

PUBLIC HEARING

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

V O L U M E 10

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

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Wednesday, June 27, 2007

PRESENTERS: -Lobster Fishing Area 34 Management Board
Mr. Wayne Spinney
-Ms. Heather Jenkins
-Dr. Micheal Corbett
-Clean Annapolis River Project
Andy Sharpe/Judith Cabrita/Ann Goddart
-Ms. Marilyn Stanton
-Ms. Tina Little
-Mr. Ashraf Mahtab
-Ecology Action Centre
Ms. Jennifer Graham/Ms. Gretchen Fitzgerald
-Mr. Bob Morsches

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

1 Digby, Nova Scotia

2 --- Upon resuming on Wednesday, June 27, 2007, at 1:00 p.m.

3 THE CHAIRPERSON: Okay. Ladies and
4 gentlemen, we would like to begin the afternoon session
5 please.

6 For those of you who are not familiar
7 with us, let me introduce the Panel to you. On my left is
8 Dr. Jill Grant, who is a professional planner; and on my
9 right is Dr. Gunter Muecke, who is an earth scientist; and
10 my name is Robert Fournier, I'm an oceanographer by training
11 and I am the Chair of the Panel.

12 A couple of housekeeping items. For
13 those of you who are regular attendees, I'm sorry it's
14 repetitious but the acoustics in this room are not very
15 good, and a number of people use headphones, which you can
16 get at the back.

17 They are there originally for
18 simultaneous translation, but they help you to hear better
19 when the sound is bouncing around the room.

20 So if you're having trouble, please get
21 yourself a set of headphones.

22 Also, those of you who are making
23 presentations to us and are using PowerPoint or some
24 computer assisted mechanism, please bring it to the
25 attention of the Secretariat as soon as possible because

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1 sometimes there are glitches, and we had to cancel a
2 presentation last week because of that.

3 So if you've got a PowerPoint, bring it
4 up so that we can kind of fit it into the process and give
5 it a little test.

6 Okay. One other thing is I need to say
7 a few words about undertakings.

8 Undertakings are requests for
9 information that cannot be satisfied during the particular
10 moment when the questioning is going on, and so a request is
11 made to deliver that information at a later time. That is
12 called an undertaking.

13 To date, we have generated 54
14 undertakings, and they're coming in day by day. Today,
15 there are five that are due.

16 Number two, directed to Bilcon of Nova
17 Scotia, to provide an updated version of the EIS, volume 3,
18 map 2, showing the revised 800-metre setback location. To
19 provide an updated version of the EIS, volume 3, map 2(a),
20 the quarry property ownership.

21 So that is due today.

22 The next one is undertaking number
23 three, also directed... All of these are directed to
24 Bilcon, so undertaking number three is to provide volume
25 calculations of quarriable stone inside and outside the

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1 current 800-metre setback distance with and without the
2 Whites Cove Road transecting the property.

3 Number four, to describe the worst case
4 scenario of settling pond outflow, channel flow rates and
5 effects on downstream vegetated channels.

6 Number five, to identify the dimensions
7 of the grade required to define the Upper Flow/Middle Flow
8 contact of basalt layers given the known topographical
9 variation of over 7 metres over a lateral distance of 300
10 metres.

11 And the last one of this group is to
12 provide a CV for anyone appearing on behalf of Bilcon whose
13 CV is not included in appendix one of the EIS.

14 So all of those are due today, and they
15 can come in at any time during the day.

16 Now there was another undertaking that
17 was assigned yesterday, and it is number 54, and it was
18 assigned to the Sierra Club of Canada, Atlantic Chapter, to
19 provide references for publications relating to the
20 implementation of full cost-accounting procedures, and that
21 one is due on the 29th, which will be Friday.

22 In addition, there were several
23 undertakings that arrived yesterday, and there was one which
24 arrived a day or two before which we would like to...

25 Well, we would like to discuss three of

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1 these which have arrived.

2 Number nine, I think it's number 10 and
3 number 32, but we'll take them one by one.

4 The first one will be addressed by Dr.
5 Muecke.

6 Dr. GUNTER MUECKE: Mr. Buxton, in reply
7 to undertaking number nine, you submitted a letter from L.E.
8 & W. Engineering Incorporated, and I would like perhaps to
9 clarify some points raised in that letter.

