, and it shows  
23 that the Proponent has failed entirely to assess or update  
24 or inform itself on sea level rise on its marine terminal  
25 operations, on the potential for storm surges that could

1 affect quarry operation.

2                   We simply don't have enough information  
3 in this report, having had the Proponent rely on nearly 10-  
4 year-old science in a rapidly evolving area.

5                   Further evidence that the Proponent has  
6 not adequately considered the risk factors of a changing  
7 climate regime is found in the Project description where  
8 Bilcon states that:

9                   "Positive surface drainage will be  
10 maintained on the quarry site with  
11 drainage ways and sediment retention  
12 ponds designed for 10-year flood  
13 events."

14                   Given the change in climate regime,  
15 even planning for 100-year flooding events is probably  
16 inadequate.

17                   Looking at a 10-year flood event on the  
18 basis for future planning over the next 50 years is clearly  
19 reckless.

20                   Regardless of the probabilities of  
21 tipping point events, the minimum projected sea level rise  
22 and the Intergovernmental Panel on Climate Change global  
23 consensus far exceeds the figure the Proponent has used, and  
24 taking the conservative global consensus - and again that is  
25 conservative, the risks are real as Dr. Hansen keeps

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 pointing out that we could hit loss of the Greenland Ice  
2 Sheet or the Western Antarctica Ice Sheet...

3                   The approach taken by the Proponent is  
4 entirely inadequate to assess the level of damage and  
5 potential infiltration of sea water into fresh water, nor  
6 of the potential damage to the site with attendant  
7 contamination to the surrounding environment.

8                   My last point, just briefly to touch on  
9 the marine mammals issue. Dr. Taggart's excellent brief has  
10 made it clear that the Proponent ignored a large body of  
11 literature and minimized the impact on an extremely  
12 endangered species.

13                   It's striking that what the Proponent  
14 believed to be an adequate investigation was a non-expert  
15 survey over a one-month period in only one year.

16                   Bilcon contracted with a local whale  
17 watch operator to provide information on sightings of marine  
18 mammals and seabirds.

19                   Never, never has a federal Environmental  
20 Impact Statement process seen such an inadequate level of  
21 investigation for such a significant issue.

22                   The issue of the plight of the extremely  
23 endangered Right Whale is further minimized by the  
24 reproduction of a chart prepared for another purpose of  
25 sightings of marine mammals in the Bay of Fundy two decades

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 ago.

2 I just found extraordinary that anyone  
3 would bother to be producing a report like this listing the  
4 right whale as "abundant locally".

5 It is hard not to interpret the  
6 Proponent's EIS as deliberately misleading, because they  
7 do go on later to note that it's a species at risk under  
8 SARA.

9 The discussion of mitigation measures to  
10 protect the right whale is premised on a number of  
11 questionable assumptions, and I just want to mention three  
12 of them:

13 The first one is that avoiding blasting  
14 when right whales have been sighted is an adequate measure.  
15 Will blasting cease when visibility is poor?

16 It's noted that blasting will not take  
17 place during fog, but there are many other weather  
18 conditions that impair visibility and as previous witnesses  
19 have testified, spotting right whales from the shore is  
20 problematic even under clear conditions because you can't  
21 really distinguish the whales from the white calves all that  
22 easily.

23 Two, another assumption, that the  
24 shipping routes can avoid right whales, when Bilcon notes  
25 that avoidance is "at the ship captain's discretion".

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   What good are its assurances if  
2 everything is under the ship captain's discretion?

3                   And similarly, three, that speeds will  
4 be reduced in areas where the probability of encountering  
5 whales increases, even though "the vessel's speed is the  
6 responsibility of the ships captain and dependent in part on  
7 prevailing sea conditions".

8                   In conclusion, it is a rare case,  
9 perhaps unprecedented, where the threat to an ecosystem, to  
10 existing employment and traditional sustainable industries  
11 and community values from an unsustainable development  
12 offering minimal economic benefit set against large economic  
13 risk, has been coupled with such a woefully sub-standard  
14 effort to assess impacts.

15                   This is an occasion when a Panel  
16 should express clear dissatisfaction. It is important to  
17 send a message not only to Bilcon, but to other proponents  
18 who attempt to meet environmental Assessment obligations  
19 through volumes of meaningless paper.

20                   Given the inadequate information base,  
21 the substantial threat to the most endangered whale species  
22 on earth, the contemptuous attitude of the Proponent to  
23 community members and their legitimate concerns for their  
24 future, it is urged that the Panel issue a recommendation  
25 that the proposed quarry and marine terminal represent an

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 unacceptable risk that cannot be mitigated.

2 Thank you.

3 THE CHAIRPERSON: Thank you Ms. May.

4 Ms. ELIZABETH MAY: Thank you.

5 **PRESENTATION BY Ms. ELIZABETH MAY - QUESTIONS FROM THE**  
6 **PANEL**

7 Dr. JILL GRANT: Ms. May, I wonder if I  
8 might ask you about the sea level rise question.

9 You indicated... I just want to make  
10 sure of the figures clearly, but that there may be  
11 additional levels related to melting of Greenland icecaps.  
12 Do you have specific figures on that or it's just a  
13 generalized concern?

14 Ms. ELIZABETH MAY: No, no, no, that's  
15 not a generalized concern. The work that has been done  
16 by... It's in the published literature.

17 Four to five metre additional sea level  
18 rise would occur in losing the Greenland Ice Sheet. Four to  
19 five metre sea level rise would also occur if we lost the  
20 Western Antarctica Ice Sheet.

21 And just to read you from the summation  
22 of the most recent paper of the six U.S. scientific  
23 institutions:

24 "The IPCC analysis and projections do  
25 not well account for the non-linear

1 physics of wet icesheet disintegration,  
2 ice streams and eroding ice shelves, nor  
3 are they consistent with the  
4 paleoclimate evidence we have presented  
5 for the absence of discernable lag  
6 between icesheet forcing and sea level  
7 rise."

8 So the position of a number of  
9 significant and globally respected scientists is that the  
10 Western Antarctic Ice Sheet and the Greenland Ice Sheet are  
11 significant concerns in the coming century.

12 Either one of them would contribute to  
13 four to five metres of sea level rise, so cumulatively a  
14 10-metre sea level rise, which we don't like to think about,  
15 you know?

16 Dr. JILL GRANT: And you indicated some  
17 specific concerns about the Bay of Fundy related to coastal  
18 rebound I presume?

19 Ms. ELIZABETH MAY: Yeah. Don Forbes,  
20 again there was an additional section to his e-mail. This  
21 is again Dr. Don Forbes, research scientist at Geological  
22 Survey of Canada who notes:

23 "To clarify, the land motion is downward  
24 subsidence in this area (speaking of  
25 Digby Neck) on the periphery of the



1           former [inaudible] type Ice Sheet, so  
2           downward motion gives an apparent rise  
3           in sea level, which will be added to any  
4           actual sea level rise.

5           In the upper Bay of Fundy, there is  
6           evidence for a rapid expansion of the  
7           tidal range over the past few thousand  
8           years, so that the higher tide level is  
9           rising more rapidly than the main sea  
10          level."

11          So we're talking about... When I used  
12          the figure of IPCC current consensus, which is noted leaves  
13          out the other potential abrupt climate impacts, but based on  
14          a warming and expanding ocean, we're talking about 0.60  
15          metre sea level rise by the end of the century.

16          Now that would be augmented by the  
17          subsidence issue in this region, and Dr. Forbes advises to  
18          add another 0.20 to the 0.60, for a total of 0.80 sea level  
19          rise as a conservative estimate of relative sea level rise  
20          for the Digby Neck area.

21          Although again, just to say his caveat:  
22          "...we do not have any good data from  
23          the Digby Neck area, but models suggest  
24          a rate of 10 to 15 centimetres per  
25          century, and perhaps more."

1                   Then he says it's a conservative  
2 approach, et cetera, and it's coming to 80 centimetres  
3 maximum, relative sea level rise for the coming century in  
4 the Digby Neck area, plus any unexpected icecap inputs.

5                   And I'll leave all his coordinates with  
6 you, should the Panel wish to... I just didn't... In the  
7 time available, I didn't think I should try to insert a  
8 new expert witness, but I was grateful for his willingness  
9 to comment, because he was the author of both the paper  
10 cited by the Proponent, and also he oversaw the drafting of  
11 the chapter on coastal impacts in the most recent IPCC  
12 report.

13                   Dr. GUNTER MUECKE: Ms. May, could I  
14 refer you to the greenhouse gas emissions from this  
15 Project?

16                   Ms. ELIZABETH MAY: Yes.

17                   Dr. GUNTER MUECKE: Over the hearings, we  
18 have arrived at a figure of about 100 kilo-tonnes per year.

19                   Would you like to comment on how significant you think this  
20 is in terms of Canadian commitments for instance?

21                   Ms. ELIZABETH MAY: Yeah. Well, our  
22 overall greenhouse gas reduction target to meet Kyoto is  
23 about 280 mega tonnes, or 280 million tonnes.

24                   So obviously, this particular Project  
25 isn't going to be a significant contributor to the total

1 amount of greenhouse gas emissions in Canada.

2 But in the context of a country that  
3 must rapidly reduce emissions, any additional non-essential  
4 emissions of greenhouse gases should be avoided and  
5 rejected.

6 We have... And the papers suggest, in  
7 terms of the scientific papers around sea level rise Dr.  
8 Hansen has used, we could hit those points where we have a  
9 runaway greenhouse effect essentially, where nothing for the  
10 human reductions in greenhouse gases will make any  
11 differences by 2016 if we don't have sharply reduced  
12 emissions before 2016.

13 So in that context, a large industrial  
14 project that produces a 100 kilo-tonnes of greenhouse gases  
15 a year is simply not a good idea.

16 The province of Nova Scotia obviously  
17 has just accepted some new greenhouse gas reductions  
18 targets. This is inconsistent with those provincial  
19 targets.

20 The province of Nova Scotia should be  
21 moving rapidly to stop using coal to generate electricity,  
22 and you know, finding alternatives for that, whether they  
23 can access natural gas, but in the context of a planet where  
24 greenhouse gases are now about 384 parts per million, and  
25 the pre-industry revolution level was 275 parts per million,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 looking at the long lag times in the atmosphere and the  
2 difficulties faced in reducing emissions rapidly, any new  
3 project with additional emissions for no benefit is really  
4 one to be rejected, and it is of concern.

5 Thank you.

6 THE CHAIRPERSON: Ms. May, I would like  
7 to bring you back to the NAFTA comments you made. Actually,  
8 I was looking for a clarification.

9 The Tribunal decisions that you cited  
10 with regard to Canada and the United States, were they post-  
11 approval?

12 That is, were some kind of deals  
13 struck between organizations in the two countries, and it  
14 was only after a deal had been struck or approval had been  
15 reached that it then went to a Tribunal, or did any of those  
16 have anything to do with a process similar to the one we're  
17 in now, which is leading up to an approval or a rejection of  
18 a proposal?

19 Ms. ELIZABETH MAY: Oh no. In fact,  
20 specifically the **Metalclad** case was exactly that. The  
21 Proponent was seeking approval to build a waste disposal  
22 plant.

23 Essentially, the back story is it  
24 appears that the bribed local officials and that at the  
25 state level, they were told: "No, this is too dangerous to

1 the water supply."

2 So they had had an initial permit to  
3 begin operations, but they had not had their state approvals  
4 that they needed, so **Metalclad** sued.

5 But it had not had its approvals  
6 finalized at the state level, nor had it actually built the  
7 project, and yet it received \$18 million from the Federal  
8 Government of Mexico as a result of the state government  
9 saying no to allowing a hazardous waste disposal facility to  
10 move in.

11 So theoretically, if I can infer the  
12 meaning of the question, if Bilcon was turned down here,  
13 could they sue under Chapter 11, well probably.

14 THE CHAIRPERSON: Thank you. Mr. Buxton,  
15 any questions?

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

18 THE CHAIRPERSON: Questions from the  
19 audience. Okay. Would you please... Over here please so I  
20 can see who is interested. There are at least two  
21 people.

22 **PRESENTATION BY THE GREEN PARTY OF CANADA - QUESTIONS FROM**  
23 **THE PUBLIC**

24 Mr. Morsches?

25 Mr. BOB MORSCHEs: Doctor, it's Bob

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Morsches. I have a question for Ms. May and really the  
2 Green Party.

3                               Would you support a project... Like  
4 Bilcon could produce 150-hectare provincial park or natural  
5 nature conservancy.

6                               In doing this, it could build a pier for  
7 canoeing, kayaking and sailing scooters at this pier, where  
8 they could dock. They could build a resort hotel like the  
9 size of the Pines.

10                              They would have to blast very small  
11 areas so that they could allow access to pass throughout the  
12 350 acres. With that, they could send that to Clayton.

13                              In developing the nature conservancy,  
14 they would allow of course the pond and the flora and the  
15 birds and rarest other animals to run free.

16                              I think if they did something like that,  
17 Bilcon would become the most famous international company to  
18 have a nice place like that.

19                              It saves the whales, the lobsters, other  
20 fish and other species, and it really saves our environment,  
21 and it would create at least 150 jobs at the resort hotel,  
22 same as Pines. The Pines has about 150.

23                              Now the question is would you support  
24 such a thing?

25                              Ms. ELIZABETH MAY: At this point, having

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 spent a good deal of what I laughingly refer to as my free  
2 time reading their Environmental Impact Statement, I  
3 wouldn't trust Bilcon to put up an ice cream stand next to  
4 the highway in this area.

5 --- CROWD CHEERING

6 THE CHAIRPERSON: Please, please, it's  
7 not respectful.

8 Mr. BOB MORSCHEs: Thank you Doctor.

9 THE CHAIRPERSON: Thank you. The woman  
10 in the back I think was next. Please, yes, come forward.

11 Ms. HELEN OPIE: My name is Helen Opie,  
12 and I'm from Granville Ferry. My question I think is  
13 probably to Bilcon.

14 These numbers of greenhouse gas  
15 emissions, is that only for the quarry in Digby Neck or does  
16 it also include what would be added emissions for the added  
17 concrete manufacturer in the States?

18 Mr. PAUL BUXTON: It only refers to the  
19 Whites Point process.

20 THE CHAIRPERSON: It excludes the United  
21 States.

22 Sister Barbara?

23 SISTER BARBARA: Thank you Mr. Chair. My  
24 name is Sister Barbara, and I'm from Rossway, Digby Neck.  
25 Hello Ms. May, thank you for your presentation.

1                   My presentation a week ago was totally  
2 on sea level rise, and so I thank you for that  
3 clarification.

4                   My question... I was also concerned  
5 about the explosives that are going to be used, it's  
6 ammonium nitrate, very toxic, and there's going to be a  
7 residue left over after the blasting, and I believe it's  
8 going to seep into the Bay of Fundy.

9                   Now according to **Fisheries and Oceans**  
10 **Act**, it's illegal to dump any of this ammonium nitrate into  
11 our oceans. So does the quarry have to be approved and then  
12 they start working, it seeps into the Bay of Fundy, and then  
13 Environment Canada says: "Oh, oh, you're polluting the Bay  
14 of Fundy and you're going against the **Fisheries and Oceans**  
15 **Act**, so we're going to have to shut you down."

16                   So then NAFTA comes into effect, is that  
17 correct?

18                   Ms. ELIZABETH MAY: Thank you Sister, I  
19 apologize for not having known that your brief addressed sea  
20 level rise.

21                   I had seen earlier briefs and I'm very  
22 grateful for the support that you have given for local  
23 community members to protect the area.

24                   I will try to answer the question as an  
25 environmental lawyer, although I'm no longer practising, but

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 if the...

2                   Of course, ammonium nitrate is toxic and  
3 is a pollutant, but under the **Fisheries Act**, materials don't  
4 have to be toxic, they may only have to be deleterious to  
5 fish.

6                   Until the current **Fisheries Act** changes,  
7 which they are trying to pass it in the House of Commons and  
8 the Senate.

9                   But under the current **Fisheries Act**, any  
10 material that is deleterious to fish and any waters where  
11 fish are found violates the **Fisheries Act**.

12                   This being a very hazardous material  
13 would be specifically of concern, and my memory of DFO's  
14 response to this in these hearings was that they hadn't even  
15 been really considering it. They hadn't been aware of it as  
16 a contaminant.

17                   I hope that I understood that correctly.

18                   So they weren't paying attention to it. If it did  
19 contaminate the waters, they could chose to prosecute, they  
20 can also chose to ignore it.

21                   Our history of the application of the  
22 **Fisheries Act** in Canada is more a litany of governments  
23 choosing to ignore polluters than to prosecute them.

24                   If they chose to pursue the matter and  
25 shutdown the quarry, yes, they would then... Bilcon of

1 course could at any time...

2 But Bilcon could sue the Federal  
3 Government if they were asked to follow a different shipping  
4 lane or if they were asked to cease operations for any  
5 reason or to modify operations or to reduce noise levels,  
6 you know?

7 Anything that has an impact on their  
8 expectation of profits, quite short of actually shutting  
9 them down, could result in a Chapter 11 lawsuit.

10 SISTER BARBARA: Cannot the Government of  
11 Canada put in laws to prevent this?

12 Ms. ELIZABETH MAY: Yes, the Government  
13 of Canada could put in better regulations around the use of  
14 blasting materials, the proper storage, do everything  
15 possible to regulate to minimize the chance of seepage.

16 It doesn't appear to be adequately  
17 regulated as an area right now.

18 SISTER BARBARA: Okay, well...

19 THE CHAIRPERSON: Thank you Sister  
20 Barbara.

21 SISTER BARBARA: Thank you.

22 Ms. ELIZABETH MAY: Thank you.

23 THE CHAIRPERSON: Are there any  
24 additional questions? Yes, Ms. Peach.

25 Ms. JUDITH PEACH: Judith Peach of

1 Waterford. My question is again on the NAFTA, Chapter 11,  
2 okay?

3 Say the Panel was to approve one aspect  
4 of this project, which is the quarry, and not approve the  
5 marine terminal because of the possibility of effects on the  
6 marine environment, could they also in that case sue under  
7 Chapter 11 still at the approval level?

8 Ms. ELIZABETH MAY: Yeah, let me just be  
9 clear. Chapter 11 is a blanket investor right provision  
10 that does not have any of the normal requirements that a  
11 lawyer would look to before putting forward a case to a real  
12 court.

13 So an Arbitration Panel can be  
14 convened at the whim of an investor not publically known...

15 That's the problem of having a complete catalogue of  
16 Chapter 11 cases, it's difficult because there's no  
17 publication of a Chapter 11 challenge against the Government  
18 by a corporation.

19 And there is no penalty for frivolous  
20 suits, and given the success of some fairly frivolous  
21 efforts, and I regard the **S.D. Myers** case as classic because  
22 it would have been illegal to accept the PCB contaminated  
23 waste in the U.S. We were prohibiting it as export, and  
24 they still won.

25 So given that and they still won, a

1 foreign investor has no constraints whatsoever in trying any  
2 Chapter 11 suit it might like to try.

3                   There's no award of costs against a  
4 corporation for a pointless nature into the Chapter 11  
5 area.

6                   A lot of corporations have used threats  
7 of Chapter 11 cases. There was a threat against British  
8 Columbia that never materialized. There have been a number  
9 of other threats used in the public domain.

10                   This is an area of NAFTA that was...  
11 And I've spoken to the people who actually negotiated this,  
12 and this was never their intention. They had no idea that  
13 something like the **NRTFO** court case could ever come up or  
14 the **S.D. Myers** PCB case, that it would ever come up.

15                   They were negotiating what they  
16 thought was real expropriation protections, and this notion  
17 of expropriation could include regulations, could include  
18 approving part and not the other, could include...

19                   I mean, it could include... It could  
20 include even the fact that I have just insulted them. They  
21 could sue anybody because the **Etyl Corp.** court case included  
22 damages for loss of Etyl Corp. reputation because the House  
23 of Commons passed a law that banned their product.

24                   They regarded the debate in the House of  
25 Commons as damaging to their international reputation, this

1 from a company that is still selling leaded gas in  
2 developing countries, so I don't think they have much of a  
3 reputation to protect, but they thought they did, and that  
4 was one of their grounds of complaint.

5 Now that case was resolved before the  
6 Arbitration Panel finished.

7 So yes, they could sue for anything.  
8 There's nothing to constrain an international investor from  
9 suing in Canada.

10 They might not win, but they can sue  
11 anyway.

12 THE CHAIRPERSON: Thank you. Any  
13 additional questions? If not, thank you Ms. May. Thank you  
14 very much.

15 The next presentation will be by  
16 Brogan Anderson. Is Mr. Anderson here? Ms. Anderson,  
17 sorry.

18 Keep it about six inches away from you,  
19 and identify yourself and your affiliation please.

20 **PRESENTATION BY Ms. BROGAN ANDERSON**

21 Ms. BROGAN ANDERSON: Good morning  
22 everyone, Members of the Panel, Proponents and members of  
23 the audience.

24 My name is Brogan Anderson. I currently  
25 live in Wolfville, Nova Scotia, and I moved there from

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Central Canada when I was 25 years old.

2 I am one of the anti-statistics if you  
3 will because all the time in the news, we hear about the  
4 trend of young people moving away from this province, and as  
5 someone who went the other way, I can tell you that my  
6 experience is somewhat unique.

7 so I thought I would offer you some  
8 points of view from that perspective, as a young person who  
9 moved to and not away from Nova Scotia.

10 First of all, I didn't move here for a  
11 job, I moved here for quality of life. So if this  
12 proposed Project flaunts itself as the answer to people  
13 moving away, there better be a close look at the total  
14 balance sheet.

15 It isn't just about jobs as some  
16 abstract unit, as though one job is the same as any other  
17 and as though people move here or stay here only for the  
18 "all mighty job".

19 You could look at this proposal like any  
20 new neighbour moving into a place, except this one happens  
21 to be a corporate neighbour who will have more impact on the  
22 place than your average citizen.

23 And you might say: "Well, we don't mind  
24 having new neighbours, as long as they don't harm what is  
25 already here."

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   Which may be a small community, but it  
2 is a vital one with current economic activities that include  
3 fishing and tourism.

4                   So why would you allow a new neighbour  
5 that would destroy the livelihood of the fishers and tourist  
6 operators, a neighbour that plans to engage in 24-hours  
7 operations that could impact the grounds of lobster  
8 spawning and wildlife viewing as well as a good night of  
9 sleep?

10                   What possible justification is there to  
11 let an outside interest come in and use the place to their  
12 own purposes with no intention of a long-term vision for  
13 Digby Neck?

14                   This proposal spells disaster for  
15 fishing and tourism in this area, and I don't understand how  
16 this could be stated to be a non-significant impact.

17                   The Environmental Impact Statement  
18 drafted by Bilcon explicitly describes local impacts as non-  
19 significant. This is an arbitrary use of the word  
20 significant and there is no reason to accept this spin on  
21 the word.

22                   The Merriam Webster dictionary defines  
23 significant as:

24                   "...having or likely to have influence  
25 or effect, important."

1                   I can only conclude that Bilcon is  
2 saying that local effects are not important and by defining  
3 them as insignificant, they are attempting to free  
4 themselves of having to answer for them.

5                   So far as the human side of this  
6 proposed quarry and deep so far, there's another whole piece  
7 of the issue which is not human focussed.

8                   As far as we know, there are three  
9 intelligent life forms on this planet, that is to say  
10 animals that form long-term social bonds, communicate,  
11 exhibit curiosity and problem solving abilities and mourn  
12 their dead.

13                   Humans are the ones we most commonly  
14 focus on, and I won't take the time today to discuss the sad  
15 plate of elephants.

16                   This brings us to the third important  
17 species, whales. Whales communicate with sound as we do,  
18 but use a range of sound much greater than the human ear can  
19 detect, and send waves of sound through long frequencies so  
20 that sound can travel long distances before it is picked up  
21 by another whale.

22                   Has anyone considered the disturbance to  
23 whale habitat due to blasting noise and shipping noise?

24                   If this proposed quarry and deep-sea  
25 port go ahead, there is no mitigation possibility in terms

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 of the effect of the ambient noise that would be projected  
2 into the whales' world.

3                   We have an interesting situation here  
4 where there are not only wales in the Bay of Fundy, but a  
5 specific species of endangered whales, the Northern Right  
6 Whale.

7                   If nobody here cares if they go the way  
8 of the Dodo, I'm not here to argue that point. But assuming  
9 the best intentions of humans, after hunting right whales,  
10 the right whale to hunt to near extinction, it might be  
11 smart to consider what things we might do to help their  
12 population regain a point of stability and start to recover  
13 from mass slaughter.

14                   The Proponent's suggestion that they  
15 could monitor for whales with binoculars is not just  
16 preposterous, it's insulting.

17                   A 2005 report in coastal management  
18 tells us, and I quote:

19                   "Modelling studies suggest that the  
20 North Atlantic Right Whale population is  
21 declining, and some models predict that  
22 extinction could occur within 191 to 245  
23 years. Declining survival of females is  
24 of particular concern for the species.  
25 Females historically produce more than

1 six offsprings during their lifespan,  
2 but that number has now been reduced to  
3 fewer than two.

4 The prevention of as few as two female  
5 deaths each year would improve the  
6 chances of recovery."

7 That's from Fujiwara and Caswell, 2001,  
8 and I'm still quoting:

9 "Demographic predictions are even more  
10 dyer should food resources decline. In  
11 light of these grim predictions, active  
12 conservation efforts for the species are  
13 critical, particularly in reducing  
14 human-caused mortality."

15 When two female deaths each year could  
16 make the difference, are you going to trust a guy with a  
17 pair of binoculars to see them out on the water and call off  
18 blasting for the day?

19 With the prospect of climate change  
20 ahead of us, which we know will mean food resource decline,  
21 can we risk extra stress to the marine environment?

22 The possibility of ship strikes is not  
23 the only concern here. Females give birth to their first  
24 calf at an average age of nine years.

25 The calving interval for right whales is

1 between two and seven years, with means ranging from 3.12 to  
2 3.67 years.

3                   In the Western North Atlantic, there was  
4 a significant increase in the calving interval from 3.67  
5 years for the period of 1980 to 1992, to 5.8 years for the  
6 period 1990 to 1998.

7                   The increase in the calving interval is  
8 of particular concern and together with other perplexing and  
9 biological parameters may suggest the population is under  
10 rather unusual biological, energetic or reproductive  
11 stress.

12                   In other words, whales are having fewer  
13 offspring by having their offspring further apart, and  
14 nobody knows why.

15                   Would it be so farfetched to think  
16 that if you were a whale and you experienced additional  
17 habitat stress in the form of noise from a large quarry and  
18 large cargo ships travelling through your waters that this  
19 would be likely to drive down reproductive rates rather than  
20 improving them?

21                   The precautionary principle says that we  
22 shouldn't do something when we don't know enough about it to  
23 know that it's safe to go ahead, that it will do no harm.

24                   In the case of the right whale, there is  
25 so much we don't know. You might say it's the perfect case

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 to invoke the precautionary principle because of the risk of  
2 what we could lose, a species that evolved 25 million years  
3 ago and is still here with us today, leading its quiet, non-  
4 violent cetacean-brand life.

5 Thank you.

6 THE CHAIRPERSON: Thank you very much Ms.  
7 Anderson. Gunter? Jill?

8 Dr. JILL GRANT: No, thank you.

9 THE CHAIRPERSON: Mr. Buxton?

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

12 THE CHAIRPERSON: Questions from the  
13 floor? It appears not. Thank you very much Ms. Anderson.

14 We will now take a 15-minute break.

15 --- Recess at 10:36 a.m.

16 --- Upon resuming at 10:52 a.m.

17 THE CHAIRPERSON: Ladies and gentlemen,  
18 we would like to resume, please.

19 --- Pause

20 THE CHAIRPERSON: Okay. We are now about  
21 to have a presentation that was actually delayed a week,  
22 unfortunately. Dr. Janet Eaton intended to make this  
23 presentation last week and we had a computer glitch,  
24 unfortunately, so we welcome her back again. And we thank  
25 you for taking the time to come here a second time as well.

1                   So would you identify yourself and your  
2 affiliation, and then proceed?

3 **PRESENTATION BY THE SIERRA CLUB OF CANADA - Dr. JANET EATON**

4                   Dr. JANET EATON: Thank you very much,  
5 Mr. Chair.

6                   I'm Dr. Janet Eaton. I'm representing  
7 the Sierra Club of Canada and also the Sierra Club  
8 International Committee on Corporate Accountability and  
9 Water Privatisation.

10                  And I also would like to identify myself  
11 as an independent researcher and a part-time academic who's  
12 taught in several Nova Scotia universities, most lately  
13 Acadia University, where I taught courses on Critical  
14 Perspectives on Globalization, and Environment and  
15 Sustainable Society and Community Political Power.

16                  So in addition, I'm associated in a  
17 volunteer capacity with the Green Party of Canada Shadow  
18 Cabinet.

19                  So I want to touch on some of the same  
20 issues and thematic areas that I have followed since the  
21 beginning of this process on behalf of the Sierra Club, and  
22 that includes public participation and cumulative impacts  
23 and KNIGHTIA.

24                  And I also want to talk to the economic  
25 paradigms involved here, which is another aspect that I've

---

***A.S.A.P. Reporting Services***

***(613) 564-2727***

***(416) 861-8720***

1 followed with this throughout.

2 I want to mention why the Sierra Club of  
3 Canada has been involved in this issue from the beginning,  
4 and that is because one of our goals is a transition to a  
5 sustainable economy, and we feel that this is contrary to  
6 that goal.

7 And the Sierra Club also questions the  
8 unquestioned assumptions of corporate economic globalization  
9 and suggests they're a major cause of global environmental  
10 crises.

11 Also, the Sierra Club International  
12 Corporate Accountability facilitates the Club's response to  
13 the corporate abuse of power and its advocacy of enforceable  
14 measures to ensure corporate accountability in relation to  
15 the environment.

16 From the beginning, as I noted, I have  
17 particularly, on behalf of the Sierra Club, noted that we  
18 have a model economy in the Digby Neck and Islands which has  
19 been put in place, really, through years and years of  
20 community effort, part of which was assisted by the Nova  
21 Scotia Government's Department on Community Economic  
22 Development and regional authorities on community economic  
23 development.

24 And this was to reinforce this as a  
25 small-scale participatory, sustainable economy based on

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 inshore small-scale fishing, on ecotourism and so on.

2                   And in contrast to that, we are faced  
3 here with the intrusion of a different model which is  
4 related to corporate economic globalization.