10 For clarification, in the first bullet
11 of that letter, the fines are defined as:

12 "...any material with a mesh size less
13 than -200."

14 Is that right?

15 Mr. PAUL BUXTON: Yes, that is in fact
16 correct from the letter.

17 Dr. GUNTER MUECKE: Okay. So we have a
18 definition then of what constitutes fines, it's anything
19 that has a diameter of less than 0.05 millimetres.

20 I think we have agreed on the conversion
21 scale.

22 Mr. PAUL BUXTON: Yes, I'm not sure it
23 was discussed, but I would say that's correct.

24 Dr. GUNTER MUECKE: So we are no longer
25 talking about -140 as a fine size?

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1 Mr. PAUL BUXTON: Yes, we're saying that
2 that's part of the product, so the waste fines is -200.

3 Dr. GUNTER MUECKE: Well... A second
4 point of clarification regarding the letter, it mentions
5 that some of these fines, the sub-200 mesh are metred back
6 into the product stream, is that correct?

7 Mr. PAUL BUXTON: I'm not sure that is
8 really a correct interpretation, but let me consult with the
9 Operations Manager.
10 --- Pause

11 Mr. PAUL BUXTON: I think a better
12 description would be allowing it to stay in rather than feed
13 it back in.

14 In other words, the specification for
15 the product allows a certain amount of that product, that
16 -200, to remain in the stone.

17 So while it's not deliberately fed back
18 in, it is there and it's allowed to stay in.

19 In other words, if we did a quality
20 control after the wash and found that the specification
21 allowed one percent minus 200, you know, we would leave...
22 And if our analysis says that we had 1 percent, then it's
23 fine. It would just simply stay in it, it meets the product
24 specification.

25 Dr. GUNTER MUECKE: Thank you. That

1 makes it clear to me.

2 Which brings us back to the stockpiles
3 and my concerns about wind transport. So I'm given to
4 understand now that a fine fraction is present in all
5 stockpiles, not just the finer products?

6 Mr. PAUL BUXTON: That is correct.

7 Dr. GUNTER MUECKE: Thank you. And you
8 may want to correct on this 0.05 millimetres. It's usually
9 considered salt size, and in terms of wind transport, we are
10 looking here at material which is very readily...

11 In high winds, it would be readily
12 transported I should think. And you could correct me on
13 that.

14 So I come back to the question about the
15 state of the stockpiles during the operation.

16 Mr. PAUL BUXTON: Yes, in practice you're
17 absolutely right in saying that there is a small fraction
18 which will be in all stockpiles, and I think what I said
19 before still applies, that when the material comes off the
20 belt into the appropriate stockpile...

21 Because everything is stockpiled
22 separately over the loading tunnel.

23 But it is a wet product, so it's come up
24 the wash line, and certainly if we were to be in an extended
25 period of dry weather, particularly with winds, there could

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1 be some drying of the surface.

2 I think how far the heat and wind would
3 penetrate depends upon the size of the aggregate, the size
4 of the voids between the aggregate.

5 There would be some drying, I think
6 that's been recognized, and if we got into a situation where
7 there started to be some lift of the fines, then the
8 stockpiles would be sprayed.

9 Dr. GUNTER MUECKE: Just a last follow-up
10 on that perhaps to clarify the situation, when you talk
11 about spraying here, are there going to be fixed spray
12 structures in place or are you talking about somebody taking
13 a hose and hosing it down?

14 Mr. PAUL BUXTON: No, this would be a
15 piece of apparatus specifically designed for the job with a
16 pump attachment, and really it is a part of the operational
17 process because we have stockpiles of different quantities,
18 quantities and qualities of rock, or size of rock.

19 So let's suppose that a ship is coming
20 in which takes out let's say two stockpiles. The other
21 stockpiles could be there for let's say then two weeks, and
22 those then would require much greater monitoring than those
23 that have just been assembled and are immediately shipped.
24 So we would have a portable apparatus to spray whatever
25 stockpile appears to be drying out.

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1 Dr. GUNTER MUECKE: Thank you.

2 THE CHAIRPERSON: Mr. Buxton, I wanted to
3 mention briefly that undertaking number 10, which was given
4 to us on the 25th of this month, we asked for the production
5 of greenhouse gases that would result from the shipping, and
6 you returned us a number which was based on 50-year
7 lifetime, and it came out to 1,107 kilo-tonnes, but all of
8 the numbers we have been dealing with up until now have been
9 on an annual basis, so what we did is...