5                   You can see on the left of the slide an  
6 example of how that global economy is working right now, and  
7 you'll see that there are shipping routes now from China  
8 through to Nova Scotia and into the continent, and you can  
9 see on the lower left that what is projected are major,  
10 major KNIGHTIA super corridors running through the continent  
11 from Mexico to Canada.

12                   You can see there's projected super-port  
13 in Halifax which would receive those ships and be trucked on  
14 major large double-sized and triple trucks all the way down  
15 through.

16                   And I'm just mentioning this now  
17 because it is in stark contrast to the type of small-scale  
18 economy we have here, and it's in stark contrast to the type  
19 of economy that we need if we're going to preserve our  
20 future and have a sustainable future.

21                   I think we'll get to that in a few  
22 minutes.

23                   So what we've had here is, in the  
24 present economy, a tradition of community economic  
25 development. It's sustainable, it's small scale, localized,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 community based. It's been participatory.

2                   It's based on ecotourism. It's a  
3 retirement area, small-scale fishing, marine research,  
4 learning and discovery centres and intermediate technology.

5                   And that's the slide I was looking for  
6 earlier, which just shows that this is not only an ideal  
7 small-scale economy, but it's what we could consider a model  
8 economy, and it's been recognized as such by the UN Habitat  
9 Settlement, which named it to its Global Best Practices  
10 list, and it was recognized by UNESCO as a paradigm of  
11 community economic development.

12                   I just wanted to mention that because  
13 this is not just any small-scale community. This is a model  
14 economy.

15                   And on top of that, we live in an era  
16 when we know that we're facing the end of cheap oil, and  
17 that is going to be constraint for this global economic  
18 model, and we're going to be looking to the future to small-  
19 scale economies.

20                   And so it's not only been a model in the  
21 past; it's a model in the sense of being a model for a post-  
22 peak oil kind of future.

23                   So we have something here that we need  
24 to be very proud of and that we need to preserve. And this  
25 is just total anathema to see this kind of quarry coming

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 into a model like this.

2                                   And we see that with a kind of  
3 industrialized economy we move to industrialization of a  
4 unique bio-region, an undemocratic imposition on local  
5 community by a foreign corporation and our own government,  
6 and I'll talk to that under the participatory section.

7                                   It derails local sustainable development  
8 by introducing large-scale unsustainable industry and the  
9 cumulative impacts is a huge threat as more industries would  
10 be attracted by a deep sea port and, actually, by the  
11 globalized economy now, which is in a hyper growth mode with  
12 the super-corridors Atlantica and the deep integration  
13 that's happening at this time, largely beneath the radar  
14 screen of public and Parliamentary scrutiny.

15                                   I'm not going to spend time on this,  
16 simply for anyone that wants to take time to go through this  
17 Powerpoint, which will be on the web site.

18                                   Just a note that, for the last 400  
19 years, we've been operating in a scientific mechanistic  
20 industrial paradigm which conditions our mindset in a  
21 certain way and it conditions the way we treat knowledge in  
22 disciplines, and it creates bureaucracies with silos and it  
23 has created different disciplines, including an economic  
24 discipline, which functions very much in that way, in an  
25 unconnected way, which doesn't see itself as connected to

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 the environment or to people.

2                                   And the metaphor for that has been a  
3 machine or a clock.

4                                   We know now that we face a very  
5 unsustainable future. We worry about the survival of the  
6 planet, actually.

7                                   And as a result of that, we're starting  
8 to think in a more systemic way. Other presenters here have  
9 mentioned that, that the Aboriginal tradition and  
10 perspective has always viewed the earth in this way and now  
11 we're finally realizing that the time has come to listen to  
12 our Aboriginal forebears and to perceive our planet as a  
13 whole system, what some call Gaia, Mother Earth.

14                                   The metaphor there is a network, a web  
15 or so on.

16                                   And I'm not going to go into all the  
17 components of that, but what I want to do is to mention how  
18 that translates through to the economy. And it's been the  
19 last 20 or more years that we've had this shift where nation  
20 states no longer have the control over their economies and  
21 there's been this shift to globalization with its structures  
22 like the WTO and the KNIGHTIA Secretariat and the IMF and  
23 the World Bank and so on.

24                                   And they're based on this very  
25 mechanistic line of thinking.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   That kind of thinking leads to a global  
2 economy that promotes a globalized market and absentee  
3 ownership. It puts money in corporations first. It  
4 advances material and financial growth.

5                   It treats nature as a mine and a dump  
6 often. It maximizes material consumption. It nurtures  
7 monoculture.

8                   It promotes global competition and  
9 community against competition and often results in economic  
10 exclusion and inequality.

11                  I'm not going to read the second column  
12 because we know pretty much that that is the kind of economy  
13 that we are talking about for this region.

14                  And I just want to mention that in  
15 these global negotiations that are going in, to try to move  
16 towards a global model, many of the negotiators recognize  
17 that they're in a box, and they go to these meetings.

18                  And somebody like Martin Kohr from the  
19 Third World Network, he has recognized this in his writings  
20 where he shows two boxes. And he shows one which is the  
21 current negotiations which he feels they're trapped in but  
22 they still, as Third World nations, have to go and try to  
23 negotiate for some kind of position within it, although it's  
24 not been forthcoming.

25                  The other box is the systemic change

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 box, which is the one we're talking about here and for which  
2 Digby Neck is a model.

3                   And so I want to mention that we're  
4 reaching an imperative and we are stuck in a bit of a box.

5                   Just to show that we are at a crucial  
6 time, we've heard the word "tipping point". I just want to  
7 mention, some of the collapse scenarios that hover over us  
8 right now and there's very, very adequate research on these  
9 scenarios from the end of cheap oil to global economic  
10 collapse and the collapse of corporate globalization.

11                   And that's one thing that I wanted to  
12 make very clear, that today we are negotiating under an  
13 aspect of the corporate global economy a free trade  
14 agreement, KNIGHTIA, at the same time that there's really  
15 very mounting evidence that not only has KNIGHTIA been based  
16 on flawed assumptions and that it has failed in the promises  
17 that it sought to deliver and it has been oversold, as even  
18 the economist said, but also the whole notion of the  
19 corporate global economy has now been considered a failure  
20 by remarkable economists like Herman Dailey, like Joseph  
21 Stieglitz, like David Horton.

22                   The IMF's internal studies and the World  
23 Bank internal studies have shown failure, so it would be, I  
24 feel, a travesty and tragic to move ahead and sacrifice  
25 Digby Neck on this altar of globalization when it's failing,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 but we are not having the debate in this country, and that's  
2 why I felt I had to introduce it here because it has to be  
3 introduced.

4                   It's well out of time when we actually  
5 have to talk about the global context of where we live.

6                   We know it's a global, inter-connected  
7 Gaia type of earth and planet, so we have to inter-connect  
8 our theories and our perspectives when we're talking about  
9 this, and especially the local to global perspective has to  
10 come into this.

11                   And just in terms of the fact that  
12 we're at this turning point where we must have these kinds  
13 of shifts, I always go back to Robert Heilbroner, who is a  
14 very famous economic historian in the United States, and who  
15 spoke in Canada in the Massey lectures in 1992 and gave an  
16 outstanding assessment of where global capitalism would be  
17 in the 21st century.

18                   A wonderful series of lectures if you  
19 haven't read them. Oh, and he wrote a wonderful economic  
20 history, which I'd recommend to anyone, and he wrote "The  
21 Worldly Philosophers", so he's a very broad-ranging thinker.

22                   And back in 1976, he predicted the  
23 demise of the particular economic model that we're operating  
24 now on, and that was for three reasons, and one was the  
25 ecological limits.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   And we've seen this today. We've no  
2 doubt about that any more.

3                   In order to progress on the current  
4 economic model, we would need three plants just even right  
5 now. Heaven knows how many more at the rate we're moving.

6                   Also, he said, that at some point,  
7 probably around now, 30 years hence, the value system that  
8 this particular business civilization has been based on  
9 would come under severe scrutiny.

10                  And I think that's what we've seen over  
11 the past 20 years as civil society has recognized that, and  
12 so we will talk a little later here about the values of  
13 that.

14                  And so what I want to suggest is that  
15 part of our job here is to get ourselves out of the  
16 mechanistic box of simply trying to be within a model that  
17 attempts to mitigate.

18                  And although I must agree with Elizabeth  
19 May that this particular environmental assessment process  
20 has been exemplary in trying to get us a little bit out of  
21 that box, but the critique of environmental assessments has  
22 been that it's a mitigation process, so it's almost like a  
23 foregone conclusion, although we do have a sense with this  
24 one that that may not be the case.

25                  And we do have ways to argue around

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 that, but generally speaking, that has been the case.

2                   And so it is, therefore, imperative that  
3 we have this larger frame to look at the whole process  
4 that's going on and to ask ourselves how big is our umbrella  
5 as we examine this.

6                   And I think that's going to be crucial.

7    As you'll see when you look at the degree of greenhouse  
8 gases that will accumulate, not just from increased  
9 industrialization of the shores of the Bay of Fundy, but  
10 from this whole global economic model that is still  
11 persisting in which business and government leaders are  
12 trying to continue to propagate.

13                   Let me see. I wanted to mention that  
14 the problems with this whole political economic constraint  
15 that we find now with this model, it's embedded in the  
16 fabric of the practical operation to society, especially in  
17 our energy systems, our agricultural systems, our  
18 transportation and manufacturing.

19                   And particularly because I'm going to be  
20 speaking about transportation, I just wanted to make that  
21 clear, that we need a vision of how a whole system is put in  
22 place.

23                   Think of it, too, in terms of the sub-  
24 systems.

25                   And I just simply wanted to mention

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 this. This is something that just came to me this past  
2 week, and that is a discussion that I had with Raymond  
3 Parker, who is another advocate of a sustainable Annapolis  
4 Valley, which is now on line.

5           And I will submit it as evidence because  
6 in this we talk about a sustainable Annapolis Valley and a  
7 sustainable Digby Neck and we talk about the large frame,  
8 the integration frame, the Atlantica frame and how  
9 unsustainable that is for our food security. We're  
10 particularly focussed on that.

11           And in that, we talk about the  
12 importance of small-scale fishery for the future, so food  
13 security is an issue.

14           In terms of public participation, I  
15 want to mention three things. In 1990, there was a super  
16 quarry proposed for this area. It's still on line, the  
17 Society for the Preservation of the Eastern Head.

18           Now, that quarry was stopped through  
19 public efforts and participation and, at the time, by a  
20 government that recognized the value, the ecotourism value  
21 of this region. And it was at a time when the government  
22 was promoting this and you'll remember the signs that went  
23 up and so on.

24           And so we must ask ourselves, if that  
25 was the case then, what has changed? Why is this now being



1 promoted?

2                   And I think that's another reason why we  
3 have to look at this broad picture of the kind of global  
4 economic model that has evolved and is continuing to evolve  
5 in spite of the fact that we have so much evidence that it  
6 is flawed and it's failing and it's leading to this  
7 increasing greenhouse gas emissions.

8                   And we have government reports put in  
9 place to say, superficially anyway, that we need to do  
10 something about it. But I don't think we've got all the  
11 facts, and that's why I'm trying to present some of them in  
12 this report today.

13                   Another aspect that we need to  
14 consider in this case is if there was a genuine attempt at  
15 public participation, why was a SLAPP suit served on one of  
16 the outstanding citizens of this community for making  
17 comments about her ancestors on that land?

18                   And we see that lawsuits are clearly  
19 aimed at intimidating middle-class citizens who have assets  
20 and a strategic legal action against public participation  
21 since they have a chill effect, deterring all involved from  
22 continuing to freely participate. And this, indeed, was the  
23 case in this situation.

24                   And so if that's the case, I'm simply  
25 making the argument that the public participation, the

1 consultation process does not seem to be genuine if that  
2 type of a SLAPP suit was served.

3                   Similarly, if you look at Arnstein's  
4 letter of citizen participation, something that I recall  
5 from my community development work many years ago and that I  
6 went back to consult, you can see that there's degrees of  
7 public participation. And you can see that consultation  
8 really, in terms of the broad understanding, is more of a  
9 degree of tokenism.

10                   And I think you've heard some evidence  
11 in this set of hearings that, indeed, it does seem like  
12 tokenism, what has transpired.

13                   And in fact, that's why it's important  
14 to go back to these two paradigms to look at what happens  
15 under a global economic regime and what happens under a true  
16 small-scale participatory community-based scheme.

17                   And I would suggest that we've had a  
18 model of the participatory mode here in Digby Neck up until  
19 recently, and some of the aspects of that are really well  
20 covered in literature that's emerging such as "Alternatives  
21 to Economic Globalization" by Mander and Cavanagh, and some  
22 of the characteristics are of a participatory democracy.

23                   Subsidiarity is really important here  
24 because that's essential to sustainable societies, and that  
25 means that you make the decision at the level that's closest

1 to the people impacted. And I'll give you an example of  
2 that.

3                   When the Supreme Court of Canada decided  
4 and ruled in favour of a municipality having its own  
5 pesticide by-laws, they cited various reasons, and one of  
6 them was subsidiarity. The other was in terms of  
7 environmental law and so on, but this is an important  
8 concept for us.

9                   And the problem is, in a global economic  
10 regime, it's overridden, and so we exist right now at a  
11 tipping point in our society where we could lose control of  
12 the very essence of sustainability and of citizen  
13 participation if we aren't aware of these things and we  
14 don't bring them into our decision-making.

15                   So ecological sustainability is part  
16 of this more localized paradigm and common heritage and  
17 human rights and so on, and food security and safety and the  
18 precautionary principle.

19                   That was another thing they drew upon in  
20 the Hudson decision in the pesticide case.

21                   And so we've had public participation.  
22 It's been a model.

23                   I'm sure more is to come. This process  
24 on Digby Neck will be written up as a model and it will  
25 probably serve in textbooks around the world because,

1 indeed, it has been a model of citizen participation.

2 Now I want to speak a little about  
3 cumulative impacts and the way that this has been  
4 approached.

5 I'm showing there the area of the North  
6 Mountain. And in terms of cumulative impacts, in our  
7 presentation in 2006 we looked at the industry trends.

8 We looked at the purchase of lands  
9 adjacent to the proposed quarry site, the basalt off the  
10 coast of Brier Island, which presents another potential site  
11 of industrialization.

12 We looked at the fact that we know now  
13 across the Bay that the possibility of basalt industries  
14 arise with the basalt fibre being very, very prized.

15 And we looked at the North Mountain  
16 basalt concerns, and that would be the proliferation of  
17 quarries verified by the Department of Natural Resources'  
18 presentation indicated that, indeed, there were other  
19 applications for possible quarries in this area.

20 We looked at the bottled water plant  
21 that was proposed here and, of course, linked to the deep  
22 water pier, and other potential mining industries.

23 We've heard about uranium and the sand  
24 mining off the coast from Brier Island to Cape Split.

25 All of these things are documented in

1 the brief that Sierra Club presented in 2006.

2                   So these are the cumulative impacts that  
3 are very concerning.

4                   Also, coastal super quarries and mega  
5 quarries offer a solution for low-cost aggregate demand at a  
6 time of rapid suburban growth, so we can fear that this  
7 super quarry would just be an indication that further  
8 quarries will accrue here if, indeed, it goes ahead and it  
9 seems profitable.

10                   In the Scottish Superquarry 1980 Report,  
11 they named 15 potential sites along the Scottish western  
12 coast and islands.

13                   And so we see that there's a trend  
14 that's linked to this whole globalized economy. The global  
15 economy is very much based on transportation needs, and  
16 including large mega highways, as we will see on the  
17 proposals for major super corridors throughout the United  
18 States, from Mexico to Canada.

19                   And reports show an increase in the  
20 demand for rock will be increasing.

21                   I don't know if we can see the map. No,  
22 I don't think that's very visible. Okay.

23                   In terms of cumulative impacts, I want  
24 to mention the increased shipping and the possible  
25 environmental impacts of that, which will include the

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 concerns around right whale hits, collisions, oil spills,  
2 greenhouse gas emissions and loss of biodiversity and  
3 habitat and loss of food security.

4                   And here we see the potential for  
5 increased shipping, environmental impacts and possibility of  
6 right whale hits.

7                   I'm not going to go into detail on that  
8 because I think that's been adequately covered, but we have  
9 to consider that that is a major issue.

10                   We also need to be concerned about the  
11 potential for shipping collision.

12                   Now, also added to the cumulative  
13 impacts would be the greenhouse gas emissions. And Anna-  
14 Maria Galante earlier in the week, or was it last week now,  
15 did some calculations to show that the greenhouse gas  
16 emissions would be considerable from the number of the 48  
17 suggested trips that the tankers would be making back and  
18 forth.

19                   And so I wanted to point that out, that  
20 that's an increase to the global emissions that we've  
21 already seen are unsustainable. That's just from one.

22                   Now, obviously if we increase the number  
23 of refineries and the shipping increases, then we have to  
24 use the multiplier effects.

25                   And from the Proponent's report, we've

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 seen suggestions that the number of vessels per year from  
2 the Canaport will be increasing 134 possibly. If the L&G  
3 plants go ahead, we've got those predictions there.

4                   And so if we find that the greenhouse  
5 gas emissions from the shipping to and from the proposed  
6 Digby Neck quarry is really too high, try to imagine the  
7 further developments on this Bay of Fundy and what that  
8 would mean.

9                   We have to look at the impacts on the  
10 biodiversity.

11                   Ecosystem biodiversity gives rise to  
12 healthier, more robust ecological communities that are more  
13 effective at resisting climate change.

14                   Biodiversity provides benefits  
15 referred to by economists as "ecosystem services". And  
16 economists estimate ecosystem services in 1997 to be worth  
17 three times the global GDP.

18                   So this is something that we haven't  
19 really adequately assessed but which we really need to  
20 consider.

21                   Ecosystems are deteriorating at an  
22 appalling rate because of the dominant economic system which  
23 has led to a crisis in the majority of the world's  
24 ecosystems.

25                   The Bay of Fundy ecosystem demands

1 respect and preservation of its biodiversity and integrity.

2                   And so let's just look at the impacts,  
3 then, on food security.

4                   Major increases in shipping has the  
5 potential to destroy small-scale sustainable fisheries and  
6 costal communities.

7                   If the White Point quarry results in 48  
8 more vessels per year, consider how many vessels there would  
9 be alongside North Mountain if quarries proliferated because  
10 of KNIGHTIA.

11                   We know now what impact would be on the  
12 lobster fishery. We've heard that in these presentations.  
13 We've just heard from the fisherfolk in this area about  
14 that.

15                   I listened to Mr. McKay's plea with  
16 interest for a decision that recognizes the long-term  
17 sustainable nature of Fundy eco-economy versus proposed  
18 industrial development in general and the Whites Point  
19 quarry in particular.

20                   We need to recognize and calculate the  
21 ecosystem services of the Bay of Fundy and to reject the  
22 industrial development of Digby Neck. It is innately  
23 morally, socially, politically and ecologically indefensible  
24 given the already aggressive industrialization of the New  
25 Brunswick side of the Bay.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1                   I think a few years back somebody said  
2 to me that it's just a disaster in waiting. They've done  
3 some kinds of probability calculations on oil spill in this  
4 area, and it's very high likelihood now.

5                   So if that isn't enough in terms of the  
6 potential for oil spills and contamination of this Bay of  
7 Fundy, there's more to come with the Atlantica plans for  
8 super corridors, energy corridors, short haul shipping  
9 routes and the SPP focus on Canada as a natural resource  
10 base for the North American economy.

11                   So that just gives you an idea of how  
12 quarries relate to this whole North American entity which  
13 some refer to looking towards North American union and which  
14 comes under now the aegis of the Security and Prosperity  
15 Partnership for North America which is promoting this kind  
16 of an economy and promoting one which has a very, very high  
17 level of transportation by, mostly, trucking.

18                   So let's look at, then, the kinds of  
19 impacts that this Atlantica, which is a part of the SPP.  
20 It's taking the Security and Prosperity Partnership  
21 framework for North America and looking at the Atlantic  
22 region.

23                   We would find Bay of Fundy shipping with  
24 major increases. We're seeing the LNG plants.

25                   We're seeing a projected super port of

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Halifax already under way, possibly another one up on the  
2 coast of Guysborough.

3 We're seeing super corridors under  
4 construction, and trucking and truck trains and so on are  
5 going to be the preferred mode of transport.

6 So we have to look, then, at the  
7 greenhouse gas emissions from this and how this quarry  
8 actually fits into a larger picture. It's really important  
9 to see this as part of a larger picture that's emanating at  
10 this time.

11 GPI Atlantic's 2006 analysis, and that's  
12 the Genuine Progress Index group under Ron Coleman that have  
13 done tremendous analyses in terms of the impacts of the  
14 global economy.

15 They show that Nova Scotia's  
16 transportation system, with its heavy reliance on roads,  
17 both for passengers and freight, is not sustainable and its  
18 problems are growing.

19 Between 1990 and 2002, passenger travel  
20 increased by 5.2 percent and truck freight traffic by 66  
21 percent. Greenhouse gas emissions from heavy duty diesel  
22 trucks increased by 54 percent and emissions from light duty  
23 gasoline trucks, including SUVs, jumped by more than 60  
24 percent.

25 So you can see the picture that's

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 emerging here and how quarries will fit into that picture  
2 and how the trends with quarries has shown that we need them  
3 in remote places that can produce large amounts of the  
4 aggregate for the global highways of the world, and that's  
5 why we had the look up along the coast of Scotland for  
6 Britain and European highways. And that's what we're seeing  
7 here now.

8                   The global transportation infrastructure  
9 built to service the global economy brings a multitude of  
10 negative consequences.

11                   With export production, the central  
12 feature of free trade, there's been a massive increase in  
13 ocean shipping, air cargo transport, highway trucking, et  
14 cetera, and corresponding increase in infrastructure.

15                   The latter includes new highways,  
16 seaports, airports, pipelines often built in pristine  
17 wilderness on indigenous lands and in rural communities.  
18 That's from Mander and Cavanagh: "Alternatives to Economic  
19 Globalization", which is a reference I referred to earlier  
20 in the presentation.

21                   Ocean shipping has expanded more than  
22 tenfold since the 1950s, primarily because of increased  
23 commodity export activity from economic globalization.

24                   Ocean shipping accounts for more than 90  
25 percent of commodity trade shipments, with industry

1 consuming more than 140 million tonnes of fuel annually,  
2 polluting oceans, destroying wildlife and emitting carbon  
3 dioxide.

4                   Especially problematic is that most  
5 ocean shipping is fuelled by very low quality oil, Bunker C,  
6 and is extremely heavy polluter.

7                   So many experts predict a doubling of  
8 trans-oceanic shipping activity over the next 10 years.

9                   So this is just to put the Digby Neck  
10 quarry within that broader context of where globalization is  
11 taking us.

12                   And as I mentioned, a globalized model  
13 which we know now is not sustainable and which other parts  
14 of the world are trying to move away from.

15                   So I ask the Panel to consider the  
16 overall impacts of this unsustainable model and to consider  
17 how we are going to get out of this destructive economic box  
18 if we don't take a stand here on Digby Neck.

19                   I also want to mention Elizabeth May did  
20 some analysis of KNIGHTIA, and so we do know that that is a  
21 threat. It's clear from DFAIT's presentation earlier in the  
22 week, or was it last week, we know that KNIGHTIA is in place  
23 to enhance the rights of investors.

24                   We have no guarantee that KNIGHTIA won't  
25 contribute to further export of aggregate and quarries if we

1 permit Whites Point to go ahead. And this would lead to  
2 devastating consequences for the Bay of Fundy, as I've  
3 showed.

4 We know now that KNIGHTIA was over-sold  
5 and there is a growing movement to abrogate KNIGHTIA.

6 The EIS guidelines in the SCC submission  
7 in response to people's concerns, the SCC response to the  
8 Bilcon EIS. Okay, I'm just looking at what the Sierra Club  
9 of Canada has already spoken to in our various  
10 interventions, and in the response to the Bilcon EIS, we had  
11 six questions, and I don't think any of those were answered.

12 And then in the Public Hearings, June  
13 2007 presentation on NAFTA Chapter 11 from DFAIT and the six  
14 questions from the Panel Chair, we also recognized that our  
15 concerns are not allayed at all, and I recall that the  
16 Chairperson mentioned, after looking at the... After  
17 hearing the presentation from the Department of Foreign  
18 Affairs and International Trade representative, my reading  
19 of your presentation was that this is a uniformed process,  
20 except when it isn't. And when it isn't, that's when it  
21 becomes challengeable, right? Okay.

22 So NAFTA Chapter 11 and the Environment,  
23 there's an expectation from the evidence from past rulings,  
24 such as **Ethyl**, **Methanex** and **S.D. Myers**, and Elizabeth May  
25 covered that very adequately today to show us that there are

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 severe limitations there for protecting the environment  
2 under the regime that's set in place.

3 University of Toronto, Professor Stephen  
4 Clarkson, on the **S.D. Myers** decision, said the arbitrators  
5 decision was a flight of stupefying the legal logic which  
6 discriminated on aberrant grounds, and according to  
7 Professor David Boyd, the foremost Canadian environmental  
8 law expert and author of "Unnatural Law, Re-Thinking  
9 Canadian Environmental Law and Policy", the most detrimental  
10 part of NAFTA threatening the Canadian Environmental Law is  
11 Chapter 11, and he argues that Chapter 11:

12 "Offers protection from domestic  
13 environmental legislation and  
14 regulation, while providing an  
15 unprecedented method for resolving  
16 disputes, a process that runs counter to  
17 international law, where Governments  
18 historically were given access to  
19 dispute resolution mechanisms."

20 There was a Canadian Commission, the  
21 Commission on NAFTA study assessed environmental effects of  
22 free trade, and they said indicators such as a greenhouse  
23 gas emissions, loss of bio-diversity and loss of primary  
24 forest and habitats did not display the kind of turning  
25 point that was found for NO2 and SO2. Like that was not an

1 issue, but the others are.

2                                 Instead, there appear to be a continuous  
3 rise in greenhouse gas emissions or habitat degradation as  
4 GDP per capita continued to rise. NAFTA's been shown to  
5 lead to marginal increases in aggregate carbon monoxide air  
6 pollution, as well. So although the evidence shows a robust  
7 and direct trade/environment link in the transportation  
8 sector, it relates to increased air pollution from freight  
9 transportation, invasive species from entry of alien species  
10 from expansion of transportation pathways.

11                                 So we have evidence, then, that in the  
12 transportation sector, that this is going to lead to  
13 increased pollution.

14                                 Also evidence of Governments, that  
15 Governments have hobbled implementation of the environmental  
16 sidebar of NAFTA. Again, Professor Stephen Clarkson, a  
17 foremost authority in Canada on economic globalization and  
18 on the North American integration, he indicated that...  
19 Refers to the successes of the Commission on Environmental  
20 Co-operation in supporting the ecologists' goals, but notes  
21 that:

22   "This success has prompted the three  
23 member states to hobble the nominally  
24 successful super-national institutional  
25 body."

1 He suggests that:

2 "This failure of reality to meet  
3 expectations was deepened by the  
4 revelations of Chapter 11's true  
5 potential to empower foreign  
6 corporations and castrate democratic  
7 government."

8 So I would also just quickly mention  
9 that the Sierra Club of Canada, in its review of NAFTA  
10 showed also that Canada received a failing grade for 11 out  
11 of 13 years.

12 So we conclude that NAFTA was oversold.

13 That is a general conclusion now. The evidence continues  
14 to grow from think tanks, academic centres, institutes,  
15 political analysis and so on, and three Canadian political  
16 parties are now calling for NAFTA to be rescinded.

17 According to University of Toronto  
18 economist, Stephen Clarkson, again:

19 "NAFTA provided the constitutional  
20 framework for locking in neo-liberal  
21 policies and accelerating continental  
22 economic integration."

23 And these are just some... I'm not  
24 going to... I'm rushing now. I know I'm almost at the end  
25 of my time, but these are some of the most egregious aspects

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 of Chapter 11, the Investor State mechanism, Chapter 19...

2 THE CHAIRPERSON: Dr. Eaton?

3 Dr. JANET Eaton: Yes?

4 THE CHAIRPERSON: You're over time, so  
5 could you...

6 Dr. JANET EATON: Yes, I'll sum up. Yes,  
7 okay. Okay. I'm talking here about the security and  
8 prosperity partnership, and how it has morphed into that,  
9 and I just want to mention that we also have TILMA, inter-  
10 provincial free trade agreement which is coming on board  
11 now, which is also very threatening, and which overrides  
12 some of our environmental rights.

13 And most worrisome is that in the  
14 proposed economic union, Canada will be subservient to a  
15 dominant world power which, under its present  
16 administration, has clawed back and destroyed years of  
17 progressive environmental legislation; what Robert F.  
18 Kennedy, Jr. has called "Crimes against nature".

19 So the Government of Nova Scotia should  
20 reject this quarry, regardless of the chill factor of NAFTA.  
21 It should stand its ground, and reject NAFTA, as well. And  
22 if, as the EIS report appears to indicate, the  
23 Proponents(sic) foresees no implications at all in relation  
24 to NAFTA, would they guarantee in writing never to use NAFTA  
25 Chapter 11 against the Governments of Canada.

1                   So remember another world is possible.  
2 It's time to shift the dominant economic and energy  
3 paradigms. We only have limited time, and we need to move  
4 away from this paradigm, and remember that we can move  
5 beyond this kind of scenario. We do need to preserve Digby  
6 Neck, and we do need to stop the quarry.

7                   And remember from Julia Sauers famous  
8 book on this very site of the quarry:

9                   "Old Fundy beating on shore, clouds  
10                   overhead, and the gulls mewing; the  
11                   grandest spot on the continent, and your  
12                   homeland".

13                   Thank you.

14                   THE CHAIRPERSON: Thank you, Dr. Eaton.  
15 Do we have any questions?

16                   Dr. JANET EATON: Okay.

17                   THE CHAIRPERSON: The Panel has no  
18 questions. Mr. Buxton? Over to you.

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

21                   THE CHAIRPERSON: Questions from the  
22 audience, please?

23 **PRESENTATION BY Dr. JANET EATON, SIERRA CLUB OF CANADA -**  
24 **QUESTIONS FROM THE PUBLIC**

25                   SISTER BARBARA: My name is Sister

1 Barbara, and I'm from Rossway. Thank you for your  
2 presentation. I'm glad that NAFTA's trying to be rescinded.  
3 I was never for it, and am still not for NAFTA.

4 My question is the Governments are  
5 always promoting to save the environment, but how do we get  
6 the Government to practice what it preaches? Do they have  
7 an environmental plan especially due to the Atlantica coming  
8 on now? Has the Government got a plan for the environment  
9 to save it?

10 Dr. JANET EATON: Yes, there is new  
11 legislation in place, which, in theory, looks good, but I  
12 think that as we've seen, and as we can see here, the broad  
13 analysis does not often come into the picture, and I think  
14 that therefore the legislation can be less effective.

15 And, for example, we... Well, I'm  
16 sorry. I've lost my train of thought. Yeah, but I...  
17 Yeah.

18 SISTER BARBARA: It does have a plan?  
19 The Government?

20 Dr. JANET EATON: The Government  
21 presently in Nova Scotia has a plan, yes, to try to limit  
22 emissions, and to try to be within the framework, but I  
23 think that often legislation is proposed, and the  
24 legislators themselves don't see this big framework. And so  
25 I think that it's...

1                   We really do have to broaden the picture  
2 of analysis now, and make sure that Governments at all  
3 levels understand the level of impact of this global  
4 economic model, especially in an era when we're so  
5 threatened by global greenhouse gas emissions. That now is  
6 the one thing that we can really use to drive home the point  
7 that his kind of unlimited global economic model is simply  
8 not sustainable.

9                   And I think I've presented some analysis  
10 that shows that, just in relation to the Bay of Fundy, it's  
11 totally unsustainable. And if you look at this quarry of  
12 part of that whole overall impact, we can see that now's the  
13 time to take a stand and start looking at a sustainable  
14 future for this region, and which will then be for the  
15 world, if we look at it, you know, in terms of the global  
16 co-operation that's now necessary to shift this paradigm.

17                   SISTER BARBARA: Thank you.

18                   THE CHAIRPERSON: Thank you, Sister  
19 Barbara. Mr. Hunka?

20                   Mr. ROGER HUNKA: Roger Hunka. I was  
21 quite interested in your raising of the Hudson case  
22 subsidiarity, having an understanding that Canada bought  
23 into the bio-diversity convention, and has proclaimed or  
24 promoted that the values of Canadians are foremost.

25                   And in reading the Hudson case, would

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 you then say if there's a failure of the Federal Government  
2 to act, or the Provincial Government to act, that the  
3 Municipal or local Government can act? In other words, take  
4 on that role, based on the Hudson case? In this case, if  
5 the Federal Government won't [inaudible] that the community  
6 could say we don't want it?

7 Dr. JANET EDEN: Well, certainly based on  
8 Hudson, we can say that, you know, Municipalities can and  
9 should act in regard to pesticide elimination, which was  
10 what the case was specific for, but I'm not a lawyer, so I'm  
11 sure it has broader interpretation, as well.

12 But I think it was a very significant  
13 case, but it's very, very worrisome that under North  
14 American integration, which is a very real possibility now,  
15 if you're following what's going on. In late August, the  
16 Prime Minister and Presidents of the three countries are  
17 meeting to further that integration, so it's worrisome that  
18 our own precedents, our own legal precedents within our  
19 country could be overridden by a broader North American  
20 integration process.

21 So that's why I believe that citizens  
22 really now have to sit up and take notice of these  
23 integration efforts that are going on, largely under the  
24 radar screen of public scrutiny. Thank you.

25 THE CHAIRPERSON: Mr. Ackerman?

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Mr. JERRY ACKERMAN: Jerry Ackerman.

2 Thank you for what you've said, Dr. Eaton.

3 You did refer to corporate government,  
4 and I think that's a key aspect of the total, but you did  
5 not refer to making war on the world, and the role of  
6 corporate governments in carrying that forward. Do you not  
7 see that as a major global result in terms of the ecology,  
8 and the diversity, and all the hit list that you list?

9 Dr. JANET EATON: The corporate...

10 THE CHAIRPERSON: Dr. Eaton, could I ask  
11 you to be brief?

12 Dr. JANET EATON: Very brief.

13 THE CHAIRPERSON: We're really running  
14 out of time now.

15 Dr. JANET EATON: Yeah, okay. Just the  
16 corporate global economic model that we have seen gives very  
17 short shrift to the broader values that we value here in  
18 this democratic society, and so that is a major concern that  
19 this point in time, that model is still being highly  
20 promoted, and I think this is where we take a stand, and we  
21 use our expertise and our awareness that Nova Scotia is  
22 unique, and has a smaller-scale economy, and we need to  
23 bring that forbearance, you know, to bear in this case.

24 THE CHAIRPERSON: I think we'll bring the  
25 questions to a close, at that point. Thank you very much,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Dr. Eaton.

2 Our next presentation, final  
3 presentation for this morning, is Chris Miller. Dr. Miller,  
4 identify yourself, and proceed.

5 **PRESENTATION BY CANADIAN PARKS AND WILDERNESS SOCIETY - Dr.**  
6 **CHRIS MILLER**

7 Dr. CHRIS MILLER: Well, first of all,  
8 thank you for the opportunity to be here today. My name is  
9 Chris Miller. I'm a wetland scientist with a PhD from the  
10 Wetlands Research Centre and Department of Biology at the  
11 University of Waterloo. I'm also the Wilderness  
12 Conservation Co-ordinator for the Nova Scotia Chapter of the  
13 Canadian Parks and Wilderness Society.

14 The Canadian Parks and Wildness  
15 Society is a national, non-profit organization that has been  
16 working to protect Canada's wilderness since 1963. We have  
17 20,000 committed members across the country, over 50 staff  
18 and 13 different chapters, including the one right here in  
19 Nova Scotia. Our organization is committed to using the  
20 best possible scientific analyses to guide our decision-  
21 making on conservation issues.

22 So today I will be providing expert  
23 opinion on the potential impact of the proposed Whites Point  
24 Quarry on a coastal wetland located within that study site.

25 The ecological significance of coastal

---

***A.S.A.P. Reporting Services***

***(613) 564-2727***

***(416) 861-8720***

1 wetlands is well known. These places provide nutrients to  
2 marine ecosystems, spawning areas for fish, habitat for  
3 migratory birds and rare species, and buffer zones against  
4 storm surges and coastal erosion. They also purify  
5 groundwater, control runoff and sequester carbon from the  
6 atmosphere, to name a few.

7                   They are truly remarkable ecosystems  
8 that maintain ecological benefits disproportionate to their  
9 size and prominence on the landscape.

10                   To understand the particular  
11 significance of the coastal wetland at Whites Point,  
12 however, I must first step back a little bit. Worldwide,  
13 there are two main types of coastal wetland systems, the  
14 first being mangrove swamps located in the low latitudes in  
15 the tropics, and the second being tidal salt marshes in the  
16 temperate zones in the mid to high latitudes.

17                   These two wetlands types account for the  
18 majority of coastal wetland systems on the planet, and are  
19 very well known to most.

20                   Globally, however, there are other types  
21 of coastal wetlands that are significantly less abundant.  
22 One such example is coastal peatlands which only occur on  
23 the planet where the circumpolar force zone encounters the  
24 ocean. This includes right here in Nova Scotia, and  
25 adjacent jurisdictions in Canada and New England, as well as



1 parts of Northern Europe, Russia and Alaska.

2                   The coastal peatlands are more  
3 geographically restricted than mangroves or tidal salt  
4 marshes and are much understudied by comparison. Not a lot  
5 is known, for instance, about the nature and rate of their  
6 [inaudible] evolution.

7                   I spent five years investigating a  
8 coastal peatland system in Nova Scotia at Sandy Bay in the  
9 southwestern portion of the Province. It's not too far from  
10 here. And what I discovered was when you start examining  
11 the palaeoecology of these wetlands, you start uncovering  
12 some interesting things.

13                   For example, the coastal fen that I  
14 examined at Sandy Bay, again, not too far from here, is very  
15 old, having formed at a time when sea level was much, much  
16 lower than present, and the coastline was actually located  
17 hundreds of kilometres away on the Continental Shelf.

18                   It turns out that this particular  
19 wetland actually formed well inland from the coast as an  
20 inland wetland system, and just happens to be located on the  
21 coast today due to ongoing sea level rise. It is a coastal  
22 wetland with an inland genesis and that's extremely unusual.

23                   So the point here is that what you see  
24 on the surface for these types of wetlands is not always  
25 what it perceives to be, and that's why it's important to

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 look deeper into the past to see how these wetlands form,  
2 and understand their natural parameters in which they  
3 operate, so that we can figure out, beyond a reasonable  
4 doubt, how they will likely respond to anthropogenic  
5 disturbances.

6                   So why does this all matter? Well, it  
7 just so happens that one of these interesting coast land  
8 peatland systems occurs within the Whites Point study site,  
9 and despite several requests to examine its palaeoecological  
10 significance, the Proponent has not provided this  
11 information in the Environmental Impact Statement.

12                   The need to carry out a  
13 palaeoecological assessment was brought to the Proponent's  
14 attention on several occasions. In January 2005, I reviewed  
15 the initial Environmental Assessment documents for the  
16 Whites Point Quarry Proposal, and requested that the  
17 palaeoecological significance of on-site wetlands be  
18 investigated. This request was added to the wetlands  
19 section of the EIS Guidelines by the Panel in March of 2005.

20                   More specifically Section 9.1.3.3  
21 requires the Proponent to examine the potential importance  
22 of wetlands for palaeoecological studies, and again, Section  
23 10.1.3.3 requires the Proponent to assess the value of  
24 wetlands for their palaeoecological studies.

25                   Over a year later, after that, when the

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Proponent released the initial Environmental Impact  
2 Statement based upon those specific Guidelines, I was  
3 surprised to see that the palaeoecological significance of  
4 the wetlands on site had still not been investigated.

5                   In my follow-up submission to the Panel  
6 in August 2006, I pointed out that this omission had still  
7 not been corrected. When the final Environmental Impact  
8 Statement was released a year later, still, once again, the  
9 document was entirely silent on the role of palaeoecological  
10 analyses in assessing coastal peatlands on site.

11                   No palaeoecological assessment was  
12 carried out. There was only a blank space in the reference  
13 table showing where the results of the palaeoecological  
14 assessment should have been located. The comments was  
15 merely "Noted", with no further discussion or evaluation,  
16 and that, to say the least, was disappointing.

17                   Because the coastal peatland on site has  
18 not been assessed for its palaeoecological significance,  
19 there's no way to independently determine how this  
20 particular wetland will likely be impacted by the proposed  
21 undertaking, and there is a reason for concern. Despite the  
22 lack of baseline data provided by the Proponent, quarry  
23 operations are proposed within the coastal peatlands sub-  
24 watershed.

25                   The wetland will also be cut off from

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 its current source of water, perhaps even diverting an  
2 ephemeral stream. It could also receive discharges from  
3 redirected surface flow, some of which would be emanating  
4 from the settle ponds, themselves.

5           And it will be located adjacent to a  
6 rock storage pile, and the on-site processing facilities,  
7 and my written submission with include maps that will point  
8 out these features.

9           In addition to that, upon closer  
10 inspection, it would appear that the Proponent has mis-  
11 identified the wetland as a coastal bog. It is more likely  
12 to be a coastal fen, judging by the slope of the wetland,  
13 it's apparent dependence on surface flow and the presence of  
14 marsh-like vegetation that is referred to in the Report.

15           This is a significant mistake, because  
16 bogs and fens are very different wetland types. Bogs are  
17 ombrotrophic meaning their source of water comes exclusively  
18 from precipitation, while fens are ologotrophic and as such,  
19 are dependent upon surface flows and groundwater inputs.  
20 This sort of basic information is critical in developing a  
21 proper strategy to protect the wetland, yet is largely  
22 absent from the Environmental Impact Statement.

23           Without knowing the origins of the  
24 coastal peatland, or its hydroseural(ph) history, one cannot  
25 properly judge the potential impacts of the proposed

1 undertaking on this wetland system, which the Proponent has  
2 rightly identified as being significant and deserving of  
3 protection.

4 Nor can one accurately determine if the  
5 mitigative measures put in place would be sufficient to  
6 protect this wetland, without that baseline information.  
7 It's likely that the 30-metre buffer zone and the plan to  
8 pipe water into the wetland from the quarry site are  
9 insufficient mitigative measures, and that bigger exclusion  
10 zones are needed, particularly given the absence of detailed  
11 site-specific palaeoecological information for this wetland,  
12 which was requested two years ago.

13 So, in conclusion, one, the coastal  
14 wetland on site is significant and must be protected; two,  
15 insufficient data is provided in the Environmental Impact  
16 Statement to determine the likely impact of quarry  
17 operations on this wetland; and three, the Proponent has not  
18 assessed the palaeoecological significance of this wetland  
19 as required by the Environmental Impact Statement  
20 Guidelines. Thank you.

21 THE CHAIRPERSON: Thank you, Dr. Miller.  
22 **PRESENTATION BY THE CANADIAN PARKS AND WILDERNESS SOCIETY -**  
23 **QUESTIONS FROM THE PANEL**

24 Dr. GUNTER MUECKE: Dr. Miller, perhaps  
25 just for context sake, why is the palaeoecological

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 information on these wetlands of importance to us at this  
2 time?

3                   Dr. CHRIS MILLER: The palaeoecological  
4 significance of wetlands gives you a window into the past,  
5 and in particular, for that wetland which is of  
6 significance, being a coastal wetland system on the Bay of  
7 Fundy, where there's only 15 percent of those wetland  
8 systems remaining. By understanding the palaeoecological  
9 significance, we'll understand how this wetland formed, and  
10 the natural parameters at which it changes over time, which  
11 will allow us to judge how anthropogenic effects will likely  
12 influence the wetland.

13                   And basic information such is it  
14 ombrotrophic, or it is ologotrophic is really important,  
15 because it can tell you should we be pumping water into this  
16 wetland, or should we not? How big of a buffer zone does it  
17 need? Is it transgressing over time? Is it regressing over  
18 time? Has sea level changed, influenced its hydroseural  
19 development?

20                   All of these basic scientific questions  
21 can be addressed by examining the palaeoecological values  
22 stored in the soils of the peatland, itself. Being an  
23 anaerobic environment, it preserves microfossils extremely  
24 well.

25                   Dr. GUNTER MUECKE: Does it provide us

1 with paleoclimate information?

2 Dr. CHRIS MILLER: Yes. In addition to  
3 that, I would expect that the fossil pollen that's likely  
4 preserved in the sediments to contain a record of landscape  
5 change dating back to when the peatland first formed, and  
6 that could give us some indications as to how climate has  
7 changed in this part of Nova Scotia.

8 And on a global scales, Nova Scotia is  
9 particularly well-positioned to understand global climate  
10 change, being in the North Atlantic where the oceanic  
11 circulation patterns are particularly sensitive to climate  
12 change. And, in fact, if you look at the peat records of  
13 the wetland I studied for my doctoral dissertation, there's  
14 a very clear signature of the [inaudible] event, which was a  
15 period of rapid warming, followed by a period of rapid  
16 cooling in Nova Scotia at the turn of the last glaciation.

17 I would expect that this particular  
18 period would provide clues about how this particular  
19 environment in Nova Scotia will respond to future global  
20 climate change. And, again, given the paucity of wetlands  
21 in this part of Nova Scotia, there's not too many  
22 opportunities left for us to have this window into the past.

23 Dr. JILL GRANT: Thank you, Dr. Miller.  
24 That was very helpful. Can you please give us a better  
25 understanding of the difference between a coastal bog and

1 coastal fen, and why you would interpret the EIS to be in  
2 error in defining this as a coastal bog?

3 Dr. CHRIS MILLER: Yes. There's five  
4 main types of wetlands which can be broken down, using a  
5 hierarchy, the first division normally being organic or  
6 mineral. Both bogs and fens are organic wetlands, but the  
7 principal difference between a bog and a fen is that a bog  
8 is ombrotrophic meaning it gets 100 percent of its water  
9 from the atmosphere; from precipitation. It's perched or  
10 raised above the groundwater table.

11 A fen, on the other hand, relies upon  
12 inputs of the groundwater and its surface flow, and as such,  
13 has access to more nutrients and minerals in the groundwater  
14 table. So it's a pretty basic, important distinguish to  
15 make because it means is the water coming in or going out of  
16 the wetland. Being a sloped fen, in my opinion, it seems  
17 pretty clear that the water's flowing through the system,  
18 and is not emanating outward.

19 But, again, we would want the baseline  
20 information, and I'll note that the Panel specifically  
21 requested the Proponent to carry out a series of transects  
22 of cores, both parallel and perpendicular to the ocean, and  
23 that was a specific request made to the Proponent, and the  
24 response from the Proponent was that this would be done at  
25 the mining permit stage, if it was requested by the Panel.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 And in my opinion, it was already requested by the Panel,  
2 but was not undertaken.

3 THE CHAIRPERSON: Mr. Buxton?

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

6 THE CHAIRPERSON: Questions from the  
7 audience from the floor?

8 **PRESENTATION BY THE CANADIAN PARKS AND WILDERNESS SOCIETY -**  
9 **QUESTIONS FROM THE PUBLIC**

10 THE CHAIRPERSON: Please come forward.  
11 Miss Peach and please, yes, come forward. Anyone else  
12 interested can just line over there.

13 Ms. JUDITH PEACH: Have you been on the  
14 site? Have you seen the bog?

15 Dr. CHRIS MILLER: I've not walked on  
16 the bog, itself, but I've observed it using satellite  
17 imagery.

18 Ms. JUDITH PEACH: From the air?

19 Dr. CHRIS MILLER: Yes, that's correct.

20 Ms. JUDITH PEACH: If you were on the  
21 site, what would you look for to determine whether it was a  
22 bog or a fen?

23 Dr. CHRIS MILLER: Well, there's things  
24 that you can notice right away, like the type of vegetation.  
25 Bogs tend to be more nutrient-impoverished, so the plants

1 that grow there tend to be a different variety, different  
2 types than plants that require more nutrients. So you get  
3 species like the Pitcher Plant which is insectivorous so to  
4 get the nutrients it needs, it needs to capture insects.  
5 With a fen, you tend to find more sages and grasses.

6                               So that would be my quick initial  
7 assessment. Then I'd want to take a couple of water  
8 samples, and other measurements to actually determine what  
9 the concentrations of nutrients area. And in addition to  
10 that, I would want to take a series of cores so I can  
11 measure the depth and do some work on the groundwater table.

12                              Ms. HEATHER STEWART: Heather Stewart,  
13 and I'd like to ask you a question about the Proponent's  
14 proposed 30-metre buffer around our preservation zone,  
15 around the coastal bog. Do you (a) feel that buffers are  
16 adequate, and do you feel that this specific buffer is  
17 adequate?

18                              Dr. CHRIS MILLER: Thank you for that  
19 question. I read through the Report, looking specifically  
20 where they came up with the 30-metre figure, and I couldn't  
21 find it, and that's one of the reasons why you want to  
22 understand the particular site-specific requirements of that  
23 wetland.

24                              If it's dependent upon water flowing  
25 into the system, you'll need a much bigger buffer zone than

1 if it's a bog system where the water's flowing out, as one  
2 example.

3                   So in terms of what's an adequate  
4 buffer, it's hard to say without that information. A  
5 precautionary approach would require, in my opinion that the  
6 mine not penetrate the watershed that that bog is dependent  
7 upon, at the very least until we have a better understanding  
8 of how that wetland formed, and how it's likely to change in  
9 the future.

10                   Ms. HEATHER STEWART: Could I ask a  
11 second question?

12                   THE CHAIRPERSON: A follow-up, yes.

13                   Ms. HEATHER STEWART: Also, a  
14 constructed wetland has been proposed for the 50-year  
15 closure. It will be a runoff ditch which will essentially  
16 take processed materials from the upper end, which is the  
17 southwest corner, into along the preservation zone and down  
18 into this coastal fen.

19                   Could you give us a comment on how you  
20 think that might affect the fen?

21                   Dr. CHRIS MILLER: I'm not an expert on  
22 wetlands per se. I haven't examined that specifically, but  
23 I did note that one of the potential outflows of the  
24 settling pond is directly into this coastal fen system and  
25 then into the ocean.

1                   And I would have concerns about what  
2 suspended particles or what other dissolved minerals or  
3 pollutants are in that water, and I'd want to make sure that  
4 there's a monitoring program in place that can assess that.

5                   And I also note that that was a specific  
6 request made by the Panel as well at an earlier phase of  
7 this Review was asking for clarification as to what's going  
8 into that bog and why.

9                   And in my opinion, the response from the  
10 Proponent was unsatisfactory.

11                   Just to follow up on the buffer zone  
12 thing, a good example to use is watercourse for forestry  
13 industry where they quite often use buffer zones. And  
14 you'll see some of the more progressive industrial forest  
15 companies here in Nova Scotia moving toward 100-metre buffer  
16 zone.

17                   And that would be to mitigate just the  
18 removal of trees and not the removal of soil in particular.

19                   So, in my opinion, I would think that a  
20 30-metre buffer zone would be inadequate, particularly given  
21 the absence of information specific to that wetland.

22                   THE CHAIRPERSON: Thank you. Additional  
23 questions?

24                   Mr. PAUL BUXTON: Mr. Chair, maybe I  
25 could make a comment here, and I'm sure that the Panel has

1 already got this.

2 But we have stated very clearly in the  
3 EIS and in responses to the Panel and in this series of  
4 hearings that never, at any time, was water contemplating  
5 going from the constructed wetland into the bog. It was  
6 simply a misinterpretation, I don't know who by.

7 It has never gone from the wetland into  
8 the bog.

9 Dr. CHRIS MILLER: I appreciate that  
10 clarification. I have a clarification of my own.

11 If you look at the map and the location  
12 of the settling pond, it's actually situated on top of the  
13 ephemeral stream, the temporary stream which flows into that  
14 bog.

15 So although that particular settling  
16 pond may not empty out directly into that bog, it'll be  
17 located in a position that right now is naturally providing  
18 water to that wetland system.

19 And in fact, a couple of the maps which  
20 are provided shows pipes diverting at either underneath the  
21 settling pond or around the settling pond into the bog, so I  
22 would have concerns and would need more information.

23 I do not accept what you're suggesting,  
24 that there will be no impacts just because the sediment pond  
25 does not influence the bog directly.

1                   Dr. GUNTER MUECKE: Mr. Miller, in our  
2 discussions during the last two weeks, one of the concerns  
3 that has arisen is about residues of ANFO that are or may be  
4 generated involving ammonium and nitrates there's a  
5 possibility of these nitrates getting into the groundwater  
6 system.

7                   From what you just have said, if the  
8 nutrient content of the influxing waters, be they surface  
9 waters or groundwater, reached what you call a fen, what  
10 would be the consequences, do you think?

11                  Dr. CHRIS MILLER: One of the key  
12 characteristics of a coastal peatland, either a coastal bog  
13 or a coastal fen, is that they tend to nutrient impoverished  
14 wetland systems naturally.

15                  They don't have a lot of nutrients  
16 compared to, say, a tidal salt marsh, which would have a lot  
17 of nutrients. So one of the main issues with the long-term  
18 management of these types of wetlands is the fertilization  
19 of them, either on purpose or accidental, a process that we  
20 refer to as eutrophication.

21                  And so the concern I would have would be  
22 that this would add nutrients to a wetland where the species  
23 that inhabit that particular system are dependent upon  
24 nutrient impoverished conditions.

25                  It would fundamentally change the

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 communities of that wetland site, which is important, and on  
2 a global scale is a wetland type that is not as abundant as  
3 some other coastal wetland types.

4 In addition to that, this is an alkaline  
5 environment, which makes it a particularly interesting  
6 peatland for academics like myself to study where you have a  
7 wetland system, which would be normally acidic, potentially  
8 having alkaline conditions.

9 THE CHAIRPERSON: Okay. No additional  
10 questions? Fine.

11 Thank you very much, Dr. Miller.

12 We will break now until 1:15.

13 --- Recess at 12:05 p.m.

14 --- Upon resuming at 1:15 p.m.

15 THE CHAIRPERSON: Ladies and gentlemen,  
16 we'd like to begin.

17 Before I call the first presenter,  
18 there's something I omitted this morning that I should have  
19 mentioned, and that is the business of undertakings.

20 As you're all aware, initially  
21 undertakings were spaced out in a more or less even fashion.

22 Then, all of a sudden, they became bumped to the last day.

23 Well, the 29th. Not the last day tomorrow, so a number of  
24 them are due at the moment.

25 And over the last 24 hours, we received,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 I think, 34 of them, so they have come in with a rush.

2 I'm not going to even read the numbers  
3 for you. It would take too long. You wouldn't remember it,  
4 I think. So the easiest thing to keep in mind is that a  
5 list of all the undertakings that have been requested and  
6 with an indication of those which have been received are  
7 available at the Secretariat.

8 So anybody who wants that information  
9 can access it very easily that way.

10 I should also point out in addition to  
11 the ones that have already been received, I believe the  
12 number still outstanding is 25. So there are 25 requests  
13 for information which have not been received yet.

14 And once again, you can find that  
15 information from the Secretariat.

16 We begin the afternoon session with  
17 Dean Kenley, please.

18 **PRESENTATION BY Mr. DEAN KENLEY**

19 Mr. DEAN KENLEY: Mr. Chair and Panel  
20 members, thank you for this opportunity.

21 My name is Dean Kenley, and I own and  
22 operate the Fundy Complex here in Digby. The Fundy Complex  
23 consists of, the backbone business is the Fundy Restaurant.

24 As well, we have another restaurant  
25 downstairs, two liquor establishments, a gift shop, a



1 tourist attraction and some four-star suites.

2 Our latest addition three years ago was  
3 a whale-watching company called The Dockside Whale Watching.

4 Here again, we operate right out of Digby and we launch  
5 from the marina right here in town.

6 We're open year round, and in the winter  
7 time we employ between 24 to 28 full-time and part-time  
8 people. In the summer time, peak season, right now where  
9 we're heading, we're employing between 60 to 75 people,  
10 which will peak in August.

11 The whale watching part of it itself, we  
12 employ three full-time and four part-time people. There's  
13 sales staff, we have three Captains, myself, and two First  
14 Mates for the vessel.

15 We operate on a steady basis and, for  
16 example, in the last three days we've done six tours and had  
17 successful sightings five out of the six tours. That's in  
18 the last three days.

19 I, myself, have done one tour this week,  
20 which was Wednesday night. We went out at 5:00. We had 17  
21 passengers.

22 We went right out through the gut here,  
23 and I started west northwest just off the lighthouse, and  
24 within three-quarters of a mile we sighted two minke whales  
25 and we sat there with the passengers for 15 or 20 minutes,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 let the passengers view the whales, took some pictures.

2                   And then, after they swam off, we turned  
3 west southwest and headed directly towards a rock we call  
4 Seal Rock. It is just east of Gulliver's Cove.

5                   Just so we have some bearing here, if  
6 I'm not mistaken I think the lighthouse here in Digby is  
7 approximately 12 to 15 miles east of Whites Point.

8                   So we headed towards Seal Rock. And  
9 Seal Rock is right on the coast. At Little Water there's  
10 about a 30-foot span that separates this rock from the  
11 coast. And the seals are usually there at low tide, which  
12 the tourists enjoy seeing.

13                   So we're just about approaching Seal  
14 Rock and there's another whale right there just off of Seal  
15 Rock, so it might have been 100 metres from shore. So we  
16 stopped, sat there and watched that whale for a while, and  
17 then proceeded down to Seal Rock.

18                   Once the tourists had some pictures of  
19 the seals, we continued west towards Gulliver's Cove, and  
20 within a short period of time there were two more whales.  
21 One was a minke whale and the other one was a finback whale.

22                   And these two whales were within 50 to  
23 100 metres of the shore, of the coast.

24                   All of our sightings over the last three  
25 years have been very, very close to shore. The closest one

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 that I remember was two years ago, and it was a pair of  
2 right whales. And it was right at the beginning of  
3 Gulliver's Cove, which would be anywhere from seven to 10  
4 miles east of Whites Point.

5                   And these two whales, these two right  
6 whales, to me, initially, I thought they were just rolling  
7 in the water and possibly, for one moment, I thought they  
8 might have been mating.

9                   But three days later, the locals  
10 corrected me, and what it is, they go in close to shore  
11 where they can have their head above water and they rub  
12 their bellies on the rocks. So the local informed me.

13                   He said, "No, they weren't rolling or  
14 mating", he said. "They scratch their bellies on the  
15 rocks."

16                   And these whales were within 50 to 100  
17 feet of the shore, very, very shallow water.

18                   These are the things that I've  
19 experienced and seen myself in the last three years, and  
20 this last trip that I just spoke of was just Wednesday  
21 night, just two days ago.

22                   I'm very, very concerned that this  
23 project that we're here discussing is going to alter this.  
24 I don't see any positive effect whatsoever that can come out  
25 of this to help us or improve our business. I can only see

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 negative effects.

2 I've got no scientific or biology  
3 background, but I try to do quite a bit of research on the  
4 Internet myself. I couldn't find any data or research done  
5 that compared blasting on shore and the effects it had on  
6 whales in the ocean.

7 The only data I could find was off  
8 Virginia that was done by the US Navy, and it was blasting  
9 in the water.

10 So my thought is there's no hard  
11 evidence here that could show that it will not affect the  
12 ecosystem and the whales. And for that being said, there  
13 has to be a negative effect from this and, if not, there's  
14 just too many unforeseen and too many unknown factors here  
15 that could affect this.

16 We're directly above that site, and  
17 the least little bit of change in the ecosystem can  
18 seriously affect our whale sightings and my business. And  
19 we're quite a major player and quite a major employer in the  
20 Town of Digby.

21 I mean, we've talked about jobs here and  
22 I've heard many comments about it. We take the jobs that we  
23 create seriously. Like I say, the whale-watching division  
24 of our business alone creates seven full and part-time  
25 jobs.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 I've always been pro industry and pro  
2 business, and there's no doubt that 34 jobs are badly needed  
3 here, but I think we have to look at the big picture and  
4 realize that there's a lot more than 35 jobs that are at  
5 stake if this project ends up creating the negativity that  
6 everyone seems to think it will.

7 I just strongly feel that the least  
8 little change in that area to the ecosystem, whether it's  
9 micro-organisms or the krill or the herring or the mackerel,  
10 it could easily alter the migrational direction of these  
11 whales and thus could ruin that part of our business.

12 And there would be a lot of indirect  
13 spinoff as well because it has become a very strong part of  
14 our complex. We have people that come stay with us that go  
15 whale watching. They stay in our suites. They have  
16 breakfast at our restaurants. They have dinner at our  
17 restaurants and then they come in, relax, and have drinks  
18 and entertainment on the weekends as well.

19 So it's not just one part of our  
20 business. It's the spinoff from that part as well.

21 I'll try and keep this short. I just  
22 wanted to make it clear that there is a local whale-watching  
23 business here. We operate right out of Digby, and I  
24 seriously think that this could alter it in a negative way.