10 I just want to make sure that this meets
11 with our mutual agreement, but that is that we divided this
12 1,107 kilo-tonnes by 50 years, and that resulted in 22.1
13 kilotons per year resulting from shipping.

14 And then what we did is we added that to
15 the annual output from the Project itself, which is 82, so
16 the number we have been banding about in this room has been
17 82.

18 The question then was: "How much is the
19 result of shipping?" You delivered it to us in 50 years,
20 the lifetime of the Project.

21 We then brought that down to an annual
22 level, which gives us a working number of 104.1 kilo-tonnes
23 per year, okay?

24 So all I was trying to do was bring both
25 numbers down to the same level, which was an annual level,

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1 so that if anyone wants to talk about greenhouse gas
2 production by the Project in a single year, the number we're
3 talking about is 104.1, which is an average.

4 Mr. PAUL BUXTON: That sounds...

5 THE CHAIRPERSON: I mean, you can...

6 Mr. PAUL BUXTON: That sounds correct Mr.
7 Chair. I note we did... It's in parentheses and a little
8 hidden, but we did say 22.15 kilo-tonnes---

9 THE CHAIRPERSON: Yes.

10 Mr. PAUL BUXTON: ---per year, so...

11 THE CHAIRPERSON: Okay.

12 Mr. PAUL BUXTON: Yes, that was the
13 intent.

14 THE CHAIRPERSON: So I guess what I was
15 doing is looking for the agreement that adding those
16 together was the annual production of greenhouse gases by
17 the Project from the Project here, and as a result of
18 shipping, the two together.

19 Mr. PAUL BUXTON: Yes, that is correct.

20 THE CHAIRPERSON: Thank you. I have one
21 other question, or I would like some clarification on the
22 undertaking which was a result of the request for quantities
23 of explosives, which you sent us a table or a box with
24 information in it.

25 We asked for it in metric units, and it

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1 was delivered to us in metric units with the exception of
2 tonnes, and what I wanted to know was, was the "ton", which
3 was on this document you submitted to us, should that have
4 read "tonne"?

5 Is that a ton or a metric tonne?

6 Mr. PAUL BUXTON: It is actually a metric
7 tonne, and we debated whether to use the tonne.

8 THE CHAIRPERSON: Yeah.

9 Mr. PAUL BUXTON: But it is a metric
10 tonne.

11 THE CHAIRPERSON: Okay.

12 Mr. PAUL BUXTON: Yes, I think we...

13 THE CHAIRPERSON: We thought it might be,
14 but it wasn't clear. So it's a typo or a... Okay.

15 Now the second question I have for you
16 is that the number here, let's see... Yes, the first
17 response says:

18 "The amount of explosives applied per
19 tonne of rock."

20 You have indicated or your group has
21 indicated that that number is 0.23 kilograms per tonne,
22 okay?

23 Mr. PAUL BUXTON: Mr. Chair, I'm sorry,
24 could you give me the number of the undertakings so I can
25 bring it up on the screen?

1 THE CHAIRPERSON: Sorry, 32.

2 Mr. PAUL BUXTON: Thank you.

3 THE CHAIRPERSON: Okay? Now the number
4 that is indicated here is the amount of explosives applied
5 per tonne of rock. To produce one tonne of fractured rock
6 that you can work with requires 0.23 kilograms per tonne,
7 okay?

8 Now we had a little difficulty with that
9 because your blaster said it was 454 grams, or 0.454
10 kilograms.

11 Your blaster said one pound per tonne,
12 and so... And he was using English units, so... So one
13 pound per tonne, and one pound is 454 grams, so it would
14 have been 0.454.

15 Also, when you go to the EIS, the EIS
16 says, and I will read this. It says:

17 "The quantities of explosives handled
18 will depend upon the size of the blast
19 design, however it will be in the order
20 of 0.4 kilograms per tonne blasted or
21 approximately 7,500 kilograms for a
22 20,000-tonne blast."

23 So there are two places, your blaster
24 and the EIS, which both say 0.4 kilograms. Your blaster
25 says 0.454, this one says 0.4 and the document says 0.23,

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1 which is half the amount.