25 THE CHAIRPERSON: Is that what you had to

---

*A.S.A.P. Reporting Services*

**(613) 564-2727**

**(416) 861-8720**

1 say?

2 Mr. DEAN KENLEY: Pardon me?

3 THE CHAIRPERSON: Are you finished?

4 Mr. DEAN KENLEY: Yes.

5 THE CHAIRPERSON: I have a question for  
6 you.

7 Mr. DEAN KENLEY: Sure.

8 **PRESENTATION BY Mr. DEAN KENLEY - QUESTIONS FROM THE PANEL**

9 THE CHAIRPERSON: Do you ever see any  
10 right whales in that close?

11 Mr. DEAN KENLEY: Those two, that  
12 sighting that I saw was right whales.

13 THE CHAIRPERSON: Oh, I thought you said  
14 minke and fin.

15 Mr. DEAN KENLEY: That was Wednesday  
16 night.

17 THE CHAIRPERSON: Oh, I see.

18 Mr. DEAN KENLEY: The two whales that I  
19 saw in close to shore, they were the ones that were rubbing  
20 their bellies.

21 THE CHAIRPERSON: Oh, the ones who were  
22 rubbing their bellies were right whales.

23 Mr. DEAN KENLEY: Yeah. That was two  
24 years ago I saw them.

25 THE CHAIRPERSON: Oh, I see.

1                   Mr. DEAN KENLEY: And I saw that  
2 personally. I've got photographs.

3                   THE CHAIRPERSON: Sorry. I thought you  
4 were still talking about minkes.

5                   Mr. DEAN KENLEY: I mean, we were in  
6 close enough watching them. I was Captain of the boat that  
7 day. I'd keep one eye on the whales and I kept looking down  
8 because we were in such shallow water I was afraid of going  
9 aground. And they were very, very close.

10                  THE CHAIRPERSON: One other question I  
11 have for you, are you unique amongst the business community  
12 in Digby with regard to your feelings to this project?

13                  Mr. DEAN KENLEY: The business  
14 community in Digby, I can't speak on that, to be honest with  
15 you, because I work seven days a week and I stay within my  
16 own business. And I really haven't had any deep discussions  
17 with any other businesspeople.

18                  I mean, it takes a full-time effort to  
19 run a business in this area, and I spend a lot of time in  
20 it, so I can't really speak for any other businesses.

21                  THE CHAIRPERSON: Thank you.

22                  Dr. GUNTER MUECKE: You mentioned that  
23 for this particular trip the seal colony off Seal Rock, I  
24 believe it is, formed part of the trip.

25                  Is that a regular part of your route in

1 terms of to show them to the tourists, and what effect do  
2 you think the quarry would have on the seal population and  
3 how close is Seal Rock to the proposed quarry?

4 Mr. DEAN KENLEY: That's a good question.

5 Yes, it's a normal part of our tour.

6 What happens is, if the tide's about halfway, about half  
7 full or half empty, however you want to explain it, on the  
8 way down the rock is exposed and the seals are normally  
9 sunbathing on top of the rock.

10 If the tide is halfway and up, the rock  
11 is usually covered and they're usually out fishing. That's  
12 what they do. When the tide's up, they get off the rock and  
13 go fishing.

14 If it's lower tide, we usually head  
15 directly to the rock so they can view the seals, but at a  
16 higher tide we usually don't bother.

17 The effects of the quarry, as I  
18 mentioned, if there's any negative impact on the ecosystem,  
19 you know, the krill, the herring, these seals eat just about  
20 everything. They're like scavengers.

21 So if there's any negative effect there,  
22 it's going to have to affect these seals, yes.

23 Dr. GUNTER MUECKE: A bit of a follow-up  
24 on that.

25 To your knowledge, do other whale boat

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 operators or ecosystem boat operators use the seal colony as  
2 you do?

3 Mr. DEAN KENLEY: Well, here again I  
4 can't speak for the whale-watching firms off the Island or  
5 Digby Neck. There's more down there.

6 We're the only one that operates out of  
7 Digby. There used to be another company, but he folded  
8 about two years ago.

9 But down off the Islands, I know there's  
10 eight or 10. And I can't speak for them. I'm not sure if  
11 there's seal colonies down on the Islands.

12 I know they don't come up this far, the  
13 other whale boats.

14 And speaking of sightings and stuff, I  
15 know there's been some discussion about looking for whales  
16 with binoculars and things, and it's very difficult to spot  
17 these whales sometimes.

18 When they come up and then dive again,  
19 sometimes it's a split second. I mean, they don't come up  
20 and play for very long.

21 And most of the times we do have  
22 sightings, like Wednesday night we had 17 people on board  
23 plus the two crew. There were 19 of us. And that's when  
24 it's easier to see whales 'cause you've got more eyes  
25 looking.

1                   But I've been out there myself before  
2 and, I mean, you have to scan really fast. And I mean, I've  
3 had fishermen who have come in who have spoke to me at the  
4 wharf or in town after a tour and they say, "What channel do  
5 you stay on in the VHF?"

6                   And I'll tell them, "Well, we usually  
7 stay on 16." "Well, I was hollering at you trying to get  
8 you on channel 6 or channel 8", he says. "You guys were  
9 there looking around", he said, "there was two minke right  
10 behind you playing."

11                   So they're there, but sometimes they're  
12 hard to see, you know. You're right there amongst them  
13 sometimes and you miss them. It's a very short window that  
14 you see them. They spend 90 percent of their time under  
15 water.

16                   Dr. GUNTER MUECKE: Thank you.

17                   THE CHAIRPERSON: Mr. Buxton?

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

19 I have no questions.

20 **PRESENTATION BY Mr. DEAN KENLEY - QUESTIONS FROM THE PUBLIC**

21                   Mr. ANDY MOIR: Andy Moir from Freeport.

22 Just a question so I have it clear in my mind.

23                   The folks on your boat when they're out  
24 there, would they actually be able to see the quarry at  
25 Whites Cove and, if so, what impact do you think that might

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 have on their ecotourism experience?

2 Mr. DEAN KENLEY: From the water side,  
3 I'm not exactly sure where Whites Cove is. I don't think we  
4 go down that far.

5 You might be able to see it in the  
6 distance, but physically, I don't think the sight of it  
7 would come into play in a negative way to the tourists, no.

8 THE CHAIRPERSON: Any additional  
9 questions? Apparently not, so thank you, Mr. Kenley.

10 Mr. DEAN KENLEY: Thank you.

11 THE CHAIRPERSON: The next presentation  
12 is by Judith Peach, Nora Peach, and I gather Wanda Van  
13 Tassel will be also involved.

14 **PRESENTATION FROM Ms. JUDITH PEACH, Ms. NORA PEACH AND Ms.**  
15 **WANDA VANTASSEL**

16 Ms. JUDITH PEACH: Although I respect  
17 you as equals and appreciate the hard work you've put into  
18 this review process, I do not thank you for giving us the  
19 opportunity to speak today.

20 Public involvement in this process is a  
21 right, not a privilege. We will be giving three  
22 presentations. The first two will be very short in order to  
23 give Wanda Van Tassel the bulk of the allotted time.

24 Ms. NORA PEACH: I am Nora Peach, a year  
25 round resident of Digby Neck. The photographs that

1 accompany this presentation, with a few obvious exceptions,  
2 are scenes of Digby Neck.

3                   This area rivals Brier Island in beauty,  
4 peacefulness and cultural heritage.

5                   I am concerned about the violence this  
6 project would impose on the people and the environment of  
7 Digby Neck. I see a mega quarry as alien to this place.

8                   Removing the rock we stand on and  
9 shipping it away is a violation of our landscape and  
10 heritage.

11                   There is also another dimension to this  
12 violence. The people who depend on the land and sea for  
13 their livelihood, as their ancestors did before them, have  
14 not had an adequate say in the process, not just the CEEA  
15 Joint Panel Review process, but also they have not been  
16 consulted about their vision for the future.

17                   The Provincial Government's policy is to  
18 encourage this type of development, and it proceeds secretly  
19 until we find out.

20                   I believe we, the people, have the right  
21 to decide for ourselves what is sustainable development, and  
22 we need to start exercising our right to self-determination.

23                   This mega quarry proposal is reminiscent  
24 of the thinking of the 1960s when Canada's resources were  
25 just there to be extracted for profit with no thought or

1 understanding of the potential negative effects on the  
2 environment, including the local residents. We should know  
3 better by now.

4 Paul Buxton has done some very good  
5 things for Annapolis County over the years, but I believe he  
6 looks down on Digby Neck, the place and the people.

7 We on Digby Neck have some progressive,  
8 sustainable ideas for development in the area. Perhaps Mr.  
9 Buxton should refocus his energy on the good development he  
10 has done in the past.

11 Our society is so full of violence, it  
12 is important for there to be non-industrialized places that  
13 people can visit to renew their spirits.

14 I'm reminded of Paul's Letter to the  
15 Philippians:

16 "Finally, brethren, whatsoever things  
17 are true, whatsoever things are honest,  
18 whatsoever things are just, whatsoever  
19 things are pure, whatsoever things are  
20 lovely, whatsoever things are of good  
21 report, if there be any virtue and if  
22 there be any praise, think on these  
23 things."

24 Ms. JUDITH PEACH: I'm Judith Peach. I  
25 have five points to make.

1                   First, this is a decision about the  
2 proposed project, not an evaluation of the Proponent's  
3 competence.

4                   Second, there is insufficient baseline  
5 information with which to predict environmental effects.  
6 You don't know Digby Neck well enough, through the EIS, to  
7 know how this ecosystem works.

8                   For example, data is foggy on existing  
9 hydrogeology, local human culture and economy and the marine  
10 environment.

11                  Third, there's insufficient engineering  
12 detail of this project to be able to confidently predict  
13 environmental effects.

14                  The conceptual design is, by definition,  
15 preliminary. Even municipal level project reviews require  
16 detailed engineering design.

17                  The CEAA Joint Panel Review is one of  
18 the most stringent environmental reviews in Canada. It  
19 should include a cumulative effects assessment.

20                  The environmental effects of this  
21 project should also be examined in the context of other  
22 existing and proposed projects in the area.

23                  Fourth, we can't depend on the Nova  
24 Scotia Government to adequately assess the final version of  
25 the project or to adequately regulate the construction,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 operation or reclamation phases. We can't depend on our  
2 Federal Government to protect the local fisheries from  
3 industrial and marine accidents at White Cove.

4                   Finally, this project is, by nature,  
5 unsustainable on many levels. The product is a non-  
6 renewable resource. The economic gains promised by the  
7 Proponent may be limited or outweighed by negative economic  
8 and social effects, and we cannot continue to increase  
9 greenhouse gas emissions.

10                   The Government of Canada seeks to  
11 achieve sustainable development by conserving and enhancing  
12 environmental quality and by encouraging and promoting  
13 economic development that conserves and enhances  
14 environmental quality.

15                   Ms. WANDA VAN TASSEL: Hi. My name is  
16 Wanda Van Tassel, and I live in Gulliver's Cove. And what I  
17 do for a living is I do periwinkles, I have a tourist home  
18 and I have a company, Fundy Dulce.

19                   Me, as well as many in our community, go  
20 dulcing from the areas. There are people who do this from  
21 Victoria Beach down along Digby Neck and right to the  
22 Island. There's all different types of fishers that do  
23 this.

24                   This is some of the areas where the  
25 dulce is picked from, and I guess what I need to say is that

---

***A.S.A.P. Reporting Services***

***(613) 564-2727***

***(416) 861-8720***

1 I'm really worried for the future of myself and others with  
2 tourism, fishers of all the different industries we've  
3 heard.

4                   And this is a part of Gulliver's when  
5 you're coming down to the end.

6                   Danny Mills summed it up when he talked  
7 about our community, and I want to thank him for saying that  
8 because we're proud of who we are and what we do.

9                   We work very hard in our areas, and we  
10 don't want to see bad things come here because if something  
11 bad happens, then what's going to happen to us with the  
12 settlement(sic) ponds if the water flows up and this stuff  
13 comes from the pond. The settlements could land on the  
14 dulce, and how many pickers could be out of work.

15                   We're worried about invasive species  
16 and micro-organisms, and the reason why, if these do come  
17 here from the ballast water and they begin to grow, then  
18 could they not wipe out our marine plants?

19                   Other quarries coming to the area into  
20 Gulliver's. We've heard rumours.

21                   Last summer there was a man that was  
22 down to the beach, and he was with a firm. And it's Jacques  
23 Whitford. And when he come to the area, my husband began to  
24 talk to him.

25                   And he said why he was there was the

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 people that own the 1150 acres across from where I live was  
2 seeing if it was possible to put a wharf in. He began to  
3 ask Calvin questions on if people fished from there and what  
4 we did.

5                   What I feel, if Whites Point quarry  
6 comes in here, I do feel great potential for other quarries  
7 coming in, and I think we need to look at that.

8                   And then what could be affected? The  
9 quality of dulce and the periwinkles, the dulce pickers and  
10 the winklers and our future if we lose these jobs. We don't  
11 have a lot to gain.

12                   This is another area, and this is a  
13 young lady that lives in the community. She works very  
14 hard. She's now in college, but she still comes here and  
15 she'll pick dulce and make money for herself to help her out  
16 with college or whatever.

17                   Jobs at the quarry, do we need them?  
18 Would we do them?

19                   This is my husband. He's pulling in the  
20 boat in Gulliver's Cove, so that's when the dulce is done  
21 and picked and he's coming back home. Then he puts the boat  
22 on and brings it home.

23                   This part here is suggestions for the  
24 Panel. I believe that a plebiscite needs to happen, and I'd  
25 love for you guys to come down the Neck and see for

1 yourself.

2 Questions for Bilcon. Why hasn't the  
3 Claytons been available to answer questions during this  
4 hearing? Why did Bill, Junior wait until after the hearing  
5 to visit Digby?

6 I had a lady call me, and she was doing  
7 a survey. And in this survey, she asked me a lot of  
8 questions about the area and what I felt about it, and I've  
9 only got 10 minutes, so I can't take up all my time, but I  
10 am scared for what's going to happen.

11 I will answer any questions you have on  
12 dulcing, periwinkling and hand-lining, weather in the ocean,  
13 conditions in the near shore waters, local tourism, the role  
14 of my environment on the way of life, effects of this  
15 project on my community now and in the future, Digby Neck  
16 culture, environment and local economy.

17 Thank you.

18 THE CHAIRPERSON: Thank you, ladies.

19 **PRESENTATION BY Ms. JUDITH PEACH, Ms. NORA PEACH AND Ms.**

20 **WANDA VANTASSEL - QUESTIONS FROM THE PANEL**

21 Dr. JILL GRANT: Ms. Vantassel, I wonder  
22 if I could ask you a few questions about winkling and  
23 collecting dulce?

24 Can you give us an idea of how many  
25 people are involved in the harvest of these materials in

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Digby Neck region?

2 Ms. WANDA VANTASSEL: Well, on the winkle  
3 part of it, there is a buyer, and he buys winkles from a lot  
4 of the local pickers in the area. And what he has given me  
5 on that is there's 96 winklers that they bought from in  
6 2006.

7 In the dulcing part of it, I'm not 100  
8 percent sure, but I would say it's 50, 60 people that do  
9 this.

10 Dr. JILL GRANT: And what contribution  
11 does this make to people's income? Is it the major source  
12 of income for some people, or is it one of the many things  
13 that people engage in? Is it part of making a living?

14 Ms. WANDA VANTASSEL: It is. It's a part  
15 of making our living. And that's why I do different things  
16 in the areas, as many other people do.

17 They dulce. Some of them may have other  
18 jobs when that's over that they do. I open the tourism home  
19 as a part of another way that I can make a living.

20 Dr. JILL GRANT: Are there particular  
21 seasons for winkling and collecting dulce?

22 Ms. WANDA VANTASSEL: Okay. With  
23 winkling, you can do that year round. With dulcing, you can  
24 start that in April. You'd end the end of September, the  
25 first part of October.

1 THE CHAIRPERSON: Ms. Vantassel, does the  
2 natural resources of winkles and dulce, does that sustain  
3 all the individuals that you mentioned, 90 on one hand, 60  
4 on another?

5 Is there enough dulce and enough winkles  
6 around to keep everybody supplied or, put it another way, is  
7 that if 20 or 30 more people became involved, would the  
8 environment still sustain that?

9 Ms. WANDA VANTASSEL: Okay. On the  
10 winkles, people have done this for quite a few years. And  
11 what I personally find with doing that is there's not as  
12 many around as what there was, but what the divers are  
13 saying is outside, they're seeing all kinds.

14 So what's happening is, depending on  
15 the temperatures of the waters and stuff like this, the  
16 winkles keep coming in, so then when you go on the tides to  
17 pick them.

18 With the dulcing, dulcing has been here  
19 for generations. My husband, as a child, used to go  
20 dulcing. His parents used to go dulcing, as many other  
21 people in that area have.

22 And what we found there is, to me, I  
23 don't really see a big problem. When you go and pick, the  
24 tides are every two weeks. There's a big set of tides and a  
25 small set.

1                   On these tides, when we first start out,  
2 it's just starting to grow. Then, on the next set of tides,  
3 it's grown thicker and better. Then, when we return to go  
4 back to that, it's even better.

5                   And by the end of summer, it grows  
6 really good.

7                   We have different areas where we travel  
8 to go and do this, so it's not just one beach being picked  
9 all the time. But so far, what I've seen, I do know that,  
10 you know, there's no rules. There's no regulations. But  
11 people have done this for a very long time.

12                   THE CHAIRPERSON: I have a question for  
13 all three ladies. One can answer it, but all could answer  
14 as well.

15                   Do you think your community's in a state  
16 of decline?

17                   Ms. NORA PEACH: A state of transition,  
18 and...

19                   THE CHAIRPERSON: Where is it  
20 transitioning to?

21                   Ms. NORA PEACH: Well, I think there  
22 could be more small business. There is some already. And  
23 the people have so many interests and skills, I think they  
24 could take care of things.

25                   There's trail work to be done. There's

1 places for visitors to be welcomed for accommodation and  
2 meals and so on. Local investment could create jobs. Some  
3 of us are willing to work on that one for small loans and  
4 that sort of thing for people.

5                   There's a discovery centre talked about  
6 and being developed and work towards the sustainable  
7 fishery, which could bring the fishery back to the way it  
8 was.

9                   And I think that we need some land use  
10 planning. We have so many ideas we'd like to be able to  
11 work on that and not to be focussing on the quarry and  
12 whether it's coming or not and what our future's going to be  
13 here.

14                   THE CHAIRPERSON: Ms. Vantassel, can you  
15 add anything to that?

16                   Ms. WANDA VANTASSEL: I would like to  
17 add about the tourism. I am a member of the Digby Area  
18 Tourism Association, and I hear a lot about, you know, what  
19 is tourism, like what is the extent and what can happen and  
20 how things can grow.

21                   And I know that the Nova Scotia Tourism  
22 Human Resource Council, they put on a program last year, and  
23 this program was to have younger people come in, and it was  
24 called "Welcome, Ready to Work". And it's tourism careers.

25                   In this career thing, there was around

1 12 people that had come to this course, and I was one of the  
2 12. I wasn't paid for going. I wanted to do this. I  
3 wanted to learn.

4 In this, at the end of it, we had nine  
5 different certificates given to us. The younger ones were  
6 paid to do this course, and at the end of this, the young  
7 ones were to give a resume and the tourism people would help  
8 them try to find jobs.

9 So I believe that the tourism industry  
10 is working towards the younger people in our areas.

11 I do know that, right now, there is  
12 natural resource based, and it's with wildlife, and there's  
13 a plan out there. And I don't know if you received a copy  
14 yet or not, but the plan is there.

15 And in Gulliver's Cove, one of the  
16 destinations for bird watching is down close to the water  
17 where there's a pond. I do know that there are plans on  
18 doing trails in certain areas, having walkways. It's all  
19 nature based.

20 It's not four-wheelers and stuff like  
21 that. It's just nature trails to go and see some of the  
22 stuff and the beauty that we have.

23 And I guess the other thing that I'd  
24 like to say, when I heard about people saying that this  
25 quarry could bring attractions to the area, in Gulliver's

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 there was a couple signs that come up in through the Cove  
2 within the last couple weeks.

3                   We had visitors come to stay for a  
4 couple nights' stay. It was four people. And before they  
5 left, they come up to the house and they said, "We'd like to  
6 ask you some questions."

7                   And I'm like: "Okay." And they said:  
8 "You know, we see these signs and", they said: "...but first  
9 we need to know how you feel on the quarry."

10                   And what I said to them was: "It  
11 shouldn't matter what I feel or where I am. If you have  
12 questions, ask me."

13                   So then they began to talk about the  
14 area and stuff like this, and I said: "Well, you know", I  
15 said: "We have heard a story about potential of a quarry  
16 coming in the area."

17                   What they said is that they come here  
18 and when they come here, it's for the peace and quiet and  
19 that if a quarry come in the area, they wouldn't be back.  
20 And then they began to tell me about a quarry that goes on  
21 in their area.

22                   And this quarry is not a huge quarry.  
23 It goes for six to eight weeks a year. The rock is used  
24 local, but the problems they're having and some of the  
25 stories that they told me was that the dust that comes from

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 this, the shaking of the houses, how the little fellow...  
2 Okay.

3                   These people have a daughter and they  
4 have a son. The owner of this quarry will go and give this  
5 young girl money to take her son out of the house, so he  
6 gives her gas money, and to take her out of the house while  
7 the dynamiting is going on.

8                   She said: "You know what? And the  
9 buzzers are loud." And she said: "What I see here for a  
10 quarry and what I'm hearing is that it can be a lot more  
11 worse on your lives than it is on ours."

12                   So then, two days after that, there was  
13 a gentleman and his wife and two people who had come to the  
14 area: "So I've heard in the quarry talks that, you know, it  
15 could be good for tourism, could bring in more revenues to  
16 the area."

17                   So I don't normally make it a public  
18 statement to talk to people about these issues, but what I  
19 did do was, the morning that these people were leaving, I  
20 went and I spoke to them and I said to this man: "Can I ask  
21 you a question?"

22                   And he said: "Sure. Go ahead." And I  
23 said: "I'm just wondering, what would you think if a quarry  
24 come in the area", I said: "How would you feel? Do you  
25 think it would be an attraction to the area and that it

1 could, you know, help the economy and stuff?"

2                                   And the first thing he said to me was:

3 "The number 1 thing I would say here is the O2 emissions,  
4 which I don't know a lot about it, but I know that it's  
5 chemicals and stuff that come off." He said: "People are  
6 breathing those in."

7                                   And the next thing I'd say is: "I come  
8 here for the beauty of Digby Neck and the peaceful and the  
9 quietness." And he said: "And would I come back if this  
10 happened? No."

11                                   And that's only two people that I've  
12 spoken to.

13                                   THE CHAIRPERSON: Thank you, Ms.  
14 Vantassel. Ms. Peace, do you have anything to add?

15                                   Ms. JUDY PEACH: I'm not sure if you  
16 understand the sort of concept of a lifeboat community when  
17 you're talking about climate change and the effects it might  
18 have on the human economy and our way of life as a  
19 civilization.

20                                   I guess if you imagine the Titanic  
21 heading for the iceberg and they've got three miles to  
22 change course and they don't change course because the  
23 people at the helm, then, you know, they start going down  
24 and they throw over the lifeboats.

25                                   And there's some thought, and I think

1 Janet Eaton touched on this a little bit, that our way of  
2 life as a civilization, the sort of dominant culture in  
3 North America, we live a certain way, fairly heavy consumer  
4 way of life.

5                   We need to be living more the way people  
6 live on Digby Neck because they live a very modest life with  
7 not a lot of use of stuff and things. I mean, from your  
8 question, I see our civilization is in transition right now  
9 because of climate change, and so obviously Digby Neck is as  
10 well.

11                   And I see Digby Neck as sort of a  
12 lifeboat community. These people have the skills to make a  
13 living from the land and sea without globalization, and  
14 that's basically, I think they're worth keeping even though  
15 right now in the way we live our lives, they seem backward.

16                   I think it's worth preserving that  
17 other alternative way of life so that we have a model to  
18 work with as we head toward the iceberg.

19                   THE CHAIRPERSON: Ms. Vantassel.

20                   Ms. WANDA VANTASSEL: I guess the other  
21 thing that I'd like to touch on is I have a daughter and two  
22 grandchildren, and they live in the Cove.

23                   And my daughter knows somewhat of the  
24 things that are going on and things that are being said, and  
25 last week she looked at me and she said: "Mom, I'm scared.

1 I'm scared."

2 She said: "I like where I live, and I  
3 don't want to ever have to move." So what I'm saying is I  
4 hear this from people.

5 There's another young girl, and I have a  
6 letter and I think I presented here. But it's from this  
7 young girl. I don't know who she is. I've never met her.

8 She's 21 years old, and she's terrified  
9 for what's going to happen, so she's done her own  
10 research. And when I read this, this young girl's worked  
11 very hard.

12 And at the end of it, she talks about a  
13 vote and she says to hold an election with people that are  
14 of age and she said: "And you'll hear me for years to  
15 come."

16 So, I mean, this is how people are  
17 feeling.

18 The other thing I'd like to touch on is  
19 about environment. And I was to a meeting here one night  
20 when some lady showed a picture of the ponds and how they  
21 were flooded and stuff like this, and how that it was so  
22 many days after before Department of Environment came in to  
23 see.

24 Do I think that things could have been  
25 cleared up within that time? Maybe so. But what I really

---

*A.S.A.P. Reporting Services*

**(613) 564-2727**

**(416) 861-8720**

1 feel about Department of Environment, they are human beings.  
2 They have hearts. They are nice people. They're hard  
3 working people.

4 But what I feel is our government hasn't  
5 made them strong enough. There's not enough manpower, is  
6 how I feel, for them to be able to go out there and do these  
7 jobs because they have so many other cases.

8 And I think that our government should  
9 really stop and think that they can't do everything and that  
10 they try to do their jobs to their best of their abilities.

11 And then, on the other side of that, I  
12 think the government needs to start listening to the people  
13 in the areas and their concerns 'cause, you know what, we've  
14 been here always and we're taxpayers, and we'll be here  
15 forever.

16 THE CHAIRPERSON: Thank you, ladies.  
17 Gunter? Mr. Buxton?

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

20 THE CHAIRPERSON: Questions from the  
21 audience? Sister.

22 **PRESENTATION FROM Ms. JUDITH PEACH, Ms. NORA PEACH AND Ms.**  
23 **WANDA VANTASSEL - QUESTIONS FROM THE PUBLIC**

24 SISTER BARBARA: My name is Sister  
25 Barbara, and I'm from Rossway, Digby Neck. And thank you,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 ladies, for the presentation. My question is to Ms.  
2 Vantassel.

3                   In my report last week, I also mentioned  
4 a plebiscite. Now, I don't know if the Panel is able to  
5 recommend a plebiscite to the governments, but should they  
6 be able to, what, in your opinion, would be a good time for  
7 the voices of the people of Digby Neck to be heard?

8                   Would that be in the summer when  
9 visitors come back for July and August? Do you have an  
10 opinion as to what would be the best month to have a  
11 plebiscite or an election or a vote on this particular  
12 issue?

13                   Ms. WANDA VANTASSEL: I look at the  
14 plebiscite, and I feel that the Governments need to start to  
15 listening and looking at the people in the areas. What I  
16 see happened here is that it's going on for five years, and  
17 there's been a lot of hardship, and I'll tell you, any  
18 people in my community, whether they're for or against the  
19 quarry, I have no problems with; but what I see happening  
20 here is there's been a lot of conflict, there's been a lot  
21 of things go bad.

22                   This vote should have happened way  
23 before this time. Now that it's come to the three-man  
24 Panel, we've had experts come in and talk about everything  
25 that they see, and we've heard Buxton and their side of it.

1                   What I really feel is that, yeah, I  
2 think we should have the right to do this, and then I think  
3 the Panel needs to take it back to the Government, but the  
4 Government needs to listen to whatever you guys suggest. I  
5 can't you enough for being here, and I think we're very  
6 lucky people to be able to have had you come to our areas.  
7 And, yeah, I think we should have the right to vote. And  
8 when? When this is done.

9                   SISTER BARBARA: Digby Neck does increase  
10 in population come summertime, July and August, when the  
11 visitors come from away and go to their summer homes, so  
12 maybe we might have more people at that time. Do you think?

13                   Ms. WANDA VANTASSEL: I agree with  
14 that. And another thing I'd like to say is the people that  
15 come here and bought homes, whether they're from away or  
16 not, they're here, they're taxpayers, they live here. They  
17 may only come six months of the year, but these people have  
18 rights the same as me or anybody else, and I feel it's no  
19 more than fair to include all those people.

20                   THE CHAIRPERSON: Thank you, Sister...

21                   SISTER BARBARA: Thank you very much.

22                   THE CHAIRPERSON: ...Barbara. Any other  
23 questions? Mr. Kenley?

24                   Mr. DEAN KENLEY: Yes, my name is Dean  
25 Kenley. This is a question for Wanda.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   Wanda, some of the pictures that you  
2 illustrated up there was from Gulliver's Cove, and this is  
3 where you live? How long have you lived there?

4                   Ms. WANDA VANTASSEL: I've lived there  
5 for... Oops. I've lived there for 20 years.

6                   Mr. DEAN KENLEY: 20 years. Did you see  
7 the whales from your home there?

8                   Ms. WANDA VANTASSEL: Yes, I can, and  
9 that's another thing I want to say. I can set on my deck,  
10 and there's times that we watch the whales, we watch them  
11 playing. Then last fall, something happened that there was  
12 gannets, and they would dive down, and they flung into the  
13 water, but there was four or five whales that were playing  
14 around.

15                   Then there was a basking shark that  
16 come into our area, and what happened was the scientists  
17 figure because of the krill and the feed in the water, this  
18 one basking shark followed the krill in, and he got stuck,  
19 and he couldn't get back out, and he died.

20                   But these whales hung around our area  
21 which normally we'll see whales now and again, but this was  
22 the most I'd ever seen in that area, and yeah, we live in a  
23 beautiful place. When we see whales and stuff out there  
24 playing, it's wow.

25                   Mr. DEAN KENLEY: So do they come in

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 fairly close to the coasts?

2 Ms. WANDA VANTASSEL: Yes, they do.

3 Mr. DEAN KENLEY: Do you see our vessel  
4 down there sometimes, while we're whale-watching?

5 Ms. WANDA VANTASSEL: Yes, I have. As a  
6 matter of fact, last summer, there was... Well, we see you  
7 down there a lot, but we were going to one of our beaches  
8 where we do dulse, and we were waving to the crew on your  
9 boat, I do believe, if it's the only boat that comes from  
10 Digby down, yes.