2 So, I mean maybe you can reconcile that
3 for us?

4 Mr. PAUL BUXTON: I'm not a blasting
5 expert. Certainly, we asked our blasting expert who will
6 design the blast specific to this Project. Having perhaps
7 done a closer investigation of the site, the type of rock,
8 all I can say is that this is his estimate.

9 This is the figures that he has given us
10 to the best of his professional knowledge.

11 If you would like some background on
12 that, I can certainly get it from him and bring it to you,
13 but...

14 THE CHAIRPERSON: Well, I guess what I'm
15 saying is that somewhere in the course of the EIS, that was
16 the information you were using, 0.4 kilograms, and your
17 blaster said it, and so all of a sudden the number has
18 dropped, which is...

19 I don't know. If you could look into
20 that inconsistency, we would appreciate that.

21 Mr. PAUL BUXTON: Yes, I suspect it was
22 probably early on in the process. We were looking at
23 industry standards, but I can't be specific about that.

24 But this was a specific question to a
25 specific rock and a specific site, and that's the number

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1 that I got.

2 As I said, if you would like some more
3 information on it or why it has changed, I can try to
4 provide that.

5 THE CHAIRPERSON: Yes, I think we would
6 like that. It's an undertaking to be delivered by the end
7 of the week, on the 29th.

8 An additional question I have is that
9 according to the document you submitted to us, there will be
10 43 blast holes.

11 So once every two weeks, 43 holes will
12 be drilled, and in those holes, you will put 17.69 tonnes of
13 explosives. So almost 18 tonnes of explosives will be put
14 into 43 holes and set off at one moment, and that works out
15 to about 800 kilograms of explosive per hole.

16 Sorry. 400 kilograms per hole.

17 Now one of the questions we were
18 wondering about was the test blast.

19 Maybe you could refresh our memory for
20 the test blast. We have two recollections of the test
21 blast. One is that DFO said the test blast would be one
22 blast in one hole.

23 Then, the follow-up to that was that
24 there would be more than that. Some other numbers we have
25 here is:

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1 "...the 56 separate four-inch diameter
2 holes laid out in a nine foot by nine
3 foot grid pattern parallel to the
4 shoreline with relatively uniform
5 depths between 27 and 29 feet, about 10
6 metres.

7 Each hole will be loaded with
8 approximately 45 kilograms of ANFO
9 explosives."

10 Now maybe you could tell us, what is the
11 final view of the test blast, what it's going to be?

12 Mr. PAUL BUXTON: I think the test blast
13 or blasts remains as we have discussed it over the past
14 three years I think with DFO, and I think that my
15 recollection is that there were 56 holes, but again I... I
16 think that's what we had stated.

17 In terms of the large quantity of
18 explosive per hole, this is somewhat a function of the
19 diameter of the hole.

20 The bigger the diameter of the hole, the
21 better the blast, the better the consumption of the ANFO.

22 The Panel discussed a consumption of
23 ANFO as it pertained to the release of ammonia, I think it
24 was last week, and one of the best methods to ensure the
25 full consumption is a wide-diameter hole, and so obviously

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1 if you've got a wide diameter hole, the amount of explosive
2 goes up.

3 I think the other thing to consider
4 here, and if there are specific questions, I would prefer to
5 relay them to our blasting expert, but the whole point of
6 setting up a blast with a series of holes is to provide a
7 delay between each blast hole.

8 In fact, the delays are quite short
9 periods of time, and I can best describe a blast as perhaps
10 ripping up a noisy zipper very quickly.

11 It's very difficult if not impossible to
12 detect each individual blast, but nonetheless a discrete
13 period of time between the blasts.

14 The second thing is that... That is
15 between the holes. The same thing is essentially done
16 within a hole, and that is that the charges are decked, so
17 there is a charge and then an interval, and then a charge,
18 and then an interval.

19 And the same thing happens within a
20 hole, very quickly, but nonetheless, they are discrete.

21 So you have got the charges going off
22 discretely in a hole, and then between holes, and the charge
23 that one is talking about here is in fact the individual
24 charge between decking, and it's an attempt to keep each
25 detonation small, so that you might in a long blast hole

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1 have a whole series of decks in a blast hole, and then,
2 accompanied with that, the blasts also, the individual holes
3 on a blasting sequence.

4 Now the whole operation, we're talking
5 very small intervals of time here, perhaps somewhere between
6 half a second and perhaps 0.8 of a second for the whole
7 thing, so certainly not possible to detect by ear, but
8 certainly possible to detect with measuring instruments
9 though.