11 Mr. DEAN KENLEY: So in your opinion, if  
12 there's blasting just west of you, of that cove, do you  
13 think it's going to affect those sightings?

14 Ms. WANDA VANTASSEL: What I'm scared  
15 of is I hear a lot about dynamiting, and I'm not an expert,  
16 but it's the vibration that goes down is what I think, and  
17 what I feel that if there's any sign to whales, and it  
18 starts to make a noise under the, down under the water,  
19 maybe the whales and seals will move away.

20 THE CHAIRPERSON: Mr. Kenley, thank you.  
21 You're limited to two questions, usually, okay? Thank you.  
22 Anyone else? If not, thank you very much, ladies.

23 The next presenter is... Well, actually  
24 there's a group of people here from North Mountain  
25 Preservation Group, Jim Fisher, Robert Barkwell. Then I

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 have Steve Lewis, Andi Reardon, Heather LeBlanc and John  
2 Percy. Now I don't know what the plans are, but you got 30  
3 minutes, right, even if you've got 100 guys out there, okay?

4 Mr. JIM FISHER: We've timed our  
5 presentations for the most part, and we'll be very fast.  
6 Many of us have very limited points that we each... Each of  
7 us who's going to make them...

8 THE CHAIRPERSON: Okay.

9 Mr. JIM FISHER: ...has considerable  
10 background to make those specific points, so we will clip  
11 through.

12 THE CHAIRPERSON: Okay. Introduce  
13 yourselves, please.

14 Mr. JIM FISHER: Yes, we will...  
15 Incidentally the Andi Reardon presentation will be the final  
16 one, and it will be not presenting for us, although she is a  
17 member, but rather for a Provincial-wide nature group, and  
18 she will explain. So we'll be moving her to the rear of  
19 that particular...

20 THE CHAIRPERSON: Just a moment. I have  
21 Andi Reardon and all the other names I mentioned under this  
22 one group limited...

23 Mr. JIM FISHER: Yes.

24 THE CHAIRPERSON: ...to 30 minutes.

25 Mr. JIM FISHER: That's right. We're all

1 limited to 30 minutes. We've given up some time.

2 THE CHAIRPERSON: Well, no, it's  
3 collectively...

4 Mr. JIM FISHER: Collective. We've---

5 THE CHAIRPERSON: Yeah, okay.

6 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP - Mr.**  
7 **JIM FISHER**

8 Mr. JIM FISHER: ---given up some time  
9 because of the unavailability of some other slots.

10 Mr. Chair, Panel Members, thank you. My  
11 name is Jim Fisher of Victoria Beach. My education and my  
12 experience are in global business, and I'm Chair of the  
13 North Mountain Preservation Group, and the central theme of  
14 this presentation is going to be that the impact of a yes  
15 decision on this Proposal would be felt far from Digby Neck.

16 We will address the physical spread of  
17 the quarrying along the shore, and secondly, the possible  
18 spread of invasive organism in dumped ballast. These  
19 present some interesting challenges for this Review process,  
20 in that a positive outcome for the Proponent would raise  
21 some risks that are contingent on Project approval, but  
22 literally are, in one case, allegedly beyond the control of  
23 the Proponent.

24 These risks are, however, consequences  
25 of the Project, so I believe it is up to the Review process

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 to take them into account, whether or not the Proponent does  
2 or is even in a position to address them.

3 NMPG was founded to oppose a propose  
4 quarry next to the Fundy in Victoria Beach. The logistics  
5 of this Quarry Application made no sense to us, considering  
6 its supposed market of twinning the 101, but were completely  
7 sensible as an additional source for marine export of  
8 basalt, for instance by barge, with eventual trans-shipment.

9 Note that the list of possible  
10 alternative basalt sites provided and dismissed by the  
11 Proponent didn't address sites farther up North Mountain,  
12 which is sensible in their situation. Bilcon may have a  
13 prime site, but I don't they have the only one.

14 I noted an interesting phrase in an  
15 exchange among audience members on 23 June who were talking  
16 about this possible quarry of a 1,000-acre site adjacent to  
17 the Fundy at Gulliver's Cove, and said that it was:

18 "Waiting for the results of the Quarry  
19 Application at Whites Cove."

20 We're not familiar with this particular  
21 instance, but what would be surprising is if nobody else is  
22 quietly waiting to execute a follow-up move. We're not  
23 opposed to quarries, per se. In fact, while we actively  
24 opposed the Victoria Beach site, we looked at but chose not  
25 to oppose another application right on the other side of

1 North Mountain in Granville Beach, which is much nearer the  
2 properties of several of our Members, as we felt it did not  
3 threaten the Fundy.

4                   As to whether Bilcon itself might have  
5 to be involved in this spread, my career working at and  
6 consulting to, and for that matter, investing in the global  
7 levels of a number of the very largest corporations in the  
8 world leads me to expect responsive thrusts by North  
9 American competitors and/or by others anywhere, saying the  
10 marine transportable supply opportunity, if Governments  
11 clear the way this time.

12                   However, as to Bilcon's own  
13 intentions, the Panel has the 2004 Lease Agreement clearing  
14 the way for shipments from other adjacent or non-adjacent  
15 properties. And furthermore, a Bilcon representative  
16 mentioned in the hearings on 18 June 2007 that the terminal  
17 could be available for possible joint use with others.

18                   Moving to the second subject, Bilcon's  
19 representative stated that any ballast issues will be the  
20 responsibility of the ship's owner. Any invasive  
21 organization suspended in the water near the fishing areas  
22 of Whites Cove are just a few hours of tidal current away  
23 from Victoria Beach.

24                   The following analogy is not perfect  
25 because of our salt water environment, but I'm reminded of a

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 cartoon I saw showing a customer at a lunch counter looking  
2 at the special of the day, "Ohio Clam Chowder". He said: "I  
3 didn't know we had clams here in Ohio", and the person at  
4 the counter replied: "Actually, these are zebra muscles".  
5 Thank you.

6                                   You could choose to ask any questions  
7 now, or wait until we've all presented. We'll all be  
8 available. Shall we move on?

9 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP - Dr.**  
10 **ROBERT BARKWELL**

11                                   Dr. ROBERT BARKWELL: My name is Robert  
12 Barkwell, and I'm a family physician in Annapolis Royal,  
13 which is at the other end of the Basin here. Certainly a  
14 significant number of patients have seen us rather than  
15 coming to Digby for a number of reasons, and that's about to  
16 increase.

17                                   This whole community is under a number  
18 of stresses, and you've been here this week, and probably  
19 have noticed in the local newspaper that one of the stresses  
20 that's being added to them is that they're losing a good  
21 deal of their medical care, which is going to end up coming  
22 to my community.

23                                   So I have talked to many of my patients,  
24 and I share their concerns. The question was asked earlier  
25 by one of the Panel; was this a community in decline? And I

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 agree with Nora Peach who said: "No, not exactly in decline;  
2 in transition". Yes, a number of the traditional ways of  
3 making a living off the land and water have disappeared or  
4 are disappearing.

5                   Some things have been stable.  
6 Lobstering has been stable, for example, 'cause it can't be  
7 industrialized. Still you have to put a pot in the water  
8 and haul them up one pot at a time, and take out the lobster  
9 one pot at a time, and so lobstering is one of those things  
10 that has provided a stable economic base for a large number  
11 of my patients, and a large number of people who live in my  
12 neighbourhood, which is just across the Gut, and a large  
13 number of people on Digby Neck.

14                   Dulcing is sustainable, but that's  
15 because hardly anybody who doesn't live here will eat dulce.  
16 I don't know if you've ever tried it, but...

17                   THE CHAIRPERSON: It tastes like salted  
18 rubber band. (Laughter)

19                   Dr. ROBERT BARKWELL: Salted, iodized  
20 rubber band.

21                   So people are fearful, and I don't have  
22 to expand on that. The people who were here before me  
23 expanded on that. They're fearful that not only will they  
24 lose what remains of their traditional livelihood and way of  
25 life, but the things that they have developed to take the

1 place of that... Eco-tourism, whale-watching... Will also  
2 disappear, and that they'll be kicked in the head just as  
3 they're starting to make a transition to something  
4 different.

5 I personally have also lived within five  
6 kilometres of a quarry, and I have to tell that they can say  
7 what they like about blasting. You can feel it five  
8 kilometres away. There's dust appreciable. You dust your  
9 house more frequently when you're living in the vicinity of  
10 a quarry.

11 There's lots of unpleasant things about  
12 quarries, and it seems in medicine, we're just in the  
13 position now where we're changing the criteria for the  
14 evidence. We've gone... Some years ago, we started going  
15 to evidence-based medicine and not just, oh, Doctor So and  
16 So thinks this is a good way to do things.

17 Now we're saying not just does this  
18 work, but is this better than what's already available?  
19 Because if it's not, then there's no point, particularly  
20 since there's always things in the development phase that  
21 don't show up 'til later; so Vioxx turns out to kill people  
22 five years after it's introduced.

23 And I think we have to look at  
24 development like this, in this same way; not just will it,  
25 does it have some benefits, but does it have benefits that



1 outweigh what's already here? And it seems to me that, from  
2 the point of view of the health and welfare of my patients,  
3 if the answer that you can't really tell if it's going to  
4 disrupt what they already have, then you shouldn't say yes.

5 Thank you.

6 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP - Mr.**  
7 **STEVE LEWIS**

8 Mr. STEVE LEWIS: My name is Steve Lewis.  
9 I live in Granville Beach, Annapolis County. Until 2005,  
10 I'd been a real estate broker for 30 years.

11 In my opinion, this proposed Project has  
12 already and will continue, if approve, to have a negative  
13 impact on the real estate market in this area. I'm certain  
14 you have all heard the expression that in real estate, it is  
15 location, location, location, which is of paramount  
16 importance in selling a property.

17 More precisely, it is purchaser's  
18 perception of that location that sells a property. In Digby  
19 Neck and area, this is especially important. The real  
20 estate market in this area is highly dependent on the influx  
21 of come-from-aways, and of course you've all heard the  
22 acronym "CFAs", who buy property here, either to settle or  
23 spend summers. Many initially spend summers, and then  
24 retire here.

25 They come for the peace, quiet and

1 beauty of this area. Even a hint that this tranquillity  
2 could be compromised will send them looking elsewhere, and  
3 there are many other areas vying for these same purchasers.

4 I know and have worked for many of these people.

5                   They bring with them large amounts of  
6 money to the local economy. These are the dollars that  
7 provide so many, many jobs for the trades, the electricians,  
8 the plumbers, the carpenters, the helpers and so forth, the  
9 professionals; that includes the lawyers, the architects,  
10 the surveyors, the engineers, and yes, even the real estate  
11 agents, and the retailers.

12                   Further, developers of tourist-related  
13 projects, be they be local, or come from away, must be able  
14 to depend on this area's reputation as beautiful and  
15 peaceful before they invest.

16                   Purchasers are becoming aware of this  
17 proposed Project. The publicity about it has already begun  
18 to equate industrialization with Digby Neck. Further, the  
19 By-laws of the Nova Scotia Real Estate Commission require  
20 real estate agents to be informed of current market  
21 conditions which affect the value of a property, in order to  
22 counsel prospective purchasers, and to disclose anything  
23 that could hinder the value or enjoyment of a property.

24                   So all prospective purchasers should  
25 currently be told by agents of this proposed Project, and if

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 approved, of it for the next 50 years. Failing to give full  
2 disclosure by an agent could make them and their brokerage  
3 liable for damages.

4                   An industrial mega-quarry of this size,  
5 if approved, will severely and negatively impact prospective  
6 buyers' perceptions of this area, and their desire to buy  
7 here. Consequently, it will depress the real estate market  
8 for many years to come. The increasing exodus of those CFAs  
9 who are already here, due to the possibility of this  
10 proposed Project, is an indication that this has already  
11 begun.

12                   If the approval of this quarry were to  
13 create a precedent so that all other areas of the North  
14 Mountain coast of Nova Scotia would have similar projects,  
15 then the real estate market from Brier Island to Cape Split  
16 would be similarly impacted.

17                   Thank you.

18                   THE CHAIRPERSON: Thank you, gentlemen.  
19 Gentlemen, come back. (Laughter) That's good.

20 **PRESENTATION BY NORTH MOUNTAIN PRESERVATION GROUP -**  
21 **QUESTIONS FROM THE PANEL**

22                   Dr. GUNTER MUECKE: Can I come back to  
23 Victoria Breach, which you are familiar with? In the  
24 original Proposal, how did the size of that project compare  
25 to the present size that's proposed for Whites Cove?

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   Mr. JIM FISHER: It was much smaller. I  
2 think it was under the four-hectare limit, as I recall. It  
3 would be subject to a different approval process. It was  
4 far smaller.

5                   Dr. GUNTER MUECKE: Yeah. And what is  
6 your understanding of the present status? Has the company  
7 given any indication of that?

8                   Mr. JIM FISHER: The Province rejected  
9 the Application as having been accompanied by insufficient  
10 answers to questions posed by the Province in a timely  
11 fashion, so that particular Application is now dead.

12                   Dr. JILL GRANT: Just a quick question  
13 for Mr. Lewis about the possible effects on property values.  
14 I wonder if you could give us an idea of the distance over  
15 which you might experience this kind of effect on property  
16 values, and what, if you were trying to compensate for  
17 losses in property values, what kind of information would  
18 you need to be able to do that?

19                   Mr. STEVE LEWIS: I was quite clear in my  
20 statement that what we're talking about here is also  
21 people's perceptions. It's very, very important, and it  
22 takes very, very little to get people to say, "I'm not going  
23 to this area. I just don't even want to know about this".  
24 Can you compensate for that?

25                   For example, if there were a quarry, is

1 there is way to... I hate to the use the term "mitigate"  
 2 that particular situation? I really don't know. I haven't  
 3 seen that been able to be done before, because once the  
 4 word's out on an area, it's out. Yes.

5 THE CHAIRPERSON: Mr. Buxton?

6 Mr. PAUL BUXTON: I don't have any  
 7 questions, Mr. Chair, but I just have a comment.

8 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP -**  
 9 **COMMENTS FROM THE PROPONENT**

10 Because I'm not sure whether Mr. Fisher  
 11 was here, and I can't remember whether it was this week or  
 12 last week we discussed joint uses of the facility.

13 And the joint use being referred to,  
 14 at the time, was the possibility of other small boats being  
 15 able to use the facility, and Bilcon is clearly on record as  
 16 saying both for corporate purposes, quality control and also  
 17 economic reasons, it would never accept material from  
 18 another quarry.

19 THE CHAIRPERSON: Are there questions  
 20 from the audience? Mr. Ackerman?

21 **PRESENTATION OF NORTH MOUNTAIN PRESERVATION GROUP -**  
 22 **QUESTIONS FROM THE PUBLIC**

23 Mr. JERRY ACKERMAN: Yes, Jerry Ackerman  
 24 from Annapolis Royal.

25 Mr. Fisher, you said you're not opposing

1 the Spicer Proposal for Granville? Was that the name?

2 Mr. JIM FISHER: No...

3 UNIDENTIFIED MALE: Yes [inaudible].

4 UNIDENTIFIED MALE: It was Halliday,  
5 right?

6 Mr. JIM FISHER: (Inaudible, no  
7 microphone).

8 Mr. JERRY ACKERMAN: But it was Mr.  
9 Fisher who said you were not opposing it, because you  
10 didn't---

11 Mr. JIM FISHER: This was a...

12 Mr. JERRY ACKERMAN: ---think it harmed  
13 the Fundy.

14 Mr. STEVE LEWIS: This was the Halliday  
15 proposal a year and a half ago. It's nothing to do with the  
16 Spicer. I don't even know if Mr. Fisher knows about that  
17 particular proposal.

18 Mr. JIM FISHER: That's the big one of...

19 Mr. STEVE LEWIS: That's the one.

20 Granville Center.

21 Mr. JIM FISHER: Yeah. No.

22 Mr. STEVE LEWIS: We don't.

23 Mr. JERRY ACKERMAN: My question then  
24 becomes are you aware of the demand for aggregate along the  
25 Eastern Seaboard? Do you have any hard numbers?

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Dr. ROBERT BARKWELL: There was an  
2 interesting article last summer in The New Yorker, in which  
3 they pointed out that they poured as much cement in the New  
4 York/New Jersey area every year as it took to build the  
5 entire Hoover Dam. It tells you something about the demand.

6 Mr. JERRY ACKERMAN: Well, I do have some  
7 hard numbers. I'm submitting them to the Panel tomorrow,  
8 and they're in writing, and they come from very qualified  
9 investment services, and they're the kind of hard numbers  
10 that this Proponent has failed to provide.

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

13 Mr. BRIAN DYER: Mr. Chair, Brian Dyer  
14 once again, and I have a question for Dr. Bob, one of our  
15 very valued and local M.D.'s.

16 Dr. Bob, and your medical knowledge  
17 might not be restricted to this particular subject, but in a  
18 sparsity of information from the Proponent in the last ten  
19 days, the subject of health has not been mentioned, and I  
20 believe this particular Project will have, as a by-product,  
21 quite considerable dust; maybe not as proclaimed for the  
22 local inhabitants, or maybe not for the whales, or anything  
23 under the sea, but the operators who are going to be  
24 spending eight- or 12-hour shifts on this particular Project  
25 will be, I believe, subject to the possibility of silicosis,

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 or other respiratory problems.

2                               Could you give us your opinion on that,  
3 please?

4                               Dr. ROBERT BARKWELL: I have to presume  
5 that the Proponent would be subject to the Occupational  
6 Health and Safety standards, and that the operators, the  
7 actual operators of the quarry would have, be protected in  
8 some way. The usual way is to load them up with protective  
9 equipment.

10                              My personal experience with quarries  
11 leads me to think that there will be significant dust in the  
12 environment for quite a distance around it. I will say  
13 this; this area... That is say the Maritimes in general,  
14 and Nova Scotia in particular are, for reasons that nobody  
15 quite understands, high asthma areas. We not infrequently  
16 see children quite ill with asthma. In fact, they're the  
17 scariest patients we have, 'cause they can die fairly  
18 quickly on you. And so that anything that tends to  
19 exacerbate that even in a small community would not be  
20 welcomed to us. That's the best I can do.

21                              Mr. BRIAN DYER: Thank you.

22                              THE CHAIRPERSON: Additional questions?  
23 Yes?

24                              Mr. JIM FISHER: If I could just mention  
25 our concerns do not require that Bilcon be involved. In



1 fact, if I were Bilcon, I would hope that nobody else would  
2 follow them into this, and that the vacuousness created  
3 would continue.

4 THE CHAIRPERSON: Thank you, gentlemen.  
5 Just a moment. Now what is the status of Andi Reardon? Is  
6 she... You're coming next, are you?

7 Mr. JIM FISHER: (Inaudible, no  
8 microphone) possible, if you prefer, I guess we (inaudible).

9 Ms. ANDI REARDON: (Inaudible, no  
10 microphone).

11 Mr. JIM FISHER: She prefers to be last,  
12 I understand. If it's important to you, we could put her in  
13 between the NMPG presentations.

14 THE CHAIRPERSON: Okay.

15 --- Pause

16 THE CHAIRPERSON: You realize you have  
17 about ten minutes to... Okay, good. Identify yourself,  
18 please. Then continue.

19 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP - Ms.**

20 **HEATHER LEBLANC**

21 Ms. HEATHER LEBLANC: Yes. Good  
22 afternoon, ladies and gentlemen. My name is Heather  
23 LeBlanc, and I'm with HAL Consulting, a private consulting  
24 firm in Granville Ferry, and a Member of North Mountain  
25 Preservation Group.

1                   And through business and volunteer  
2 associations, I have been actively involved with sustainable  
3 development projects for the past 25 years. I have learned  
4 that change, for the consumer, takes up to five years and  
5 longer. The development of projects, their marketing,  
6 consumer product awareness and their ultimate use takes that  
7 amount of time.

8                   My point, ladies and gentlemen, is that  
9 change comes slowly. The first step in that change is for  
10 communities to work together regionally. That is happening  
11 now, but there was much spade work.

12                   Tourism regions are developing,  
13 implementing plans for sustainable growth. I have a direct  
14 knowledge of some of these projects.

15                   The Annapolis Region Tourism Council  
16 covers the area of Middleton, Fundy Shore, Bridgetown,  
17 Annapolis Royal, Bear River, Milford, which includes  
18 Kejimikujik National Park and up to Cornwallis Park. The  
19 Steering Committee consists of 20 operators and Government  
20 representatives. It has just completed the first draft of  
21 the strategic plan to be presented to the community by the  
22 end of July '07.

23                   The main components of the plan are  
24 experiential tourism, scientific tourism and marketing, all  
25 based on sustainable development projects. The Committee

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 has a Member of the Digby Regional Tourism Association on  
2 their Board.

3                   The Digby Regional Tourism Association;  
4 the region begins at the Annapolis/Digby lines, and follows  
5 through to Clare, and includes Digby Neck and Islands. The  
6 Steering Committee worked for two years, then incorporated  
7 in 2006. It has a working Board of 15 Members covering the  
8 region.

9                   Phase one of the strategic plan is  
10 complete. Phase two is now underway to be completed August  
11 15th of this year. The Phase two priority for product  
12 development determined by the 30-Member Panel was trail  
13 development for birding, hiking and cycling, most in the  
14 area of Digby Neck and Islands.

15                   The organization has a paid staff  
16 member, and receives funding membership from memberships;  
17 ACOA, Department of Tourism, Culture and Heritage, Town of  
18 Digby, Municipality of Digby. The Bay of Fundy and eco-  
19 tourism is the top priority that leads this group.

20                   The Five-Senses Project; in November of  
21 this year, Celeste Devar, an experiential tourism operator  
22 from Manitoba will conduct a hands-on conference.

23                   The 40 operators from Annapolis and  
24 Digby Counties---  
25 --- Pause, whispering from Mr. Fisher

1 Ms. HEATHER LEBLANC: ---will learn how  
2 to create experiences, work in association with National  
3 Parks and UNESCO Southwest Bioshield Reserve and create an  
4 inventory of experienced providers.

5 The end result will be to develop a  
6 collaborative action plan, then implementation. The  
7 products developed will aim to meet the standard for  
8 sustainable tourism set by the Tourism Industry Association  
9 of Canada.

10 The Ride-the-Lobster Project; over 100  
11 uni-cyclists from 17 countries and four continents prepare  
12 to qualify for this relay race from Yarmouth to Sydney, Nova  
13 Scotia, June 16th to 20th, '08. The relay teams of extreme  
14 athletes from around the world plan to race in Nova Scotia  
15 on a uni-cycle over the course of five days.

16 This year on June the 14th, the  
17 opening kick-off event will take place at King's Theatre in  
18 Annapolis Royal. The race will use the latest GPS web-based  
19 interaction and the most current applications in marketing  
20 in pre-promotion. During the ride, one will be able to  
21 follow the race on your computer from around the world;  
22 regional, provincial, Canadian and worldwide partners are  
23 working on this race.

24 In the past 25 years, I have seen  
25 evolution in the ways our communities work together. For

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 example, Ride-the-Lobster would not have been possible. Our  
2 environmental awareness has been heightened; witness the  
3 Southwest Nova Bioshield Reserve, and the tremendous  
4 attraction whale-watching has become.

5                   It is so easy to see that our area, this  
6 area is evolving from a resource-based economy to a center  
7 of knowledge, scientific and experiential tourism; in other  
8 words, community-based development.

9 **PRESENTATION OF THE NORTH MOUNTAIN PRESERVATION GROUP - Mr.**  
10 **JOHN PERCY**

11                   Mr. JOHN PERCY: Mr. Chairman, Panel  
12 Members, ladies and gentlemen, my name is John Percy. I'm a  
13 retired research scientist in marine ecology, living in  
14 Granville Ferry near Annapolis Royal.

15                   I'd like to talk about the quarry in a  
16 slightly broader Bay of Fundy context. In addition to being  
17 on the North Mountain Preservation Group, for the past  
18 decade, I've been Communications Co-ordinator for the Bay of  
19 Fundy Ecosystem Partnership, an informal grouping of  
20 scientists, environmental managers, community groups,  
21 private companies and individuals.

22                   BOFEP is essentially a knowledge network  
23 dedicated to creating, sharing and using information to  
24 promote the ecological integrity, bio-diversity and  
25 productivity of the Bay of Fundy, and support of the well

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 being its coastal communities. It is not structured as an  
2 advocacy organization, per se, so the views expressed here  
3 are largely my own, but they have been clearly shaped by my  
4 involvement with BOFEP.

5                   One of BOFEP's many activities, and one  
6 that I've been intimately involved with over the past decade  
7 is to convene a series of biennial Bay of Fundy workshops  
8 that bring together some 125 to 150 individuals from around  
9 the Bay to review current research, assess information  
10 needs, and discuss important issues confronting the Bay.

11                   In the past decade, there have been  
12 seven such workshops with themes such as health of the Bay  
13 of Fundy, assessing key issues, opportunities and challenges  
14 for protecting, restoring and enhancing coastal habitats in  
15 the Bay of Fundy, coastal monitoring of the Bay of Fundy, et  
16 cetera, et cetera.

17                   At these workshops, research papers,  
18 roundtable discussions, panel presentations and substantial  
19 workshop proceedings have documented very clearly that the  
20 Bay has been subject to a wide range of stresses associated  
21 with human activities for a very long time. These have  
22 compromised the integrity of its ecosystems, degraded its  
23 habitats, and decimated many of its biological populations.

24                   Dyking, causeway construction, coastal  
25 development, hydro and tidal power generation, river

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 pollution, increasing ship traffic, aquaculture, over-  
2 fishing, inappropriate fishing gear use and industrial  
3 development have subjected the Bay to a slow death by a  
4 thousand cuts.

5                   For 100 years, we have been gradually  
6 undermining the productivity and sustainability of the Bay's  
7 renewable resources and thereby curtailing many economic  
8 opportunities. The devastation of fish stocks described  
9 earlier by Harold Theriault is perhaps the most highly  
10 visible indicator of this ecological degradation.

11                   However, in recent decades, there's  
12 been a growing recognition of the consequences and the costs  
13 of this recklessness, a rising determination to do better,  
14 and a confidence that we can indeed turn things around. All  
15 around the Bay, promising new initiatives are being launched  
16 to remove or lessen some of the stresses. Causeways are  
17 being opened to restore tidal flows. Culverts are being  
18 enlarged, and dykes are being breached to restore salt  
19 marshes.

20                   Efforts are being made to manage the  
21 fisheries more wisely, and with more community input.  
22 Rivers are slowly being restored to health. Aquiculture is  
23 closely monitored and regulated. Vessel traffic is more  
24 carefully controlled. Quick response teams stand ready to  
25 free entangled marine mammals. Municipalities are upgrading

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 sewage treatment facilities, and industries are reducing  
2 their toxic chemicals in compliance with tightening effluent  
3 standards.

4                   There's a growing momentum in the effort  
5 to conserve the Bay and restore its resource, and a rising  
6 public support for conserving the Bay is a healthy and  
7 productive ecosystem.

8                   The creation of mega-quarry at Whites  
9 Point to extract non-renewable aggregate immediately on the  
10 shoreline adjacent to one of the most productive areas of  
11 the Bay appears to be a particularly retrograde step that is  
12 fundamentally out of sync with ongoing efforts to conserve  
13 and restore the Bay's ecosystems.

14                   Another concern often voiced at BOFEP  
15 both at workshops is the absence of a coherent coastal  
16 protection framework and an integrated coastal management  
17 regime in Nova Scotia. The Province lags behind many other  
18 jurisdictions in this regard. New Brunswick, recognizing  
19 the ecological uniqueness of its Fundy coast, and its  
20 immense potential for eco-tourism and other sustainable  
21 activities, recently articulated a Coastal Areas' Protection  
22 Policy.

23                   On Tuesday evening, Cindy Nesbitt noted  
24 to the Panel that on the New Brunswick side of the Bay,  
25 industrial development, and she cited oil refineries, LNG



1 Terminals, nuclear power plants, et cetera, were taking  
2 place alongside a thriving eco-tourism industry. She  
3 wondered why this couldn't happen along the Nova Scotia  
4 side.

5 I would suggest that New Brunswick has  
6 developed a much better sense of what activities are most  
7 appropriate for particular areas of the coast, as well as  
8 what activities are essentially incompatible. They  
9 certainly have a better appreciation of the Bay's eco-  
10 tourism opportunities and potential economic value.

11 I fear that they may have effectively  
12 usurped ownership of the Bay, as far as most tourists are  
13 concerned, with their well-orchestrated New Brunswick's Bay  
14 of Fundy advertising campaign. They seem to have a clear  
15 sense of which coastal areas are critical to expanding eco-  
16 tourism interests.

17 The Peninsulas, Archipelagos, and  
18 Islands off Southeastern New Brunswick are clearly prime  
19 natural areas, as are the salt marshes, mud flats and  
20 coastlines of the Chignecto Bay. They are now fighting  
21 tooth and nail to keep the LNG Terminal out of Passamaquoddy  
22 Bay, and most now regret the decade-old decision to permit  
23 the Bayside Quarry.

24 That Province seems to have a much  
25 better developed sense of what types of development are most

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 appropriate, in particular, at coastal areas. Hopefully  
2 this will be refined as the Coastal Areas' Protection Policy  
3 matures and evolves.

4 In contrast, Nova Scotia, has been  
5 struggling for more than a decade with a hodgepodge of  
6 coastal protection concepts, initially outlined in a 1994  
7 discussion paper entitled "Coastal 2000". This consultation  
8 paper warned, and I quote:

9 "The protection of the extensive  
10 coastline and many communities along the  
11 coast is critical to Nova Scotia's  
12 future."

13 It further adds that:

14 "Either we can continue to adopt a  
15 piecemeal approach to problem-solving,  
16 or we can begin to make rational choices  
17 within a strategic framework."

18 Regrettably, after an initial flurry of  
19 excitement, Coastal 2000 bogged down in the bureaucracy.  
20 Since then, there has been little detectable movement  
21 towards a coherent coastal management policy. As this mega-  
22 project approval process illustrates, Nova Scotia still  
23 struggles with a piecemeal, reactive approach to coastal  
24 management.

25 In marked contrast, in much of the

1 United States, there's a recognition by Federal and State  
2 authorities of the intrinsic value of natural coastlines, of  
3 the intimate ecological connections between coastal lands  
4 and adjacent marine waters, and of the critical importance  
5 of protecting coasts from destructive and unsustainable  
6 development.

7                   The U.S. Congress passed the far-  
8 reaching **Coastal Management Act** way back in 1972.  
9 Coincidentally, Bilcon notes that:

10                   "No new quarries have been approved in  
11 New Jersey since at least 1970."

12                   The Proponents also acknowledge that in  
13 the U.S.:

14                   "Construction aggregate producers are  
15 encountering difficulty in expanding  
16 existing operations, and in developing  
17 new sites, and building new plants.  
18 County and local regulators are  
19 increasingly limiting producers by  
20 enacting restrictive zoning and land-use  
21 regulations."

22                   In Nova Scotia, the glaring absence of a  
23 coastal zone policy, or integrated coastal management  
24 framework makes the Province's rocky coastline an attractive  
25 target for non-renewable resource consumers such as Clayton

1 Concrete that are being increasingly constrained at home.

2           Such corporations clearly anticipate  
3 that they can undertake massive resource extraction  
4 activities in Nova Scotia that are effectively forbidden to  
5 them in their own country.

6           An important element of any integrated  
7 coastal management policy is the identification of the  
8 special areas whose conservation is vital to the well being  
9 and productivity of the wider ecosystem. Canada has lagged  
10 behind other countries in protecting sensitive or unique  
11 parts of its marine environment.

12           The passage of the **Oceans Act** in 1996,  
13 with its provision for the creation of marine-protected  
14 areas, finally provided a solid framework for remedying this  
15 situation. In the past decade, six MPA's have been created  
16 in Canada, including the Musquash Estuary in New Brunswick.

17           However, it is widely acknowledged that there are other  
18 special areas in the Bay of Fundy that are equally deserving  
19 of protection in some form.

20           Scientists at DFO's St. Andrew's  
21 Biological Station produced a massive report in 2003  
22 entitled "Identification of Significant Marine and Coastal  
23 Areas in the Bay of Fundy". This and other studies describe  
24 a number of areas around Fundy that are unusually  
25 productive, particularly sensitive, or have unique features.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 In the upper Bay, coastal areas around Fundy Park in New  
2 Brunswick and the nearby Shorebird Mudflats are already  
3 being proposed as a United Nations' Reserve.

4 Around the mouth of the Bay, the Grand  
5 Manan, Archipelago, the waters of Passamaquoddy Bay and  
6 Brier Island, and nearby inter-island passages are  
7 particularly highlighted for their unusual bio-diversity,  
8 exceptional productivity and remarkable seascapes.

9 I'll just end by concluding that...  
10 Yeah, okay... That we're still in the early stages of  
11 developing protected areas in the Bay of Fundy, and there's  
12 little question, however, that having an industrial mega-  
13 quarry operating for generations, virtually on the doorstep  
14 of any type of conservation area involving Digby Neck and  
15 Islands, would be a most undesirable situation.

16 Thank you, Mr. Chair.

17 THE CHAIRPERSON: Ms. Reardon?

18 **PRESENTATION BY NATURE NOVA SCOTIA - Mr. ANDI REARDON**

19 Ms. ANDI REARDON: Good afternoon, Panel,  
20 and thank you for allowing me to, giving me the time to give  
21 this presentation. My name is Andi Reardon, and I live in  
22 Granville Beach. I'm the past President and current Board  
23 Member of the Annapolis Field Naturalist Society.

24 Today I'm here representing the  
25 province-wide Field Naturalist organization, Nature Nova

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Scotia. Nature Nova Scotia's primary activities include  
2 conservation of species and spaces, education and  
3 sustainable use of resources. The organization has 225  
4 dues-paying members; in addition, there are eight active  
5 naturalist clubs on the Board of Nature Nova Scotia, with  
6 approximately 2,000 Members in total.

7                   To give you an idea of the scope of the  
8 organization, the following naturalist clubs form Nature  
9 Nova Scotia: Annapolis Field Naturalist Society in western  
10 Annapolis Valley; Blomidon Naturalist Society in eastern  
11 Annapolis Valley; Cape Breton Naturalist Society in Sydney;  
12 Halifax Field Naturalist; Nova Scotia Wild Flora Society,  
13 province-wide; Nova Scotia Bird Society, also province-wide;  
14 South Shore Naturalist Club, South Shore area; Eastern  
15 Mainland Field Naturalist in Antigonish.

16                   Each year, these clubs provide an  
17 impressive range of natural history education programs,  
18 including a lecture series, field trips and other outings  
19 that are open to the public. Most of these clubs also  
20 publish a quarterly newsletter focussing on nature topics.

21                   Many of our members, and they include  
22 marine biologists, botanists and ornithologists have been  
23 carefully observing the ecology and natural cycles in Digby  
24 Neck, Long and Brier Islands for decades. Given this vast  
25 collective knowledge of the region, we believe the Whites

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Cove Quarry Project will devastate and result in a loss of  
2 wildlife habitat in natural areas, including marshes and  
3 woodlands.

4                   And as a result, it will incur an  
5 enormous cost to the small but resilient coastal community  
6 which depends, in large part, on nature-based or geo-  
7 tourism, fuelled by field naturalists, birders and those  
8 drawn to the region's extraordinary heritage, beauty and the  
9 Bay of Fundy's dynamic yet fragile ecosystem.

10                   To that end, I submit to you a letter  
11 from the President of Nature Nova Scotia, Larry Bogan(Sp)\*,  
12 who could not be here today:

13                   "Dear Panel Members: Nature Nova Scotia  
14 is an affiliate of Nature Canada. We  
15 have been providing communication  
16 between the naturalists of Nova Scotia  
17 since 1990, and a common voice in  
18 natural environment conservation at the  
19 provincial level. The White Point  
20 Quarry, as proposed by Bilcon of Nova  
21 Scotia, should not be allowed to go  
22 ahead. Our reasons for opposition are  
23 as follows:

24                   (1) There is no plan to govern how the  
25 coast of Nova Scotia should be protected

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 and utilized. This quarry is a major  
2 development, and can have far-reaching  
3 consequences as a precedent for the  
4 commercial development of the Fundy  
5 coast of Nova Scotia. This quarry  
6 should not even be considered before the  
7 citizens of Nova Scotia have had a  
8 chance to determine the future of their  
9 coastline.

10 (2) A large section of the North  
11 Mountain will be removed over a 50-year  
12 period, along with the forest, plants  
13 and water. The whole area will be  
14 transformed into an unnatural habitat.  
15 Most of the wildlife in the area will be  
16 driven out due to habitat destruction  
17 and industrial activity; and

18 (3) The danger to whales in the Bay of  
19 Fundy will be increased by the addition  
20 of more large ships travelling in their  
21 feeding grounds.

22 Despite the natural and other  
23 disturbances, some projects are allowed  
24 to go ahead if they are of significant  
25 benefit to the community, however, this



1 is not the case for this Proposal. Very  
2 little benefit is derived from the  
3 quarry for Nova Scotia, since there are  
4 no royalties for the rock, few permanent  
5 for the residents, and very little  
6 economic benefit for the region or  
7 Province. I hope you will see our  
8 points, and pass them on in your report  
9 to the Government. Respectfully  
10 submitted for the Board of Nature Nova  
11 Scotia, Larry Bogan(ph), President of  
12 Nature Nova Scotia.  
13 Panel, thank you very much for your  
14 time.

15 THE CHAIRPERSON: Thank you.

16 **PRESENTATION BY NATURE NOVA SCOTIA - QUESTIONS FROM THE**  
17 **PANEL**

18 THE CHAIRPERSON: Ms. Reardon, have  
19 members of your organization been to Whites Point, walked  
20 around Whites Point, and surveyed Whites Point?

21 Ms. ANDI REARDON: Yeah. Like I say,  
22 there's close to 2,000 members, and there are many, many  
23 people that... Whites Point is the... Several of them have  
24 gone on... Actually, John Percy here is one of them who has  
25 gone on tours of Whites Cove, yes.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Dr. GUNTER MUECKE: In terms of the North  
2 Mountain Preservation Group, has there been any consultation  
3 with Bilcon, or has Bilcon approached you at any time to  
4 consult with you?

5 Ms. HEATHER LEBLANC: No. No, we have  
6 not.

7 THE CHAIRPERSON: Mr. Buxton?

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

10 THE CHAIRPERSON: Questions from the  
11 audience? There are none. Thank you all, all of you, Ms.  
12 Reardon.

13 Ms. ANDI REARDON: Thank you.

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

16 THE CHAIRPERSON: Wait a minute. Oh,  
17 excuse me, gentlemen. There's a question, delayed  
18 question.

19 Mr. BRIAN DYER: Thank you, Mr. Chair.  
20 I don't know to whom to address this particular one, but who  
21 would prefer a question on tourism, and the impact of this  
22 Project? Any takers? You, Heather? Okay.

23 Would it surprise you to know in the  
24 last two hours, I have been accosted by a tourist on the  
25 steps of this meeting hall to wonder how the drift of this

1 hearing was going? And it was a person who is a tourist  
2 here from Georgia, and he is directly involved in the quarry  
3 business, and his comments were that if this pristine  
4 surrounding of Digby Neck is obliterated by a quarry, then  
5 we are all stupid Nova Scotians.

6 What is your comment on that, please?

7 THE CHAIRPERSON: It'll be a brief  
8 comment, I hope. (Laughter)

9 Ms. HEATHER LEBLANC: Well, I don't think  
10 I appreciate the "stupid Nova Scotians" comment. I  
11 certainly believe in consultation, and I certainly believe  
12 in industry. I think that there's a place for certain  
13 industries, and I believe that we need centers of excellence  
14 in certain areas.

15 I would like to think that there are  
16 areas where industry should be, and there's areas where  
17 certain types of industry shouldn't be. I'm being  
18 repetitive here, but I don't think we're stupid. I think  
19 that serious thought should go into where we should be, and  
20 what we should be doing, and I don't particularly think that  
21 this area is where a quarry should be.

22 Mr. BRIAN DYER: Thank you. I think  
23 maybe the word "stupid" was of my generation. He used, "You  
24 wouldn't be very sensible people to demolish this pristine  
25 surrounding". Thank you.

1 THE CHAIRPERSON: Thank you, all. We'll  
2 take a 15-minute break now.

3 --- Recess at 2:51 p.m.

4 --- Upon resuming at 3:06 p.m.

5 THE CHAIRPERSON: Ladies and gentlemen,  
6 we would like to resume now.

7 --- Pause

8 Would Cheryl Denton identify herself?  
9 The first presentation for this afternoon is Cheryl Denton.

10 **PRESENTATION BY Ms. CHERYL DENTON**

11 Ms. CHERYL DENTON: Good afternoon. My  
12 name is Cheryl Denton, and I am a resident of Little River,  
13 my home being about a mile and a half from the proposed  
14 quarry site.

15 Unfortunately, my husband and I were  
16 the people who sold the land at Whites Cove to Mr. Johnson  
17 and Mr. Lineberger for what we were told at the time was to  
18 subdivide into waterfront lots for cottages.

19 I refer you to the CLC minutes August  
20 the 8th, 2004, page 2 for confirmation of this statement  
21 that I have just made.

22 Fifteen years ago, I was on a committee  
23 to stop the quarry at Eastern Head in Little River and  
24 became a true believer in sustainable development as a  
25 result, so when the opportunity came to sell Whites Cove, we

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 believed it would enhance our community and help promote  
2 sustainable development.

3                   Can you possibly imagine our dismay and  
4 mental anguish when we discovered that it was to be used as  
5 the site of a proposed quarry?

6                   My husband and I love and deeply respect  
7 the people of Little River, Digby Neck and the Islands, and  
8 would never have sold this land had we ever known what was  
9 going to happen. We were duped.

10                  I guess you could say I have become  
11 somewhat cynical and sceptical, and perhaps even a bit  
12 paranoid now because I can't help but wonder if we're not  
13 all being duped somehow, but I must face reality.

14                  The land was sold, and now I must face  
15 my deepest fears.

16                  We are only a mile and a half wide  
17 from bay to bay as the crow flies in Little River. We just  
18 simply do not have the land mass to sustain the magnitude of  
19 blasting the Proponents claim they will use without having  
20 disastrous effects.

21                  How long before we lose our fresh water?  
22 What happens to the fish plants? They, too, need fresh  
23 water to operate.

24                  Do we give up a whole viable fishery for  
25 a few menial jobs in this quarry? That just doesn't make

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 common sense to me.

2                               As you probably know, there are fault  
3 lines in the Bay of Fundy and, from time to time, there has  
4 been some activity. What happens when and if blasting  
5 should coincide with even a minor tremor? Will that create  
6 a sink effect and will we lose our water or have it  
7 contaminated with salt water?

8                               I believe there was a tsunami in the Bay  
9 of Fundy in 1929 that affected Newfoundland and Cape Breton,  
10 and 27 lives were lost as a result of that.

11                              I also believe there was a tsunami in  
12 the Atlantic Ocean in either the 1700s or the 1800s. Mother  
13 Nature tends to often work in cycles.

14                              I guess what I really want to say is  
15 that we can never underestimate or predict what Mother  
16 Nature may or may not do.

17                              I don't think I can possibly tell you  
18 how very stressful this whole ordeal has been on our  
19 community. We had and have a wonderful way of life, and  
20 until the early 1990s we were the best-kept secret.

21                              We knew we had something special, but as  
22 a result of the first quarry battle, we decided that perhaps  
23 we would have to share our lifestyle and have since  
24 supported and promoted tourism, which we feel goes hand in  
25 hand with the fishery.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   Tourists love coming here for our  
2 pristine beauty and our somewhat laidback lifestyle. They  
3 seem to want to get away from the glitz and glamour and  
4 their hectic lifestyles and just be at peace with the world  
5 and themselves and, of course, for a good old-fashioned  
6 lobster chowder.

7                   I have great respect for this Panel, and  
8 I feel confident that you will listen carefully to all  
9 participating in these hearings and will be wise in your  
10 decisions.

11                  In closing, I would like to share with  
12 you the Native American 10 Commandments, which was shared  
13 with me by a very dear friend, who is Choctaw.

14                  "The earth is our mother. Care for her.  
15 Honour all your relations. Open your  
16 heart and soul to the Great Spirit.

17 All life is sacred. Treat all beings  
18 with respect.

19 Take from the earth what is needed, and  
20 nothing more.

21 Do what needs to be done for the good of  
22 all.

23 Give constant thanks to the Great Spirit  
24 for each new day.

25 Speak the truth, but only of the good in

1 others.

2 Follow the rhythms of nature. Rise and  
3 retire with the sun.

4 Enjoy life's journey, but leave no  
5 tracks."

6 Thank you for this opportunity to speak,  
7 and may the Great Spirit watch over us all as long as the  
8 grass grows and the water flows. Thank you.

9 THE CHAIRPERSON: Thank you, Ms. Denton.

10 **PRESENTATION BY Ms. CHERYL DENTON - QUESTIONS FROM THE PANEL**

11 Dr. GUNTER MUECKE: Ms. Denton, for how  
12 long did you own the property?

13 Ms. CHERYL DENTON: We owned it, I  
14 can't remember now how long we owned it for. It had been in  
15 the family previously, and we bought it from a distant  
16 family member. And, oh, I think we had it for maybe 10 or  
17 15 years at that time.

18 Dr. GUNTER MUECKE: So you're intimately  
19 familiar with it, obviously.

20 Ms. CHERYL DENTON: Yes.

21 Dr. GUNTER MUECKE: And previously during  
22 these hearings, there were descriptions of foundations there  
23 and so on. What are your recollections regarding any sort  
24 of settlements or remains of settlements at the Cove?

25 Ms. CHERYL DENTON: Well, we hear a lot



1 of folklore and a lot of, oh, things from our elders.

2 I have only been in Little River 40  
3 years, so that community was in Little River before I came  
4 there, so I just listen to what they have to tell me.

5 But when we bought that piece of  
6 property, there is a cement haul-up, or was a cement haul-up  
7 there at the time. There was a summer cottage on that  
8 property, and I believe it was called Camp Fog.

9 And, yes, we've heard of a community  
10 being over there. We've heard our elders talk about going  
11 there to visit, and I guess that's about all I can say on  
12 that.

13 Dr. JILL GRANT: Ms. Denton, what was the  
14 land used for prior to sale? What kinds of activities did  
15 your family or did the community participate in on that  
16 site?

17 Ms. CHERYL DENTON: Well, picnics, walks,  
18 bird watching, whale watching. Any friends that ever came  
19 to visit us from away, especially from overseas, just  
20 delighted in going back and building a big bonfire and  
21 roasting hot dogs.

22 And most of the community used that area  
23 to do that same type of thing. It was a place to go to get  
24 away from the world.

25 Dr. JILL GRANT: And can you tell us

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 anything about, there's a 50 by 50 foot parcel that's  
2 excluded from the lands. Can you tell us anything about  
3 what the history of that little parcel is that's not part of  
4 the land holding?

5 Ms. CHERYL DENTON: Yes. You are right  
6 about that. I'd have to have my husband here to give you  
7 those details.

8 There was couple from the States owned  
9 that, and that was when we owned it. We knew that that was  
10 owned by these other people, and then they sold it to people  
11 from Sandy Cove. That's a little postage stamp piece of  
12 land.

13 THE CHAIRPERSON: Ms. Denton, I'm curious  
14 about the sequence of events. You bought it from a family  
15 member, then you decided to sell it. And when you sold it,  
16 you sold it to people who were summer residents, were they?

17 Ms. CHERYL DENTON: They were people from  
18 South Carolina that came and they went through a real estate  
19 agent. And the real estate agent came to us and said:  
20 "Look, there's these people from South Carolina that would  
21 really like to buy this property and they want to develop it  
22 and they want to put summer cottages there."

23 My husband and I were both at a time in  
24 our life when we were wanting to downsize, and we thought  
25 what better way and what better legacy could we give the

1 community than to promote this and to help.

2 THE CHAIRPERSON: Do you know anything  
3 about the sequence of events after you sold it to them? In  
4 other words, did they hold onto it for a number of years and  
5 then sell it, or did they---

6 Ms. CHERYL DENTON: No.

7 THE CHAIRPERSON: ---did they advertise  
8 and begin to prospect for buyers?

9 Ms. CHERYL DENTON: I don't know that.

10 THE CHAIRPERSON: Yeah.

11 Ms. CHERYL DENTON: I don't know that.

12 THE CHAIRPERSON: Thank you. Mr. Buxton.

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

14 I don't have any questions.

15 THE CHAIRPERSON: Questions from the  
16 audience, anyone? Yes, please.

17 **PRESENTATION BY Ms. CHERYL DENTON - QUESTIONS FROM THE**  
18 **PUBLIC**

19 Ms. JAN ALBRIGHT: Jan Albright from  
20 Dunromin, Annapolis Royal.

21 I have a map that may help you with some  
22 of the questions of the dates and things that you're asking  
23 if you would like me to hand it to you. And it does show  
24 the date of when Harvey Denton acquired the land, and I  
25 believe that it was after that that these people acquired

1 the land.

2                   Would you like to have this? It may  
3 help you have an understanding of some of the names and the  
4 locations.

5                   THE CHAIRPERSON: Certainly. Just give  
6 it to the Secretariat and it will become available to  
7 everybody.

8                   Ms. JAN ALBRIGHT: Okay.

9                   THE CHAIRPERSON: Thank you.

10                  Ms. JAN ALBRIGHT: If you have a question  
11 about the type of community life that went on there, as a  
12 young girl, as a child, I was taken there regularly for  
13 picnics. My great-grandmother is Cynthia Morehouse. She  
14 was married to Alonzo Morehouse, but she was born Cynthia  
15 Jane Hersey.

16                  Her mother and father had a land  
17 there. She grew up there as a young girl, and in her early  
18 married life lived there and owned property. And her and my  
19 grandfather, Alonzo Morehouse, made it a point at one point  
20 to almost buy back all of the land.

21                  And then my great-grandfather died, and  
22 a portion of the land, and you can see where it is, it was  
23 in his name, was sold off. But in 1912, she purchased a  
24 piece on her own.

25                  That land was a vibrant community.

1 There were over 10 houses there. People fished and they  
2 farmed out of there. And the reason that the community died  
3 that I was told as a young girl was because Little River was  
4 building up and people were moving there.

5 Little River had the church. It had the  
6 schools for the children. It had the community stores. And  
7 for a lot of people, this is long before cars or  
8 automobiles. The way they got back and forth to town was  
9 either to walk or by horse or by oxen.

10 And eventually, the people in that  
11 community moved into Little River because it was the centre  
12 of things then.

13 THE CHAIRPERSON: That's very  
14 interesting. Thank you.

15 Thank you, Ms. Denton. Oh, sorry.

16 Ms. Denton, there's another question.  
17 Sorry.

18 Mr. JOHN DICKINSON: I just want to say  
19 that we went across with you quite often for picnics in  
20 there. Ms. Denton bought this property...

21 THE CHAIRPERSON: Could you identify  
22 yourself?

23 Mr. JOHN DICKINSON: John Dickinson.

24 THE CHAIRPERSON: And?

25 Mr. JOHN DICKINSON: And this is my wife,

1 Evelyn, who was Evelyn Denton. Her father was Harvey  
2 Denton, and she was subsequently sued by the company for  
3 making statements about the property.

4                   When you raise questions about the  
5 original settlements there, there were summer homes that my  
6 wife played in as a child because she used the site, and the  
7 site was still there.

8                   There are houses in Little River, the  
9 Nesbitt house, the Denton house across the road from them  
10 that came from the site, from that coastal site.

11                   THE CHAIRPERSON: They moved the houses  
12 from the Cove?

13                   Mr. JOHN DICKINSON: The Nesbitt house  
14 was moved in portions and was rebuilt. The one across the  
15 road was moved by ox cart and came out whole from Whale Cove  
16 over Highway 422. And those properties were moved into  
17 Little River and then the families moved out of there and  
18 moved into Little River as well.

19                   So there's always been a strong  
20 connection between this community over the mountain.

21                   My wife's ancestors intermarried with  
22 the Herseys who were there, and that's the relationship  
23 there. There were probably somewhere up to 85 people over  
24 the years that lived in that community.

25                   And we do have the record in Little

1 River's cemetery of families who died around 1877 from a  
2 typhoid epidemic in that place and so on.

3 That's the connections that go back, so  
4 there are strong connections.

5 THE CHAIRPERSON: Thank you very much.  
6 It's all very interesting.

7 Mr. Farnsworth.

8 Mr. TERRY FARNSWORTH: I'm not sure this  
9 will be a question, but it will be a quick statement.

10 The last dwelling place in Whites Cove  
11 as a little boy or young boy, 12, 13, a lot of us younger  
12 boys were venturing back Whites Cove Road as we did a lot of  
13 rabbit hunting around the area, snaring rabbits and stuff.  
14 And at that time it was a means of survival, snaring rabbits  
15 for food and different things.

16 And there was a little cabin back  
17 there, and you might call us young hellions or whatever at  
18 the time, but it was a place for us to venture and we were  
19 doing some fixing on the cabin.

20 And I remember writing "Home sweet home"  
21 on a chair, but unfortunately there was smoke coming up  
22 through the woods where the boys had lit a grass fire on the  
23 beach, and they thought they had it out, but some time later  
24 the wind had picked up and, unfortunately, it burned the  
25 cabin down.

1                   I resent that to the folks along the  
2 property. At that time there was no lines drawn anywhere  
3 with the community as to where you could hunt or venture.  
4 You know, we were a community of the day in that time.

5                   So I'd just like to point that out, that  
6 was the last dwelling place that was there and, due to our  
7 playing activity, unfortunately the little cabin got burned  
8 down. And I apologize to the owners.

9                   THE CHAIRPERSON: Thank you, Mr.  
10 Farnsworth. Better late than never.

11                   Bruce Cunningham, please. The next  
12 presentation is by Bruce Cunningham.

13 --- Pause

14 **PRESENTATION BY Mr. BRUCE CUNNINGHAM**

15                   Mr. BRUCE CUNNINGHAM: My name is Bruce  
16 Cunningham, and I live in Sandy Cove on the Digby Neck. I'm  
17 actually one of these year rounders that people talk about  
18 sometimes.

19                   I'd like to talk about how I came to  
20 Sandy Cove and how it's become a very special area for me  
21 and needs to be preserved.

22                   My first contact with the Digby Neck was  
23 in 1967. That was Canada's Centennial Year. Our family of  
24 five travelled east from Ontario with our tent-trailer and  
25 dog and attended the World Festival in Montreal.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1                   We kept on going to visit with my wife's  
2 sister, who had bought a house in Sandy Cove while on her  
3 honeymoon the previous year. She didn't share the honeymoon  
4 with us.

5                   I expected that all talk would be about  
6 the World's Fair and our excitement, and to my surprise,  
7 Sandy Cove made a bigger hit with our kids and they wanted  
8 to go back next time, next year.

9                   We said that it's not our house, that we  
10 have to be invited, and so a campaign started that the  
11 cousins from Ontario, the two families, would get together  
12 in the house in Sandy Cove.

13                   Well, after about five or six years of  
14 annual, biannual, semiannual visits, a house that we liked  
15 very much came on the market and the experience that had  
16 come to us over the years was that properties very rarely  
17 come on the market and when they do, you better move  
18 quickly.

19                   In 1973, we scraped together what  
20 savings we had and purchased a house in Sandy Cove so that  
21 we could regularly return for summer visits without having  
22 to wait for an invitation.

23                   Our three children spent their summers  
24 in Sandy Cove up to their pre-teen years, and they made many  
25 friends for life, some of them. They're still friends with

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 people that they played with as a children.

2                   There's a certain attraction that some  
3 people have for special places in their lives, and when my  
4 wife, Joan, died in 1994, her last wish was to be buried in  
5 Sandy Cove, and I hope that this wish will come out.

6                   She was buried in Sandy Cove and the  
7 rest of the family would want to cherish it and be there  
8 with her. So that's a separate comment.

9                   This is how Sandy Cove became precious  
10 to us over the years of visiting through visits to other  
11 people's houses and then eventually buying our own house,  
12 and now we're in another generation.

13                   Over the last 35 years or so, many  
14 changes have occurred on the Digby Neck. The girls' and  
15 boys' camp in Sandy Cove have both gone, but many of the  
16 cabins from the girls' camp have been bought by former  
17 campers, and they're people who brought the tradition of  
18 Camp Hegarty and have kept it alive in Sandy Cove.

19                   There was a replacement trailer park  
20 attempted to come into existence when the boys' camp closed,  
21 but it only lasted for a season or two.

22                   Different forms of aquiculture have been  
23 tried in Mink Cove and East Ferry, with some success.  
24 Similarly, several attempts have been made to start call  
25 centres, and to this date there's one successful call centre

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 still operating in Cornwallis.

2                   The ground fishery is struggling with  
3 shortage of fish all over, but the lobster fishery is still  
4 performing well and people are still buying retirement and  
5 summer homes. People from New England and from central  
6 Canada still want to come to the areas that Sandy Cove is in  
7 to get close, but they're usually people who have met  
8 somebody else who's invited them.

9                   With all of these changes, there have  
10 never been any strong objections to projects, but nearly  
11 everyone that I know at this time is upset by the proposal  
12 to build a quarry at Whites Cove.

13                   Now, I can't speak for everybody on  
14 Digby Neck. I'm just giving you my own personal feeling  
15 that, having had the experience of learning what was  
16 available on Digby Neck over a period of years and how the  
17 same people kept coming back and so you built friendships  
18 that lasted a long time.

19                   And so we have a feeling that that needs  
20 to continue, and it just seems out of place when the people  
21 want to build a quarry at Whites Cove. It's a special  
22 peninsula that should not become an industrial park.

23                   The mega quarry, in my opinion, would  
24 interfere with lobster fishermen and the Fundy Shore  
25 particularly opposite Whites Cove, and with tourist

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 development that is gradually gaining speed on the Digby  
2 Neck.

3                   It would discourage families like mine  
4 who want to invest in family traditions and who are prepared  
5 to spend money to upgrade their houses and to employ local  
6 craftspeople in the process.

7                   The baby boom generation will soon be  
8 reaching retirement age, and this would normally be  
9 considered a growth period for people looking for vacation  
10 and/or retirement homes. However, the real estate man a  
11 while ago said all it takes is a suggestion that a quarry is  
12 going in and that whole real estate market could disappear.

13                   The proponents of the quarry say they  
14 have not asked for government handouts or subsidies. Most  
15 other businesses that have tried to open up new plants do  
16 get money from government for major projects and for  
17 training.

18                   Are the quarry proponents not sure how  
19 they would be received and better not be the last straw that  
20 broke the camel's back?

21                   Another cost factor which may be  
22 anticipated is greenhouse gas discharges, conservatively  
23 estimated to be around 4 million tonnes over the life of the  
24 quarry. I wonder, who will be responsible for these costs  
25 since they will be incurred in Canada but the owners of the

1 operation will be outside of Canada?

2 From this rudimentary cost-benefit  
3 analysis, this mega quarry has more costs than benefits, and  
4 most of the benefits, as far as I can tell, will go to the  
5 quarry promoters.

6 Thank you very much.

7 THE CHAIRPERSON: Thank you, Mr.  
8 Cunningham. Mr. Buxton?

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

11 THE CHAIRPERSON: Questions from the  
12 audience? No.

13 Thank you very much, Mr. Cunningham.

14 We now move to the Atlantic Chapter of  
15 the Sierra Club of Canada, and presenting will be Jeff  
16 Tittle and John Bennett.

17 --- Pause

18 **PRESENTATION BY THE ATLANTIC CHAPTER SIERRA CLUB OF CANADA -**  
19 **Mr. JOHN BENNETT**

20 Mr. JOHN BENNETT: I'd like to offer Mr.  
21 Tittle's apologies. He's involved with work with the New  
22 Jersey Legislature and was unable to make it up in time.

23 THE CHAIRPERSON: That's fine. Just  
24 introduce yourself and proceed.

25 Mr. JOHN BENNETT: Okay. My name is John

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Bennett. I'm the National Director of climateforchange.ca.  
2 It's a new organization, based in Ottawa, and it's dedicated  
3 to finding and promoting solutions to global climate change.

4 The first thing I'd like to do is I'd  
5 like to say how proud I am to be part of such an impressive  
6 group of presenters.

7 In my 30 years as an environmental  
8 advocate, I've never seen such a coming together of a  
9 community and seeing such an effective case being presented.

10 I hope that the Panel will recognize that in their report.

11 I'd also like to express my appreciation  
12 to the Panel. I certainly wouldn't like to take on this job  
13 myself.

14 I was invited to present on behalf of  
15 the Sierra Club of Canada but, as I said, I'm with  
16 climateforchange.ca. Just to give you some of my  
17 background, I joined climateforchange last April, but for  
18 the previous nine years I've been the Executive Director of  
19 the Climate Action Network of Canada and the Senior Policy  
20 Adviser for Energy for the Sierra Club of Canada.