10 Decking is one of the means that we can
11 use reduce the amount of seismicity which gets into the
12 ground, so...

13 THE CHAIRPERSON: Well, the reason I
14 raise the undertaking, and then switch topics ever so
15 slightly to the test blast is because in the test blast,
16 based on what I just read to you, it's 56 holes with 45
17 kilos of ANFO in each hole. It works out to 2.5 tonnes of
18 explosives.

19 The test blast, my understanding was,
20 and correct me if I'm wrong, but my understanding was that
21 the test blast, aside from the configuration that you just
22 identified, was supposed to be a worst case scenario.

23 This is a situation in which we test the
24 seismic waves that will be generated, and their impact, and
25 measurement, and so forth.

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1 So you've got 56 holes with 45 kilos
2 representing two and a half tons of explosive for the test
3 blast, and these holes would be drilled to about ten metres.

4 The document that you submitted to us talks about the
5 operational activities of the quarry, and the total amount
6 of explosive is almost 18 tons, which is quite a bit larger
7 than the test blast.

8 The hole numbers are roughly the same.
9 I mean, 43 versus 56, and the amount of explosive inside the
10 hole is an order of magnitude larger. The holes are also
11 deeper, 20 metres deep.

12 So, in a sense, if the test blast is
13 attempting to produce a worst-case scenario, what you've got
14 in your operational situation is one blast that will be
15 significantly more explosive, it will be significantly
16 deeper, and one has to wonder how relevant the test blast is
17 to the operational phase, since the operational phase is
18 going to be significantly different, and greater.

19 Mr. PAUL BUXTON: Yes, thank you. The
20 test blast could have been done, or... And it is really
21 blasts, rather than blast. We don't see probably getting
22 all the information that we require at a test blast.

23 But an initial sort of protocol was
24 being, was worked through over a significant period of time
25 with DFO, and this was based essentially on the Guidelines

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1 for blasting, you know, near Canadian fisheries' waters.
2 And in the back of that document, there is a table which
3 refers to standoff distances, the type of rock, and the
4 charges that are intended to be used.

5 And what we did was go to that table and
6 try to initially sort of test the calculations that would
7 come from the designs, which are set out in the Guidelines.
8 Now it is a table in the Guidelines, but the Guidelines go
9 on to actually give the formulae that are used in the
10 coefficients that go into the formula.

11 And so we've used both. We've looked at
12 the table, which is very clear. It sets out the amount of
13 charge and the required setback distances. One of the
14 things... One of the sort of the major mitigating factors
15 is the distance from the shoreline, and we saw an
16 opportunity in the construction of the Project.

17 And, again, I think if you can imagine
18 we need to create a vertical face for the processing plant,
19 and there are little toes of rock that come off there. We
20 saw those as a very good opportunity to conduct testing in
21 the water for noise and blast from those. And the initial
22 blasts were really designed for those, for that specific
23 area.

24 Now what we could have chosen to do is
25 to go back, significantly further back on the site, and

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1 perhaps use bigger charges further back from the site to try
2 to create, you know, good test conditions. We thought, and
3 as I say, this was really as a result of extensive
4 discussions with DFO's people, that it would be better to go
5 with this sort of limited charge in terms of total capacity,
6 closer to the water, than a more extensive charge further
7 back.

8 And I would also sort of say when we
9 talk about test blasts, you know, this is to sort of
10 establish to everybody's satisfaction that the parameters
11 which are clearly set out in the Guidelines, like 100 kPa,
12 are being easily met. The fact is that every blast on the
13 site throughout the entire 50 years has to be monitored, so
14 it's not as if you sort of set off a couple of blasts, and
15 say that's great, this is...

16 You know, that's it, we now leave it
17 alone. We've proven what we set out to do. Every blast has
18 to be monitored.

19 THE CHAIRPERSON: Thank you, Mr. Buxton.
20 I think we'll leave it there. We are leaving you with an
21 undertaking to resolve the three different values which we
22 have available to us; 0.4 kilograms, 0.454 kilograms, and
23 0.23 kilograms per ton of blasted rock.

24 Mr. PAUL BUXTON: Yes, thank you.

25 THE CHAIRPERSON: Thank you. That now

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LOBSTER FISHING AREA 34 MANAGEMENT BD
(Mr. WAYNE SPINNEY)

1 takes us to the first presentation of the afternoon. I
2 believe that will be Wayne Spinney representing the Lobster
3 Fishing Area 34 Management Board. Mr. Spinney?

4 Mr. Spinney, try and keep this about six
5 inches or seven inches away from you, and please identify
6 yourself; your name and your affiliation for the records.

7 **PRESENTATION BY THE LOBSTER FISHING AREA 34 MANAGEMENT BOARD**
8 **-- Mr. WAYNE SPINNEY**

9 Mr. WAYNE SPINNEY: Good afternoon. My
10 name is Wayne Spinney. I'm a representative of the Bay of
11 Fundy Inshore Fishermen Association. I'm also an Executive
12 of the LFA Area 34 Management Board, and I'm also on the
13 Board of the Lobster Institute in Orono, Maine. I'm also a
14 captain, and I'm also a lobster fisherman.

15 And I say good afternoon, Mr. Chairman,
16 and whatever the, the rest of the Panel, and I guess the
17 company over there.

18 I'd almost like to say that I speak on
19 behalf of lobster. I don't know if anybody else has done
20 that, but... Or in the manner of perhaps I'd wish to do so.

21 But anyway, there will be parts of this presentation. I
22 know I don't have time to deliver all of it, but there will
23 be parts that I will miss, and I will keep you informed.

24 And, anyway, the outline of my
25 presentation is who we are, and it's the LFA 34 Management

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1 Board, and number two, the Ecosystem Management Areas,
2 interconnectness(sic) of the region; the concerns; the
3 impact of White Point Quarry on the lobster fishery; and the
4 sediment, the chemical runoff, invasion of species,
5 displacement of fish harvesters, blasting and environmental
6 monitoring; a summary; and recommendations.

7 And Lobster Fishing Area 34 Management
8 Board represents approximately 985 fish harvesters who hold
9 a valid lobster license to fish in LFA 34.

10 In 2005, the LFA 34 landed a catch value
11 of 16,000 metric tonnes, and it had a landed value of
12 approximately a quarter million dollars; a quarter billion
13 dollars, rather. Exporters of lobster products in 2002 and
14 '03 had a record value for their products at nearly
15 \$1 billion. The lobster industry creates approximately
16 10,000 job, and this is fishery is notably the social,
17 cultural and economic driving force of Southwestern Nova
18 Scotia.

19 The coastal waters that border the
20 proposed White Point Quarry lies within the LFA 34 fishing
21 grounds. DFO identified Management Area and in ecosystem
22 based management, it is necessary to consider what takes
23 place in one area, and the influence on the overall
24 ecosystem.

25 White Point Quarry lies within the Gulf

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1 of Maine, which was announced to be one of Canada's proposed
2 large ocean management areas, and in brackets (a "LOMA"), by
3 Faith Scattalon who is now the Regional Director General of
4 Fisheries of Scotia Fundy in Halifax.

5 As the 2004 Gulf of Maine Summit,
6 Canadian/United States fish harvesters, scientists, DFO and
7 U.S. Marine managers have held their fourth annual lobster
8 Town Hall meeting to discuss research and management of
9 their linked lobster fishery ecosystem.

10 In 1995... I'm having problems with my
11 glasses. Bear with me, please. In '95, DFO designated
12 lobster fishing areas LFA 34, 35, 36, 38 and that's all
13 along this coast, including Grand Manan, and 41. That
14 includes the waters of the Bay of Fundy, St. Mary's Bay to
15 the Hague Line - that's the U.S./Canada ocean border - as
16 lobster production Area 7 insured LPA.

17 It is very important that this Joint
18 Panel review, acknowledge, and take into serious
19 consideration the interconnectedness of the waters and
20 marine life within the lobster production Area 7, and no
21 condone the idea that the area of impact from this proposed
22 quarry operation will be only seven and a half by two and a
23 half mile radius of Fundy waters adjacent to the proposed
24 quarry site.

25 Is somebody translating? Should I slow

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1 down, or am I...

2 THE CHAIRPERSON: Doing just fine.

3 Mr. WAYNE SPINNEY: All right. Digby
4 Neck and the Islands border the Bay of Fundy on one side,
5 and St. Mary's Bay on the other. These two bodies of water
6 are connected by two passages with strong tidal currents,
7 and St. Mary's Bay opens into the Bay of Fundy.