21 Previous to that, I've worked at the  
22 national, international and local level in terms of working  
23 on solutions to climate change.

24 --- Pause

25 Mr. JOHN BENNETT: Most of the

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 presentations you've had so far, as they should be, have  
2 been focussed on the local conditions. I'd like to focus on  
3 the global condition, global warming, or climate change, and  
4 talk a bit about why I think that should be an important  
5 consideration when you're writing your report.

6 I hope to demonstrate that, first off,  
7 the science of climate change has progressed beyond a theory  
8 to an observed phenomenon. And I'd also like to talk about  
9 the Federal Government's legal responsibility to meet its  
10 Kyoto Protocol targets and about the Proponent's capability  
11 to mitigate the emissions from this project.

12 So the first set of slides are  
13 actually taken directly from the Intergovernmental Panel on  
14 Climate Change's web site. And they are part of the  
15 presentation describing the recent fourth assessment report  
16 from the panel which talks about observed phenomena in terms  
17 of greenhouse gases.

18 The Proponent, for some reason, seems to  
19 have chosen to consider only out of date research on climate  
20 change in its Environmental Impact Statement. Perhaps 10 or  
21 more years ago, there was considerable debate about the  
22 science of climate change.

23 Today, the debate is political, not  
24 scientific, and today's debate is about how fast we will be  
25 doing something about it, how fast we will be reducing

1 emissions.

2 I'd suggest that right now and right in  
3 this room would be a good place to start reducing emissions.

4 --- Pause

5 Mr. JOHN BENNETT: I'm going to ask  
6 everyone to use their imagination.

7 So what I had intended to do was show  
8 you a series of slides basically explaining the following  
9 things. Let me just run through it for you.

10 So the first slide was just a statement  
11 from the IPCC stating that they have managed to observe  
12 climate change and they've observed it around the world, in  
13 the oceans and in the air. Temperatures are rising.

14 Second is that they have made similar  
15 observations in continental, regional ocean-based scales,  
16 numerous changes in long-term climate have been observed  
17 around the world.

18 I was going to show you a slide where  
19 they list all the different kinds of evidence that they've  
20 found.

21 I was also going to show you a slide  
22 that indicates that CO2 emissions are rising and have risen  
23 dramatically in the last 10 years or in the period since the  
24 world has agreed that we should do something about reducing  
25 emissions. They've actually started to increase more



1 rapidly than they were prior to that agreement.

2                   So we're in a crisis situation in terms  
3 of reducing greenhouse gas emissions.

4                   And then the next slide would be one to  
5 justify the understanding that it is human activity that's  
6 making the difference. This is not a natural phenomenon.  
7 It's not about cyclical changes in climate. It's human  
8 activity, it's CO2 emissions and other greenhouse gases.

9                   These are the slides you had to imagine.

10                   So now I want to move on to the federal  
11 responsibility on climate change.

12                   Canada ratified the Kyoto Protocol in  
13 December 2002. The Protocol was actually negotiated in 1997  
14 in Kyoto. Canada signed the Protocol in 2000, ratified it  
15 in 2002. The Protocol came into force in February 2005 and  
16 now, under international law, Canada is required to reduce  
17 its greenhouse gas emissions to levels six percent below  
18 1990.

19                   And this is a legally binding  
20 international commitment under law. It's not a promise.  
21 It's not a wish. It's not a commitment less than a legal  
22 one. It's the same as any other law that we would have to  
23 obey as Canadians.

24                   Another aspect of Canadian law is that  
25 under the **Canadian Environmental Protection Act**, Section 166

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 requires the Minister of Environment and the Minister of  
2 Foreign Affairs to ensure Canada complies with international  
3 environmental agreements.

4           The White Point quarry will increase  
5 greenhouse gas emissions in Canada, thus, it will be  
6 impairing Canada's ability to meet its obligations under the  
7 Kyoto Protocol. And I'm not suggesting that this project,  
8 in itself, is going to put us over the top.

9           What I'm suggesting is that it's one of  
10 hundreds and thousands of projects that will put us over the  
11 top, and we need to figure out where do we start.

12           Therefore, the Federal Government must  
13 consider the greenhouse gas emissions in this process.  
14 Unfortunately for the Panel, there are no Federal  
15 Regulations to guide the Panel in terms of greenhouse gas  
16 emissions for industry.

17           This Panel is on its own, and I would  
18 suggest that its only guide is the **Canadian Environmental**  
19 **Protection Act**, Section 166.

20           However, I'd like to move now to the  
21 question of mitigating emissions. I know many in the room  
22 would say that this project shouldn't go forward at all, and  
23 I probably would agree with that.

24           But in terms of greenhouse gas  
25 emissions, which I'm here to speak about, I'd just like to

1 say that all the emissions that are coming from this project  
2 could be mitigated through numerous methods.

3                   They could improve the efficiency of the  
4 equipment. They could use alternative fuels. They could  
5 use advanced technologies such as hybrids. They could  
6 purchase offsets. They could do emissions trading.

7                   But as we've heard earlier this week,  
8 the Proponent wasn't interested in doing any of these things  
9 unless it was regulated.

10                   A number of Canadian industries are  
11 already doing this voluntarily, and it's important to note  
12 that, in Canada, greenhouse gas emissions, about 47 plus  
13 percent, come from industry.

14                   Another thing to be clear on is that  
15 the nature of Canadian industry is such that it's very  
16 important that there be regulations on industry separate  
17 from regulations on consumers because, like this project,  
18 Canadians get responsibility for the emissions but they  
19 don't get the profits and they don't get the aggregate.

20                   We're producing emissions for export, so  
21 no matter how much you and I, as individuals, reduce our  
22 emissions, we can't affect the emissions coming from this  
23 industry. Therefore, this industry has to be regulated  
24 directly or it has to be under some order to mitigate its  
25 emissions.

1                   But big companies like Shell and DuPont  
2 and Alcan and numerous forest companies in Canada have  
3 already exceeded the Kyoto Protocol targets and are making  
4 profits by doing that, and that should be the rule for  
5 everyone, but most are not, and emissions continue to rise  
6 because we haven't put any regulations on industry.

7                   And if we're going to meet the Kyoto  
8 Protocol, we have to have regulations that actually limit  
9 industry's emissions and, as I said, there are no  
10 regulations in place at this time to actually do that.

11 --- Pause

12                   Mr. JOHN BENNETT: So I'll just conclude,  
13 then, and I'll try to be as brief as possible covering a  
14 very big subject with respect to how much you've had to sift  
15 through already.

16                   So to conclude, I have a couple of  
17 recommendations.

18                   The first is that I would ask you that  
19 you advise the Ministers in your report that this project  
20 will impair, to some degree or another, Canada's ability to  
21 abide by its obligations under the Kyoto Protocol and could  
22 potentially contribute to a contravention of the **Canadian**  
23 **Environmental Protection Act** in terms of living up to that  
24 international commitment.

25                   The second one is that, should you

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 decide in favour of the Proponent, I would ask that you  
2 require it to take the steps necessary to eliminate or  
3 offset all its greenhouse gas emissions to make this project  
4 entirely carbon neutral.

5                   And just to conclude, just before I came  
6 up I received the undertaking from the Proponent. And I'd  
7 just like to respond quickly to it.

8                   It seems to be quite fine in describing  
9 the actual on site operations, but environmentalists would  
10 say you have to talk about the whole life cycle, and if  
11 you're going to be bringing a ship in and sending a ship  
12 out, then you have to count those emissions as well.

13                   If you're going to have materials  
14 trucked in, if you're going to have things like ammonium  
15 nitrate produced and diesel fuel produced so that you can  
16 create explosives, you have to quantify those emissions as  
17 well.

18                   And there are definitely emissions  
19 associated with the use of the explosives that aren't  
20 attributed here, and I would expect them to provide a report  
21 that indicates the entire life cycle of this project in  
22 terms of emissions, not just the half-dozen or so machines  
23 that they've described here.

24                   But I would say they've done a very good  
25 job at describing those machines, but they're limiting

1 themselves to the site alone. And greenhouse gas emissions,  
2 you have to talk the whole cycle.

3                   So thank you very much, and I'd just  
4 like to close quickly by saying that I really hope that you  
5 turn this project down, and I think you should do it  
6 entirely to tell Canadians that if you get involved in your  
7 community and you do your homework and you present a good  
8 case, you can actually achieve your goals and protect your  
9 local neighbourhood.

10                   This community has done a wonderful job,  
11 and I've been around these things for 30 years, and this is  
12 the best presentation by a community I've ever seen.

13                   Thank you very much.

14                   THE CHAIRPERSON: Thank you, Mr. Bennett.

15                   Mr. Bennett, there was a second  
16 undertaking, I don't think you've seen it, in which the  
17 Proponent identified the greenhouse gases that would be  
18 generated from shipping, the round trips to carry aggregate  
19 from here to the United States.

20                   But the explosive part I don't believe  
21 has been touched.

22                   Mr. JOHN BENNETT: Okay.

23                   Dr. JILL GRANT: Thank you, Mr. Bennett.

24 **PRESENTATION BY THE ATLANTIC CHAPTER SIERRA CLUB OF CANADA -**  
25 **QUESTIONS FROM THE PANEL**

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   Dr. JILL GRANT: One thing you didn't  
2 comment on in your discussion about possible ways to  
3 mitigate is the feasibility of reforestation as a strategy  
4 to try to compensate for greenhouse gas emissions.

5                   Can you comment on how effective that  
6 would be on a site this size?

7                   Mr. JOHN BENNETT: On a site this size,  
8 it would be totally inadequate. I would question doing it  
9 in any case.

10                  Canada, during the negotiations of the  
11 Kyoto Protocol, fought very hard to have forest management  
12 be considered one of the ways to mitigate emissions so that  
13 it could then take credit for the forest management in  
14 Canada.

15                  Just recently, the government has  
16 decided that Canada's forest is actually a source rather  
17 than a sink, so there's a great deal of questions about  
18 whether or not using forestry actually does sequester carbon  
19 for any length of time.

20                  It certainly has difficult problems in  
21 that, because it's wood and because it's prone to fire, it  
22 can be destroyed. There's no guarantee that those trees  
23 will actually grow to maturity, so often you'll have  
24 companies offering to plant seedlings to bring down carbon.

25                  They should be planting trees, but they

1 should be planting trees because we need more forest, not  
2 necessarily to mitigate their emissions.

3                   We would recommend that, you know, all  
4 mitigation be in the form of reducing emissions somewhere  
5 else, so real emissions reductions is the best way to make  
6 sure that we get to the point where emissions are going down  
7 rather than up. Thank you.

8                   THE CHAIRPERSON: Mr. Buxton?

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

11                   THE CHAIRPERSON: Other questions?

12 **PRESENTATION BY THE ATLANTIC CHAPTER SIERRA CLUB OF CANADA -**  
13 **QUESTIONS FROM THE PUBLIC**

14                   Mr. TERRY FARNSWORTH: Terry Farnsworth,  
15 a fisherman local.

16                   Probably many of us don't know much  
17 about Kyoto. To me, it sounds like "quota". And, you know,  
18 we're hearing a lot of things about cement factories wanting  
19 to use tires to save on the pocketbook and whatnot and  
20 increase of refineries, which sounds a lot like we're not  
21 going to be having less air emissions. It sounds like we're  
22 going to be having more.

23                   And I'm going to lead up to a question,  
24 by the way.

25                   My fear is Kyoto is some sort of meeting

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 of quota that will end up being a monopoly between nations  
2 bartering environmental points and in terms of profitability  
3 and whatnot.

4                   And for the amount of things that are  
5 going on with mismanagement, DFO, you know, stream  
6 restoration in one area, disaster not far away, for a lot of  
7 it for the common person, it's difficult to understand,  
8 really, where all this stuff is going about environmental  
9 impact. And I'm sure many in the room share these  
10 questions.

11                   My question is, what percent of climate  
12 change do you see is impacting environment today in terms of  
13 issues that develop, say, with things like mismanagement,  
14 DFO, government, globalization?

15                   What percentage is not entirely on the  
16 reflex of, you know, global warming? There seems to be a  
17 mix-up.

18                   I don't mean to make my question  
19 difficult, but from the common person point of view, it  
20 seems like a lot of the environmental issues are blamed on  
21 global warming, yet we don't seem to be getting anywhere.

22                   Mr. JOHN BENNETT: Okay. I'll try to  
23 answer that. I'm not sure exactly what you're asking.

24                   We are seeing, around the world,  
25 indications that global warming is taking place. The

1 temperatures are rising both in the air and in the water.

2                   There are subtle changes beginning to  
3 appear all around the world.

4                   It's very hard, at this point, to say,  
5 well, this change in this fishery is caused by global  
6 warming or over-fishing or some effluent from some factory,  
7 but we do know that the changes that climate change will  
8 bring will have significant impacts on the fisheries and on  
9 farming and on public health.

10                   And just to go back to Kyoto in terms of  
11 is it a quota system? Yes, it is. It's the beginning of a  
12 global effort to reduce emissions around the world.

13                   And Canada is part, is one of the  
14 richest and most industrialized countries in the world, has  
15 agreed to reduce its emissions, and its share is to take its  
16 emissions down to six percent below what they were in 1990.

17                   They're about 30 percent above that now.

18                   The problem we have in Canada is that, although our  
19 politicians ratified the Kyoto Protocol and joined, they  
20 didn't do anything in terms of domestic law.

21                   And so it means that when we come to  
22 sessions like this, members of the Panel have a very tough  
23 problem because they don't have enough direction from the  
24 government as to how they should deal with greenhouse gases,  
25 and I sympathize with you.

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 Does that help with your question?

2 Mr. TERRY FARNSWORTH: I really  
3 appreciate your effort in answering that question, and I  
4 think you hit on one part of the answer I was looking for,  
5 and that is in terms of the things that affect our rights,  
6 access, attachment and everything to the resources around us  
7 is a lot to do with mismanagement.

8 We realize, as fishermen, that the  
9 crisis in the fisheries is not altogether to do with seals.  
10 There's a number of impacts, of transferabilities, of  
11 commodities, monopolies with quotas, transferrable quotas,  
12 offshore quota being fished in the Bay.

13 A lot of these things that have  
14 impacted the resources out there, in the beginning, the  
15 mandate was to make huge investment, fish the species to  
16 near extinction, then move on to the next species, and  
17 that's why we have so many species lining up for endangered  
18 species and all that.

19 So for the public ear, I just want to  
20 point out, and I appreciate you hitting a bit on that 'cause  
21 that is a big part of my question, that a lot of issues that  
22 are going on around us have not all got to do with global  
23 warming.

24 It's got to do with the mismanagement  
25 and ignorance of the people going for profits rather than

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 think about the sustainability of a resource.

2 Thank you.

3 THE CHAIRPERSON: Mr. Farnsworth, thank  
4 you. Ms. Albright?

5 Ms. JAN ALBRIGHT: Two quick questions.  
6 Can you clarify...

7 THE CHAIRPERSON: Please speak your name.

8 Ms. JAN ALBRIGHT: Jan Albright.

9 THE CHAIRPERSON: Thank you.

10 Ms. JAN ALBRIGHT: These emissions, am I  
11 correct in thinking that they affect the ozone level?

12 Mr. JOHN BENNETT: It depends which ozone  
13 level you want to refer to.

14 If you're referring to the ozone level  
15 which protects us from UV radiation and the talk about the  
16 ozone hole, no, they don't. If you're talking about low  
17 level ozone, which is smog, there would be a small  
18 contribution from this project to that.

19 But there's a difference.

20 Ms. JAN ALBRIGHT: What is the status of  
21 the ozone level in this area for what you have just  
22 mentioned? Do you know that? Are there statistics on that?

23 Mr. JOHN BENNETT: I'm not familiar with  
24 the specific air quality readings in this area, so no, I  
25 couldn't comment on that.

1 Ms. JAN ALBRIGHT: Thank you.

2 Mr. KEMP STANTON: I haven't a question  
3 for him, but...

4 THE CHAIRPERSON: Speak your name, Mr.  
5 Stanton.

6 Mr. KEMP STANTON: Kemp Stanton. I have  
7 a question for Mr. Buxton. I asked it a week ago and the  
8 secretary said I should get it in today, or I won't.

9 THE CHAIRPERSON: Go ahead.

10 Mr. KEMP STANTON: It was for Freddy  
11 Trask, and he believes he will be within 800 metres of the  
12 blasts at the quarry. He told me the day before yesterday  
13 he does not want blasting within 800 metres. He does not  
14 wish to sell his house.

15 For this project to go ahead as  
16 described, will they have to blast within 800 metres of his  
17 house?

18 Mr. PAUL BUXTON: No, Mr. Chair.

19 Dr. GUNTER MUECKE: Mr. Bennett, you  
20 mentioned full accounting for greenhouse gases by any  
21 project. This is a somewhat hypothetical question, but I  
22 think relevant in this case.

23 If the impact of a project is to  
24 decrease ocean productivity, how would you view that as...

25 Mr. JOHN BENNETT: Decrease?

1 Dr. GUNTER MUECKE: Decrease ocean  
2 productivity.

3 Mr. JOHN BENNETT: Yes.

4 Dr. GUNTER MUECKE: Plankton and so on.  
5 How much of a contribution would you think that makes to  
6 greenhouse gas emissions or sequestering, let's say,  
7 relative to forestry?

8 Mr. JOHN BENNETT: I'm not qualified to  
9 answer that question, so I won't venture there. Maybe the  
10 man sitting beside you would have a better chance.

11 THE CHAIRPERSON: Any additional  
12 questions? If not, thank you, Mr. Bennett.

13 Mr. JOHN BENNETT: Thank you.

14 THE CHAIRPERSON: Okay. For the final  
15 presentation for this afternoon's session it's William  
16 Denton. Mr. Denton. Thank you.

17 --- Pause

18 **PRESENTATION BY Mr. WILLIAM DENTON**

19 Mr. WILLIAM DENTON: Good afternoon, Mr.  
20 Chairman, members of the Panel. My name is Captain Bill  
21 Denton, originally from Westport, Brier Island. I was born  
22 and grew up there.

23 And just for a bit of background, I  
24 fished approximately eight years after graduating from high  
25 school, and at that time I moved away and went to the

1 Nautical Institute in Halifax, became a licensed mariner and  
2 spent about 18 years going to sea.

3 And about nine years ago, I left that  
4 and am employed as a marine pilot in the Port of Halifax.

5 I was asked by a friend of mine to speak  
6 here today on some marine-related subjects of interest that  
7 would come into play with this project at the Whites Point  
8 quarry.

9 I picked three main interests that after  
10 looking over the EIS of the Proponent, maybe would indicate  
11 they're not too clear about the type of environment they're  
12 getting into here with relation to building a marine  
13 terminal or operating ships.

14 I don't have any computer visuals, but  
15 I did bring a paper chart there that you can look at. Maybe  
16 you're familiar with it. Perhaps not, but I just want you  
17 to have a look at the chart and see that the location of  
18 this terminal that is proposed to be built on an exposed  
19 shoreline of the Bay of Fundy.

20 There's no protection there from the  
21 elements, which would make it a pretty poor place to build a  
22 terminal.

23 The nearest land is Grand Manan across  
24 the Bay some 30 miles, so you don't get much protection from  
25 there.

1                   To build a marine terminal on an open  
2 shoreline is in my view is probably asking for major  
3 problems.

4                   The good part of the year, from autumn  
5 to the spring, you get predominantly onshore winds there,  
6 anywhere from southwest, west, northwest, northerly winds  
7 of fairly strong breezes up to gale with storm force winds,  
8 and the effects of this, coupled with the tides of the Bay  
9 of Fundy, makes this area a pretty rugged piece of  
10 coastline.

11                  To my knowledge, with my experience  
12 working at different terminals around Nova Scotia, there's  
13 no other terminal that's built in an exposed location like  
14 this.

15                  All other shipping terminals are built  
16 within a harbour or protected bay.

17                  There is one terminal in Newfoundland  
18 that actually is built in an exposed location, and they have  
19 had a lot of issues with weather and problems with damaging  
20 ships and ships crowning, trying to get in and out of there  
21 when they have problems with unexpected winds or this type  
22 of thing.

23                  That would be at a lower cove on the  
24 Port of Port Peninsula.

25                  As a pilot, I've worked in Cape Breton

---

*A.S.A.P. Reporting Services*

**(613) 564-2727**

**(416) 861-8720**



1 and Halifax, and I've docked ships at quite a number of  
2 terminals. You have my presentation there. I worked in  
3 Bras d'Or Lakes, Sydney, Halifax, and I've seen all the  
4 different types of facilities that are available for boats  
5 loading cargo.

6 We've had issues at a number of these  
7 terminals. A lot of them are related to weather, and some  
8 of them related to the design of the terminal itself, with  
9 regards to strength and the ability to dock large ships  
10 there.

11 A lot of the terminals were built years  
12 ago and were designed for smaller vessels, and ships keep  
13 getting bigger, and the shore side people don't seem to  
14 think there's any problem with putting bigger ships at old  
15 docks.

16 As long as they can get the product out,  
17 that's all they really care about.

18 So to build a terminal on the Bay of  
19 Fundy, you're running into problems, different problems that  
20 you wouldn't run into at other places around the coast due  
21 to the high tide levels.

22 Your dock is going to have to be built  
23 at a fairly high elevation off the seabed, which means it's  
24 going to have to be extremely strong to support the weight  
25 of the ship, and also in this area with the tidal currents,

1 you can expect a lot of stress put on a dock facility in a  
2 location like this.

3                   The location of the terminal is going to  
4 create problems with regard to bringing ships alongside in  
5 inclement weather, because of the tide and the wind.

6                   It might be possible to build a dock  
7 there. I mean, if you have enough money, you can probably  
8 build one anywhere, but you've got to look at the fact of  
9 whether it's a practical place to put a terminal, and if it  
10 can be operated safely there, and if it's feasible to do  
11 it.

12                   You've got to be able to sustain the  
13 dock there for 50 years without problems or this type of  
14 thing.

15                   Anyway, from a mariner's point of  
16 view, it's not the type of place... I've sailed as captain,  
17 I've sailed as mate on ships, and it's not the type of place  
18 that I would care to put a ship into personally.

19                   The second item I'd like to comment on  
20 is ships coming and going to the terminal in the Bay of  
21 Fundy, they're going to be required to follow the Fundy  
22 Traffic Zone into and out of the Bay up to the point  
23 closest to approaching the terminal, which is... This is  
24 fine.

25                   Local fishermen are aware of the traffic

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 lanes and generally keep clear with their fishing  
2 operations, so they don't lose fishing gear or come in close  
3 quarters with large vessels.

4                   But once the vessels leave the traffic  
5 lanes, it's going to encounter quite a number of small  
6 vessels and quite a bit of set geared depending on the time  
7 of year. This could result in interruption of fishing  
8 activities plus loss of gear.

9                   Something that wasn't mentioned in the  
10 EIS, that was mentioned but was not too practical, I saw the  
11 figure that if a ship gets there and it's not fit to go  
12 alongside, they can just drop the anchor somewhere and heave  
13 to.

14                   Well, you can't really heave to in the  
15 traffic lanes because you'll impede other traffic. If you  
16 heave to go outside the traffic lanes, you could tear up a  
17 fair amount of fishing gear, depending on the season.

18                   So where are these vessels going to go  
19 if the weather is not favourable? You could have days when  
20 a ship might not be able to get alongside the terminal. You  
21 probably will.

22                   So these are things that weren't too  
23 clearly though out in the EIS report.

24                   One of the big things that I picked up  
25 on in the EIS was that the Proponent figured that only the

1 most severe weather conditions would interfere with shipper  
2 operations, and that they would only need tug-assisted  
3 docking on rare occasions.

4                   But I can show you that I don't think  
5 they realize much about ship operations or the impact of  
6 where they're trying to put ships into with regards to wind  
7 and tide.

8                   These statements I think are misleading,  
9 and demonstrate lack of knowledge.

10                   I figure that onshore winds greater than  
11 20 knots coupled with the tidal currents are going to have a  
12 detrimental effect on berthing and un-berthing ships or  
13 allowing them to stay alongside the proposed terminal.

14                   These large ships, they're going to be  
15 anywhere from 2 to 250 metres long, fair size ships.

16                   When you're handling to come alongside,  
17 these ships aren't built for speed. I handled these types  
18 of ships every day at the different terminals I worked at,  
19 and the manoeuvrability at slow speeds for docking that is  
20 not great.

21                   So to envision putting ships in there on  
22 a regular basis without using a tug is... I think you're  
23 just dreaming really.

24                   There are places that we can dock ships  
25 without tugs. It's not really recommended, but it depends

1 on how sheltered the berth is or what the type of bottom  
2 is.

3                   Sometimes, you can use an anchor going  
4 in to help, to assist in docking if you don't have a tug,  
5 but you're not going to be able to do that here due to the  
6 nature of the bottom.

7                   He mentioned ballast bow thrusters can  
8 be used for docking the ships. Bow thrusters are generally  
9 only effective up to about 20 knots of wind. Anything over  
10 that, and you're grasping at straws.

11                   Over 25 knots, they're basically  
12 useless, and especially when the ship is in ballast and the  
13 thruster is not too deep below the water.

14                   There's very few ships that have stern  
15 thrusters to my knowledge. I've been on probably 40 or 50  
16 different bulk carriers that are running the east coast and  
17 North America, and I can only think of maybe two that have  
18 stern thrusters.

19                   So the use of tugs is pretty well going  
20 to be a given factor in my view. And the nearest tugs  
21 available are in Saint John, New Brunswick, and that's about  
22 50 miles away, so it could be quite costly running tugs down  
23 from there every time a ship comes in, however that's part  
24 of the business.

25                   It's a five or six hour steam once you

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 need a tug, so to not use one and then get in trouble and  
2 require one on short-notice is not going to work.

3                   These are things that have to be  
4 factored-in when they figure out whether it's feasible to  
5 put a dock there.

6                   Another factor with regards to bringing  
7 ships in, there are going to be foreign going ships, in  
8 other words an international voyage.

9                   And these days when people charter in  
10 foreign registered ships, they generally try to get the ones  
11 with the cheapest cruise, and these people aren't going to  
12 be familiar with the intricacies of the local area with  
13 regards to tides and weather patterns.

14                   So it's quite a risk for somebody like  
15 this to bring a ship in there. And if they have to use  
16 tugs, do they know the procedures for using the local tugs?  
17 Probably not.

18                   These are all factors that have to be  
19 considered, and if they're not considered it creates a great  
20 safety hazard, both to the terminal, the ships, personnel  
21 and to the environment if you ground the ship, which is the  
22 last thing you want to see on any shoreline.

23                   These masters, most ports they go to,  
24 they used to urn licenced pilots to bring the ships in and  
25 out.

1                   In this area, who is going to be  
2 available to do that? There may not be anybody available to  
3 do that, it's hard to say.

4                   The key to any operation is safety, if  
5 it goes ahead, and all these things have to be considered  
6 here.

7                   The third thing is reading the EIS  
8 report, I don't think... Considering the comment made  
9 about:

10                   "...only the most severe weather would  
11 interfere with operations..."

12                   I don't think the Proponent really has  
13 lived on Digby Neck year round and realizes what the weather  
14 elements are like.

15                   I lived there for 32 years and I fish  
16 today, plus I worked in the Bay and the entire Atlantic  
17 Coast of Canada actually, and the whether that we get here,  
18 especially in the wintertime, isn't really conducive to  
19 carrying out operations that they expect to do.

20                   The strong winds that frontal  
21 depressions attract across the continent, especially from  
22 autumn through spring, usually intensifies towards the east  
23 coast, and many of them funnel right through the Bay of  
24 Fundy.

25                   It makes for a pretty stormy area, and

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 these strong winds of course create heavy seas and swell,  
2 and they'll have a detrimental effect on the whole project  
3 in my view.

4                   Even in the summer months, when you  
5 don't get so much wind, you get plenty of dense fog in most  
6 places around Nova Scotia, but certainly in the Bay of  
7 Fundy, in the years I lived there, I can remember going week  
8 after week and never seeing anything other than the street  
9 running by in front of the house. That was about as far as  
10 you could see, if you were lucky.

11                   So to expect somebody to put a ship into  
12 a terminal in these conditions if they're not really  
13 familiar with the area is asking quite a bit.

14                   The tidal conditions also, we have the  
15 highest tide in the world in the Bay of Fundy, and these  
16 create strong currents.

17                   They vary at different places along the  
18 coastline and the Bay, but in this area they certainly would  
19 be strong enough to have a detrimental effect in trying to  
20 dock or keep ships alongside the berth for loading  
21 operations, so it has to be thought about.

22                   And I guess to summarize, in my view the  
23 exposed location of the proposed terminal is not suitable  
24 for such an operation and it constitutes a safety risk to  
25 the local environment should an accident occur at the

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*



1 terminal while berthing or un-berthing or when loading  
2 operations are in progress.

3                   Navigating large vessels to the proposed  
4 terminal in the manner indicated in the Proponent's EIS  
5 without tug support or local knowledge, would jeopardize  
6 safety and good seamanship.

7                   This demonstrates a lack of knowledge of  
8 safe ship operations and places the ship operator in an  
9 awkward position.

10                   The Proponent's EIS fails to acknowledge  
11 the extent to which the weather, tides and sea conditions in  
12 the proposed location will affect their operation, but I  
13 don't think they really understand how serious it is to try  
14 to operate a terminal of this nature in such an exposed  
15 location.

16                   That pretty well sums up the topics I  
17 wanted to bring to your attention, and I'd just like to add  
18 for the record that these are my personal comments and  
19 views, and it's not related to my employment or my employer,  
20 and I was asked to come here as a favour to...

21                   This is information on behalf of the  
22 people that are opposed to the quarry.

23                   That's pretty much it.

24 **PRESENTATION BY Mr. WILLIAM DENTON - QUESTIONS FROM THE**  
25 **PANEL**

1 THE CHAIRPERSON: Mr. Denton, you are  
2 presently employed as a professional pilot?

3 Mr. WILLIAM DENTON: That's correct.

4 THE CHAIRPERSON: And you've been a pilot  
5 for how long?

6 Mr. WILLIAM DENTON: Nine years.

7 THE CHAIRPERSON: Could we talk a little  
8 bit about numbers?

9 Mr. WILLIAM DENTON: Yes.

10 THE CHAIRPERSON: Numbers in terms of  
11 wind speeds for example. A ship this size, 250 metres,  
12 70,000 deadweight tonnes, arriving in ballast for example.  
13 Could... Can you conceive of a situation where it would  
14 dock on its own?