8 Larvae-drift studies carried out in 2001
9 by Drink Water provided evidence for the importance of St.
10 Mary's Bay as a lobster nursery and juvenile habitat. An
11 example that illustrate the Fundy currents that are the
12 driving force of the interconnectedness of this region, an
13 aquacultural site broke free in Black's Harbour, New
14 Brunswick, and washed ashore in Salmon River just below Cape
15 St. Mary, in St. Mary's Bay. That's approximately 20 miles
16 south of us.

17 And I'll skip the next paragraph.

18 The impact of sediment settlement. From
19 mining and quarries on lobster nursery and juvenile grounds
20 is the concern for lobster fish harvesters, scientists, DFO
21 managers, the scientists working in collaboration with DFO.
22 At the... Doug Pezzack, a DFO scientist, repeated his
23 concern regarding the impending risks, suggesting that
24 precautionary measures to protect the ecosystems and
25 habitats should be a priority.

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1 There are some serious concerns.
2 Pezzack warns that if we are not willing to pay a high price
3 later, we should begin addressing these concerns now. This
4 was seven years ago, and still nothing has been done to
5 protect ecosystems and habitat in the lobster fishing Area
6 34.

7 Peter Lawton, a DFO scientist, confirms
8 the need for immediate action to protect critical lobster
9 habitat in 34, when he stated:

10 "If the critical habitat of a species
11 disappears, so does that species."

12 In 2001, the Cada Report confirms these
13 Canadian and American scientists need to protect juvenile
14 lobster habitat. The Cada Report confirms that juvenile
15 lobster passes a significant phase in their pre-recruitment
16 life in crevices, in cobble at the bottom, where they are
17 protected from predation. Such cobbled-bottom areas are
18 rare below tide marks, and are rather limited in extent.

19 If so, their limited area could be a
20 bottleneck for the production of pre-recruits. The limit to
21 recruitment could be the absence of crevices of suitable
22 size.

23 The DFO Lobster Conservation Strategy in
24 2004 outlines the concern about abundance of pre-recruits
25 and the fear that with the industry's dependence on new

1 recruits, that if a year class failure occurs, this would
2 have an immediate effect on the landings, and on our future
3 recruitment.

4 Drink Water suggests that there is a
5 strong correlation between the abundance of lobster larvae
6 settlement to recruitment. The Drink Water study in 2001
7 points out that St. Mary's Bay is an area where lobster
8 settlement is high, and raises the question as to why this
9 region has low lobster catches.

10 Evidence is clear that lobster
11 settlement areas need to be protected. The Joint Review
12 Panel must recommend that decision-makers err on the side of
13 caution. The accumulation of sediment over 50-plus years
14 pose a high risk to critical nurseries, juvenile lobster
15 habitat, and too many marine species.

16 Adult lobsters will not return to an
17 area which silt covers hiding places, and where there is no
18 food. Lobster in the larval stage four, stage of
19 settlement, will bypass an area where sediment accumulation
20 covers cobbled or rocky habitat. The priority must be to
21 protect St. Mary's Bay as a critical nursery and juvenile
22 lobster habitat from any further influence from sediment
23 settlement and chemical drifts.

24 It is unknown where the larvae of
25 lobster that's spawned in St. Mary's Bay settle. It is a

1 known fact that lobster larvae drift distances in the ocean
2 currents. Sediment and chemical drifts from the proposed
3 Whites Point Quarry will have a far-reaching impact in the
4 Bay of Fundy and St. Mary's Bay.

5 At the 2004 Lobster Science Workshop in
6 Charlottetown, Fred Page, a Fisheries and Oceans Canada
7 scientist, presented his findings on sediment drift from
8 aquaculture sites that shocked the lobster industry.
9 Pictures taken over a period of time from a helicopter
10 showed an immense spread of sediment over great distances
11 from an aquaculture site.

12 This study shows the importance for
13 decision-makers to increase the area of impact for
14 industrial development. It also shows that the impact of
15 sediment drift and sediment accumulation that result from
16 industrial development must be taken into serious
17 consideration when determining the long-term impact on
18 marine habitat.