15 If it was dead calm, no wind  
16 whatsoever, is that a reasonable thing, or are you  
17 suggesting that tugs are pretty much essential most of the  
18 time?

19 Mr. WILLIAM DENTON: Well for a safe  
20 operation, a tug would be essential.

21 Sometimes... Like I say, if you have no  
22 wind, you still have tides to consider, and they can have a  
23 detrimental effect, as well as the wind.

24 THE CHAIRPERSON: So...

25 Mr. WILLIAM DENTON: But certainly

1 combined, the two together, it makes it that much worse.

2 THE CHAIRPERSON: Well if they have tugs,  
3 do they require a pilot as well?

4 Mr. WILLIAM DENTON: Not necessarily.  
5 There are ships captains that use tugs on their own, but  
6 it's usually Canadian Masters on Canadian ships.

7 You've got to consider possible language  
8 barriers if ships coming in have foreign crew members and  
9 foreign masters, there may be some problems with  
10 communications with the tug.

11 THE CHAIRPERSON: What knowledge does the  
12 pilot bring to the docking process?

13 Mr. WILLIAM DENTON: You bring the  
14 knowledge of the local area, your knowledge of the waters,  
15 water depths, the conditions at the dock, weather, knowledge  
16 of the weather and sea conditions, tides...

17 You bring the knowledge of using the  
18 tugs and communicating with the shore side, the whole thing.

19 You do the whole thing from the time you go aboard the ship  
20 until it's docked.

21 THE CHAIRPERSON: You assume control when  
22 you're onboard?

23 Mr. WILLIAM DENTON: That's right, for  
24 the captain.

25 THE CHAIRPERSON: Okay.

1                   Mr. WILLIAM DENTON: The captain is still  
2 in command of the ship, but the pilot has the conduct of the  
3 ship, which means they give the steering orders, they give  
4 the engine orders, they coordinate the tugs and direct the  
5 tugs, whether to push, pull or whatever they want them to do  
6 to put the ship safely alongside the dock.

7                   THE CHAIRPERSON: What are the practical  
8 wind limits? If a ship of that sort was coming in, let's  
9 say even with a pilot and two tugs. Two? It would require  
10 two tugs?

11                   Mr. WILLIAM DENTON: Well, it would  
12 depend on the ship. If you had a good bow thruster, you  
13 could probably use one tug.

14                   THE CHAIRPERSON: H'm.

15                   Mr. WILLIAM DENTON: But you've got to  
16 look at here, in this location. In a sheltered port, I mean  
17 we bring ships in at winds up to probably 40 knots, or  
18 sometimes a little more, but usually not too much more than  
19 that.

20                   THE CHAIRPERSON: Is 40 knots a practical  
21 wind speed for this?

22                   Mr. WILLIAM DENTON: Well, you're pushing  
23 the envelope at 40 knots. It depends on the direction of  
24 the wind. If it's off the dock, it's not so bad as winds  
25 that are on the dock.

1                   You've got to consider what would happen  
2 if the line on the tug parted or this type of thing, how  
3 much power the tug has and... There's all kinds of  
4 considerations, but...

5                   In an exposed location like we're  
6 talking about here, it's impractical to put the ship  
7 alongside in the first place. I mean, is it going to be  
8 able to stay there?

9                   If the wind is on shore, it's not going  
10 to be because you get a lot of undertow in the Bay of Fundy,  
11 as well as just wind driven seas on the surface.

12                   THE CHAIRPERSON: Yes.

13                   Mr. WILLIAM DENTON: You get a lot of  
14 swell and this type of thing. To put a ship alongside in  
15 them conditions...

16                   There might not even be that much  
17 wind, but there might be a lot of undertow, and it wouldn't  
18 be uncommon to start parting lines off when the ship is  
19 alongside.

20                   This is not good because you could  
21 injure somebody, or the ship could go adrift before they got  
22 the engine online and were able to manoeuvre, you know? So  
23 there's a lot of things to consider.

24                   THE CHAIRPERSON: So it's not just  
25 docking. Once it's docked and it has...

1                   Mr. WILLIAM DENTON: It has to be able to  
2 be secured, safely secured---

3                   THE CHAIRPERSON: Yeah.

4                   Mr. WILLIAM DENTON: ---so it will stay  
5 there for the duration of the loading operation.

6                   THE CHAIRPERSON: What happens if it came  
7 in at 25 knots and during the course of loading, which we're  
8 told will take about 12 hours, all of a sudden there was a  
9 squall or something where the wind speed went up  
10 considerably, would the ship be in danger then?

11                  Mr. WILLIAM DENTON: It could be in  
12 danger, sure. Yeah. And I mean it might not be possible  
13 to... If it's an onshore wind, it might not be possible to  
14 get it out of there, unless you have a tug standing by to  
15 assist in pulling it out.

16                  THE CHAIRPERSON: Could it threaten the  
17 terminal?

18                  Mr. WILLIAM DENTON: It could, yeah. And  
19 as a matter of fact, there have been terminals that had to  
20 be rebuilt because of ships putting undue stress through  
21 high winds and this type of thing.

22                  You know, over a period of time, they  
23 would become weak and then had to be rebuilt. The terminal  
24 at Aulds Cove and Canso Straight was a good example.

25                  I worked there nine years ago, and that

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 dock had like five dolphins they call them to lay the ship  
2 alongside of, but there were two of them that were  
3 practically useless because they had been stressed so much  
4 that you couldn't put a mooring line on them.

5                   And they eventually, in the past three  
6 years... I think they completed it last year, but they  
7 enclosed all them dolphins and made a solid berth there, you  
8 know?

9                   THE CHAIRPERSON: H'm.

10                  Mr. WILLIAM DENTON: Because the ships  
11 they were putting in there were just too big and too heavy  
12 for the design of the dock basically is what happened.

13                  THE CHAIRPERSON: Assuming the ship  
14 comes into the Bay of Fundy and intends to dock and the wind  
15 all of a sudden goes up, the storm is passing through, or  
16 anyway, it gets to a point where pilot and tugs decide:  
17 "This is not a good idea", so they pull away.

18                  Mr. WILLIAM DENTON: H'm.

19                  THE CHAIRPERSON: You mentioned it a  
20 moment ago. What do they do then? You asked the question,  
21 so you may not even know the answer but...

22                  Mr. WILLIAM DENTON: Well...

23                  THE CHAIRPERSON: Does it go back into  
24 the shipping lanes or does it turn around and go out into  
25 the Bay of Fundy?

1                   Mr. WILLIAM DENTON: If it was me,  
2 personally, a Master of a vessel in that situation, I would  
3 turn and go back outside the traffic lanes, out clear of  
4 the...

5                   THE CHAIRPERSON: In the Gulf of Maine?

6                   Mr. WILLIAM DENTON: Out in the Gulf of  
7 Maine, and heave to until there was a weather enabling to  
8 proceeding.

9                   That would be the best alternative  
10 because like I said earlier, to come outside the traffic  
11 lanes up on the coast line where there could be a lot of set  
12 fishing gear and this type of thing, I mean it really  
13 wouldn't be practical to do that.

14                  THE CHAIRPERSON: Okay.

15                  Mr. WILLIAM DENTON: So it would be  
16 best to follow the traffic lane back out and stay clear in  
17 my view.

18                  THE CHAIRPERSON: Thank you very much.

19                  THE CHAIRPERSON: Yeah.

20                  Dr. GUNTER MUECKE: Mr. Denton, who  
21 decides whether a tug is necessary, is it the Captain of the  
22 ship's judgement?

23                  Mr. WILLIAM DENTON: Well, if the Captain  
24 is there alone, it would certainly be up to him. He would  
25 be the one that would have to make the call.



1                   When I go aboard of a ship as a pilot,  
2 if the Captain has an order to tug and I think the weather  
3 conditions are such that we should have one, I would  
4 recommend to him and they usually don't argue.

5                   You know, they figure the pilot knows  
6 the local conditions, and if they were to refute what he  
7 said and not order a tug and something happened to the ship,  
8 well then they would be more responsible than, you know, if  
9 they didn't (sic) take a tug.

10                  Dr. GUNTER MUECKE: So if a Captain is  
11 not very familiar with a particular piece of coastline, it  
12 would be pretty easy to misjudge the situation?

13                  Mr. WILLIAM DENTON: That's correct.

14                  Dr. GUNTER MUECKE: Unless a pilot is...

15                  Mr. WILLIAM DENTON: The average person  
16 that doesn't handle ships, large ships, probably doesn't  
17 realize...

18                  They look out, see a ship coming in and  
19 they say: "Oh, that's nice", you know? But there's a lot to  
20 it. There's a lot of things to consider when you bring a  
21 large ship alongside a berth or into an area of confined  
22 waters.

23                  You've got to consider the weather  
24 conditions, the tidal conditions and all these things, how  
25 much water the ship is drawing and...

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1                   There's a lot of things you have got to  
2 think about, so if you're coming into an area you're not  
3 familiar with, you're playing with danger really and...

4                   The thing is, a lot of times, in areas  
5 where you're not required to carry pilots, the Captain will  
6 look at the chart and he will say: "Oh, I can do this, it's  
7 not a problem."

8                   But there's always things that could  
9 crop up that might surprise. It's not like pulling your car  
10 on the side of the road and regrouping.

11                   I mean when you're on a ship, things  
12 are moving all the time and you've got to be able to think  
13 quick and do the right thing, and there's a point of no  
14 return.

15                   Once you're making your approach, if  
16 you get too close, you're pretty well committed, so whether  
17 it's going good or bad, you'll have to see what the end  
18 result is, you know?

19                   Dr. GUNTER MUECKE: Thanks. Just on a  
20 different note now, as you know, right whales have a habit  
21 of just sitting and resting and not moving.

22                   If you bring a ship in at reduced speed,  
23 how much of... A ship of the size we're talking about, how  
24 much leeway do you have in terms of avoidance?

25                   Mr. WILLIAM DENTON: Well, your best bet

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 probably if you saw a whale on the surface in your path,  
2 your best bet would be to try to steer clear of it really,  
3 because you wouldn't have time really to stop the ship if it  
4 was anywhere near close to you.

5 I mean, it takes a while to slow a ship  
6 down, and it would be a lot easier to steer clear of it than  
7 try to stop the ship.

8 Dr. GUNTER MUECKE: For somebody totally  
9 unfamiliar with this, how far ahead would I have to spot the  
10 whale in order to take avoidance action, to steer around it,  
11 for a ship of 70,000 tonnes?

12 Do I need a kilometre or...

13 Mr. WILLIAM DENTON: If you could see  
14 it... If you could see it a quarter of a mile away, you  
15 probably could steer clear of it.

16 You know, if the ship was underway and  
17 making good speed and it was manoeuvrable.

18 Dr. GUNTER MUECKE: Right.

19 Mr. WILLIAM DENTON: I would think you  
20 would be able to.

21 Dr. GUNTER MUECKE: But at reduced speed  
22 though?

23 Mr. WILLIAM DENTON: At reduced speed,  
24 your steering is a little more sluggish, but it's still  
25 effective.

1                   You can always increase the engine speed  
2 just to speed up the turn, this type of thing. Yeah. You  
3 know?

4                   Dr. JILL GRANT: If there are fishing  
5 boats in the vicinity and you can't steer around, then is it  
6 impossible to slow down at all?

7                   Mr. WILLIAM DENTON: Well...

8                   Dr. JILL GRANT: Or what speed would  
9 you...

10                  Mr. WILLIAM DENTON: Well normally,  
11 fishing vessels are... You know, you're going to pick them  
12 up on your radar, you're going to... You know, it's...

13                  Dr. JILL GRANT: I'm sorry. I meant,  
14 you know, there's a whale, but it's fishing season so  
15 fishermen may be in the waters as well, and you may be in a  
16 situation of not being able to divert course. Can you slow  
17 down or does it...

18                  Mr. WILLIAM DENTON: Well, you can slow  
19 down to a point, but you may not be able to get completely  
20 stopped.

21                  To stop with a large ship, it takes a  
22 few minutes, so it depends on the ship.

23                  Dr. JILL GRANT: Another question I  
24 wanted to ask you, Mr. Stanton, when he spoke to us about  
25 fishing in this vicinity, mentioned Eddies.

1                   Can you tell us what the nature of  
2 Eddies might be in these waters and whether they're a  
3 problem with docking?

4                   Mr. WILLIAM DENTON: Eddies, or it could  
5 be referred to as back currents. They're usually a result  
6 of a tidal current passing around an underwater restriction  
7 that makes the water swirl back or reverse direction,  
8 whatever have you.

9                   But yeah, there could be eddies in the  
10 vicinity of a berth sticking out on a straight shoreline.  
11 That could create eddies around the dock, but there  
12 definitely would be tidal currents through the dock that  
13 will affect the manoeuvrability of a ship when you're coming  
14 alongside.

15                   They could help you, they could hinder  
16 you, it all depends on the direction.

17                   THE CHAIRPERSON: Mr. Buxton?

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

20 **PRESENTATION BY Mr. WILLIAM DENTON - QUESTIONS FROM THE**  
21 **PUBLIC**

22                   THE CHAIRPERSON: Okay. Questions? I  
23 see some people standing already. Mr. Mullin, why don't you  
24 just start?

25                   Mr. DON MULLIN: Yes, Don Mullin. I'm

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 not sure whether you have experience with ballast water  
2 management, so I'll get the answer to that and if it's no,  
3 then I won't ask my question.

4 Mr. WILLIAM DENTON: No, I'm not totally  
5 familiar. I'm vaguely familiar with it, but... What's the  
6 nature of the question?

7 Mr. DON MULLIN: The question is how many  
8 times might you expect a ship's Captain who is coming up  
9 from New Jersey to Whites Point, in order to preserve the  
10 safety of the ship, to call Transport Canada and ask for an  
11 exemption from the need to dump ballast water. Could you  
12 take a guess?

13 Mr. WILLIAM DENTON: No, I'm not sure  
14 what the procedure is for that. No, I can't really answer  
15 that question. No.

16 THE CHAIRPERSON: Next? Mr. Farnsworth.

17 Mr. TERRY FARNSWORTH: Terry Farnsworth,  
18 local fisherman. I understand very much what you're  
19 saying.

20 I've had the First Mate of the Ferry  
21 that goes back towards Saint John be at my house, we played  
22 music together, and he stopped and talked about the wind on  
23 the side, how they can affect your manoeuvrability, and one  
24 of the questions I want to ask you is do you feel that the  
25 area is equipped efficiently for a disaster that may occur?

1                   Mr. WILLIAM DENTON: Well, I'm not sure  
2 what resources are available, but I wouldn't say there's  
3 anything right in the immediate area if you run into  
4 trouble.

5                   That's why I'm saying that to do a  
6 berthing and berthing operations at the terminal safely, it  
7 would be advisable to have the tug there because if you run  
8 into trouble, you've got nothing to fall back on.

9                   I mean, if you have an equipment  
10 failure, and I think I mentioned that in my comments last  
11 summer that I did up.

12                   If you have an equipment failure like  
13 that, a thruster failure or a main engine failure and you  
14 have no tugs, you're really left hung out to dry, you've got  
15 nothing to fall back on.

16                   So in order to do it safely, you need  
17 assistance. I don't know what's available close by for oil  
18 clean up response.

19                   I guess I've read in the report there's  
20 stuff available in Digby or Saint John or Yarmouth, I'm not  
21 too sure.

22                   Mr. TERRY FARNSWORTH: This has been a  
23 question in our community. Are we prepared for oil spills  
24 and things of that nature in case of a collision or  
25 disaster.

1                   Mr. WILLIAM DENTON: Yeah.

2                   Mr. TERRY FARNSWORTH: I'm a coast guard  
3 member of Digby, one of two. I thought I was the only one.  
4 We have another one there now.

5                   We do exercises every Monday in July  
6 with a chopper, and I'm proud to be a part of that.

7                   Certainly, when we're talking here about  
8 a vessel of such a size, I know a fish dragger or scallop  
9 dragger over in Kentville. We went in for the tie up and we  
10 had a breeze come on us and we got across the end of the  
11 wharf and he appointed us to put lines out and what not. I  
12 wasn't sure what he was up to, but with the wind that we  
13 had...

14                   This is an area that is surrounded by  
15 land and everything. When we went out around the corner to  
16 look at that 65 footer from the wharf, where I was standing,  
17 laid over on its side, that was all wind doing that to that  
18 65 footer.

19                   When we did get up around the other  
20 side, we then exceeded into putting the cable off of the  
21 drum.

22                   So I don't think people that are in  
23 their kitchens or in their livingroom or whatever really  
24 understand what we're talking about here.

25                   And I want to mention that along the



1 shore, you have say buoys hauled under water, you know, you  
2 can obviously assume you've got a lot of tide current.

3                   You get the wind and the [inaudible] in  
4 the same direction. You've got to have a lot of power there  
5 that you're competing with. I don't care if you've got a  
6 tugboat or what you have got.

7                   I've certainly, in my experience, seen a  
8 number of things. When you're in a limited amount of  
9 space... And once you go beyond a certain point, there's no  
10 hope.

11                   It's like he said, if you can't  
12 visualize the events that can occur... The decision has to  
13 be made on the spot. There's no way you can put it on the  
14 paper and then present it.

15                   It's more like taking care of the  
16 "what ifs". Many times, I've heard a few say that we  
17 shouldn't be...

18                   We've had experiences and stories about  
19 divers going down the passage, people they work with, they  
20 didn't even know they were missing and the Ferry boat picked  
21 them up.

22                   So I really share... I really share  
23 what this Captain his saying, his expertise, and my concern  
24 is are we prepared for such disasters?

25                   I want to share that the tide

1 interaction that I've seen, it's not to be played with.

2 THE CHAIRPERSON: Thank you Mr.  
3 Farnsworth. Ms. Albright?

4 Ms. JAN ALBRIGHT: Good afternoon, Jan  
5 Albright. Good afternoon Captain Denton.

6 Mr. WILLIAM DENTON: H'm.

7 Ms. JAN ALBRIGHT: My husband and I lived  
8 on a ship that was 522 feet long for five years. He owns a  
9 third officers unlimited tonnage, unlimited ocean going  
10 ticket. He also holds a Captain's ticket.

11 I have been logging sea time at a helm  
12 since I was 10 years of age. It's my experience on the  
13 ships that we sailed on out of Africa and Europe that a  
14 pilot was a legal requirement for every port we went into.

15 Am I to understand that a pilot is not  
16 required to be on this vessel that will be coming in here if  
17 this passes?

18 Mr. WILLIAM DENTON: Well, we have  
19 certain ports that are declared compulsory pilotage areas.  
20 Those are major ports, like Saint John, Halifax, Canso  
21 Strait, which... And Sydney. These are compulsory pilotage  
22 areas, but areas outside in the Bay of Fundy, areas outside  
23 Saint John Harbour are non-compulsory.

24 The same as if you're going to Yarmouth  
25 with a ship, you're not required to take a pilot, but

1 anybody that is knowledgeable or anybody that would think  
2 about going in there and would have never been there would  
3 certainly want one.

4                   And there is a guy there that's  
5 available to pilot ships in and out, or there was. I did  
6 know him a few years ago.

7                   It's the same thing up in Hantsport.  
8 There's a guy there as well that is designated for bringing  
9 the ships and boats in and out of Hantsport.

10                   It's not a compulsory pilotage port.  
11 All your secondary ports are not compulsory pilotage, so if  
12 you get a Captain that's a bit foolhardy and that and  
13 doesn't think it's necessary to take a pilot, there's  
14 nothing required for him to take one.

15                   It depends where you are going, what  
16 port you are going into.

17                   Ms. JAN ALBRIGHT: In your experience,  
18 when these foreign ships... They're not foreign ships  
19 maybe.

20                   When these ships arrive that have a  
21 foreign crew and a foreign Captain, do they have a person, a  
22 watch-keeper designated to be watching for objects in the  
23 water, other boats, for instance whales, and are these  
24 whales visible on a radar?

25                   I have no information about this. I've

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 seen whales personally, but I don't know if they show up on  
2 a radar.

3 Mr. WILLIAM DENTON: There's no way you  
4 would likely see a whale on the radar, unless it was a  
5 perfectly flat calm day, and especially from a large ship  
6 radar which is quite high in elevation above the sea level,  
7 you're not likely to pick a whale up to my knowledge.

8 If you're on a small fishing boat and  
9 it's a calm day, you might pick a whale up on the radar,  
10 possibly, but it would just be a fleeting thing you would  
11 see one minute, and the next sweep of the radar it wouldn't  
12 be there, so you wouldn't really know what it was anyway.  
13 It might just be sea clutter.

14 It would be pretty hard to say that it  
15 was a whale.

16 Ms. JAN ALBRIGHT: My next question is  
17 on ballast, the question of ballast...

18 THE CHAIRPERSON: Ms. Albright, two  
19 questions.

20 Ms. JAN ALBRIGHT: Okay.

21 THE CHAIRPERSON: Just finish this one  
22 then.

23 Ms. JAN ALBRIGHT: Ballast is a technical  
24 question.

25 On the ships in my knowledge and

1 expertise in the area that I've observed in, ballast is used  
2 to stabilize a ship and is held in compartments below the  
3 water level. The ballast is moved around when the ship is  
4 empty to make the ship stable.

5                   When that ship comes in, it will be  
6 empty, is that correct?

7                   And when it leaves, they will need to  
8 get rid of that ballast because they will be taking on the  
9 rocks or they will be shifting some of that ballast water  
10 around.

11                   There was a question that did arise  
12 about ballast water, and that's all I'd like to address,  
13 thank you.

14                   Mr. WILLIAM DENTON: Well, normally  
15 your ballast water, if you have a fair amount... In the  
16 wintertime, ships carry more ballast due to weather  
17 conditions. They want to increase their stability.

18                   They may start pumping ballast water  
19 before they arrive at the terminal, the last two or three  
20 hours before they are to arrive.

21                   Quite often, you would start pumping  
22 ballast when you start loading cargo. It's a simultaneous  
23 operation.

24                   So you could be pumping ballast water  
25 out of the dock quite normally, and you may not even take

1 all your ballast water out, you may take a portion of it  
2 out, and you know, you may always carry a bit of ballast all  
3 the time on the ship.

4 THE CHAIRPERSON: Mr. Dittrick?

5 Mr. MARK DITTRICK: Mark Dittrick, Sierra  
6 Club of Canada.

7 We have been talking at this point about  
8 encountering one whale, and I believe it was a quarter of a  
9 mile you said you could...

10 Mr. WILLIAM DENTON: I would think if you  
11 spotted a whale a quarter of a mile and you figured it was  
12 going to be a problem...

13 The thing is making that decision  
14 whether there is going to be a problem, it's normally my  
15 experience... I worked on a whale watching boat out of  
16 Westport for probably three or four years, back when they  
17 first started whale watching down there.

18 A good friend of mine actually started  
19 the first operation down there, and I worked periodically  
20 with him when I was home from sea, when I was working on  
21 ships.

22 You never really think about whales  
23 staying there. Even when I've been at sea on ships, you  
24 would quite often see whales, but I mean they are usually  
25 always moving.

1                   Sometimes, you'll see them soaking on  
2 the surface, but most of the time, they'll avoid you as  
3 their swimming, you know?

4                   The only time you really would have to  
5 think about it is if they're laying on the surface and not  
6 moving. They could be sleeping there, so...

7                   But if you could see one the quarter of  
8 a mile and you figured it wasn't going anywhere, it wasn't  
9 active, I think you could steer around it in all  
10 likelihood.

11                   Mr. MARK DITTRICK: I believe the Captain  
12 jumped in and answered my question before I finished the  
13 question, and I also have a follow-up, so I'm just going to  
14 finish this one.

15                   If you see an aggregation of whales,  
16 in other words one whale here, one whale there, and one in  
17 the middle, or several, at what point do you have an  
18 opportunity to steer around if you actually have to?

19                   How far can you steer that ship within  
20 that space in order to get around the whole bunch of them I  
21 mean?

22                   Mr. WILLIAM DENTON: Well, it depends on  
23 how close you are and are there any other hazards I guess?  
24 You know, if you're close to shore, you can go to the shore  
25 to avoid them I guess, but if you're out in the Bay, I mean

1 you've got lots of room to steer around them, it shouldn't  
2 be a problem.

3 Mr. MARK DITTRICK: And my other question  
4 is you are familiar with ships and boats from Hantsport,  
5 right?

6 Mr. WILLIAM DENTON: That's correct.

7 Mr. MARK DITTRICK: Are you familiar  
8 with where they enter and leave the traffic separation  
9 scheme?

10 Mr. WILLIAM DENTON: Sometimes they come  
11 straight up the traffic lane and probably exit somewhere to  
12 the East of Grand Manan and go straight up the Bay, but  
13 sometimes they come up through the Grand Manan Channel.

14 You know, it depends on the time of  
15 year and what the wind direction is. Sometimes they come up  
16 through the Grand Manan Channel, coming up along the coast,  
17 you know?

18 Mr. MARK DITTRICK: Right.

19 Mr. WILLIAM DENTON: Yeah.

20 Mr. MARK DITTRICK: But if they are  
21 coming up through the traffic separation scheme, how far up  
22 would you say... If they use that route, before they exit  
23 and then coming from Hantsport exiting? The outbound?

24 Mr. WILLIAM DENTON: Well, I would say...  
25 I'm not sure, I haven't got the chart in front of me, but



1 they would probably entre one of the calling points on the  
2 chart there, in the centre of the Bay, I would think.

3 Mr. MARK DITTRICK: Could that be pointed  
4 out, just so we have that information?

5 Mr. WILLIAM DENTON: Sure, yeah.

6 --- Pause

7 Mr. WILLIAM DENTON: I would say probably  
8 around calling point 4 alpha would be my guess, that they  
9 would probably exit the zone if they were headed up the Bay.  
10 Coming down, they would probably go back across the traffic  
11 lanes somewhere in that area as well, likely.

12 Mr. MARK DITTRICK: Could we get a copy,  
13 a photocopy, just to have those things shown so we could see  
14 where they go in?

15 Thank you very much.

16 THE CHAIRPERSON: Ms. Peach?

17 Ms. JUDITH PEACH: You alluded to some  
18 sort of ship to shore communication. I'm wondering what you  
19 would expect to have for personnel on the shore if you were  
20 docking a ship? What sort of expertise you would expect,  
21 how many people you would expect to have there?

22 Mr. WILLIAM DENTON: Well, we see all  
23 kinds of things at different berths we go to, and some  
24 people are experienced, and some people leave a lot to be  
25 desired when it comes to tying up ships, but you certainly

1 need enough people to tie up both ends of the ship at the  
2 same time.

3                   You can't be... Especially if you're  
4 dealing with poor weather conditions and things like this.  
5 And you need communications with these people.

6                   So even in this day and age, and even in  
7 major ports like Halifax, there's a lot of docks we go to  
8 that there's no radio communication with the dock.

9                   You've got people down there waiving  
10 their arms, screeching and hollering, and when you're  
11 standing up six or eight decks above the height of the  
12 wharf, I mean it really doesn't make a whole lot of sense  
13 there.

14                   You've got guys down there waiving  
15 their arms like they're trying to back a car into a parking  
16 spot, it just... It doesn't work too well, I mean you  
17 really need good radio communications with the people on the  
18 dock, the dock foreman or whoever is in charge, and you need  
19 enough people to tie up both ends of the ship at the same  
20 time.

21                   Ms. JUDITH PEACH: So would you need to  
22 communicate them when you're further out, like in the  
23 shipping...

24                   Mr. WILLIAM DENTON: Well usually, when  
25 you're making your approach to the dock, you make sure

1 that...

2 First of all, you make radio contact,  
3 you make sure that they're there and they're ready and as  
4 you're making your approach, you explain to them which lines  
5 you're going to put out first, and you know, so they'll  
6 position themselves in the right location on the dock.

7 Mr. JUDITH PEACH: So you don't need to  
8 talk to them about the conditions at the dock? Say if  
9 you're further out in the Bay, you don't...

10 Mr. WILLIAM DENTON: Well, you could  
11 contact the dock and see exactly what the conditions are  
12 alongside, just to confirm what you would expect.

13 THE CHAIRPERSON: Okay. Any additional  
14 questions?

15 SISTER BARBARA: My name is Sister  
16 Barbara from Rossway.

17 Have you seen the conceptual drawings of  
18 the quarry at all?

19 Mr. WILLIAM DENTON: Yes, I have. Yeah.  
20 I have a copy of the EIS report.

21 SISTER BARBARA: So they don't tie them  
22 up to the land, do they, the ships that come in to Whites  
23 Point?

24 Mr. WILLIAM DENTON: Well, if they build  
25 a terminal there, the sketch that was there, which I guess

---

*A.S.A.P. Reporting Services*

*(613) 564-2727*

*(416) 861-8720*

1 was just a sketch, but they would be laying against three  
2 berthing dolphins, and the bow lines and the stern lines  
3 will be going to mooring buoys, which will require the use  
4 of a boat to run the lines to the buoys.

5                   SISTER BARBARA: So that would secure the  
6 boat to the terminal?

7                   Mr. WILLIAM DENTON: It would secure it,  
8 yeah.

9                   SISTER BARBARA: Okay.

10                  Mr. WILLIAM DENTON: Although using  
11 mooring buoys in this location really is not the best idea  
12 though.

13                  SISTER BARBARA: All right, thank you  
14 very much.

15                  Mr. ANDY MOIR: One question about the  
16 use of that...

17                  THE CHAIRPERSON: Would you...

18                  Mr. ANDY MOIR: Oh, sorry. Andy Moir,  
19 from Freeport.

20                  The EIS does talk about the use of a  
21 work boat to tie up those lines to the dolphins or the buoys  
22 that are out there.

23                  Could I get your sentiment of how  
24 practical that would be, to use a boat like that to tie up a  
25 ship like this in conditions that might there at the

1 terminal?

2                   Mr. WILLIAM DENTON: You're going to have  
3 to have a substantial boat. I wouldn't recommend... I have  
4 been in places where they use an aluminum, probably a 20  
5 foot aluminum boat with an onboard motor on it.

6           But in an exposed location like that, I think you would  
7 have to have a little more substantial boats, something with  
8 a little more weight to it because you would probably would  
9 have to pull lines a fair distance to the buoys, and there  
10 could be tide involved in that.

11    You wouldn't be able to do it with an outboard motorboat  
12 really, so it's going to have to be something that's fairly  
13 substantial.

14                   THE CHAIRPERSON: Any questions? If not,  
15 then I thank you all. Thank you Captain Denton.

16                   The meeting is adjourned until 9:00  
17 tomorrow morning.

18 --- Whereas the hearing was adjourned at 4:50 p.m. to resume  
19       on Saturday, June 30th, 2007, at 9:00 a.m.