19 Chemicals are used in the rock and
20 mining quarry operations. The high risk of chemicals
21 leaching into the water column either through controlled
22 release, or as a result of inclement weather, or atmospheric
23 storms have been pointed out at these Public Hearings.
24 Chemical releases poses an unacceptable risk to the lobster
25 industry and to other fisheries.

1 Studies by Susan Waddy warns that
2 aquaculture pesticides causes egg-bearing females to abort,
3 and in some cases, result in death of the animal. Sorry.

4 Last week on June the 20th, Chris
5 Taggart presented his findings from a buoy drift study that
6 showed that the White Point/Fundy current patterns.
7 Taggart's study of tidal currents in the proposed quarry
8 area looked at the direction and distance of current drift
9 during low tides and high tides for a two-week period.

10 I'd like to add here that I'm sure that
11 study was for something, but I'm not at all clear for two
12 weeks. If you pick a two-week window of opportunity perhaps
13 in the best time of the year, that's not what I'd call a
14 good study without atmospheric storms, hurricanes and
15 everything else that wasn't present. And that's what some
16 of the causes and results are. Studies are done, but not
17 during those type of conditions.

18 Other factors... I wrote something
19 here, but I can't read it... That impact on the direction
20 and distance sediment and chemical travel in current drift
21 movement includes the movement of water currents below the
22 surface. When tide heights, weather, implement, inclement
23 it is important to note that at some point, this settlement
24 will settle to the bottom of the Bay.

25 Taggart spoke to sediment drift, and its

1 disruption of phytoplankton and zooplankton that are
2 critical food source for whales. It is also important to
3 note that many more species than whales are dependent on
4 plankton and zooplankton for food. Lobster larvae spend the
5 first six to eight weeks of their life near the surface of
6 the water, and their only source of food during these first
7 three stages of life is plankton.

8 The lobster larvae drift with the Bay
9 currents. If the sediment kills the plankton and the
10 zooplankton, what is the impact on lobster larvae? Even if
11 the larvae survive the drifting sediment, will there be any
12 food, plankton, alive to sustain them? If some lobster
13 larvae survive, these threats to their survival, will there
14 be any cobble ground left to settle on.

15 In the DFO June 20th, 2007 presentations
16 to this Joint Panel, it was stated that blasting changes the
17 feeding and behavioural patterns of marine animals. DFO
18 also stated that blasting does change the feeding and
19 behavioural patterns of lobster.

20 Lobsters migrate to the near shore
21 waters to moult, mate and spawn. Disruption of feeding and
22 behavioural patterns most likely will impact on the life
23 cycle of these lobsters. Females need nutrition prior to a
24 moult, and after the moult.

25 Will changes in feeding patterns weaken

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1 the female lobsters during the critical stage of their life
2 cycle? Will the behavioural changes impact on the breeding
3 rituals and practices? Will the behavioural changes impact
4 on the male lobster and their role to fertilize the female,
5 or as the protector of a female during the vulnerable stage
6 during and after the moult?

7 Environmental and marine life,
8 monitoring. DFO proposed to study the impact of the quarry
9 operation on lobster, once the quarry becomes operational,
10 and I think that's a sad statement. I think in order to do
11 that, there should have been at least five years' study
12 prior, if this operation goes ahead, not after the operation
13 starts.

14 This approach is unacceptable. This
15 does not take into consideration the ecosystem-based
16 approach to ocean management, and does not include a
17 precautionary approach.

18 This quarry Proposal has been on the
19 table for some time. Why has DFO not moved forward to
20 intervene on behalf of the ecosystem to ensure that a
21 baseline study is completed before any industrial
22 development?

23 It is well-known fact that the
24 Department of Fisheries and Oceans Canada, Maritimes Region,
25 does not have the financial or the human resources to carry

1 out necessary monitoring of the quarry impact on the marine
2 environment.

3 Has DFO presented to the Joint Panel
4 Review a plan on how they intend to monitor lobster or
5 marine health, and marine habitat in this area, not just for
6 the short term, but for the long haul? Who is going to
7 monitor the impact on marine life and marine habitat? What
8 Department is going to finance the monitoring?

9 A DFO representative's response to a
10 question on who will monitor the impact of quarry operations
11 on marine life and their ecosystems was that monitoring the
12 quarry's impact is the responsibility of the Department of
13 Environment. Are there clearer boundaries to determine how
14 these Government Departments will work together, and share
15 responsibilities to protect critical habitat and ecosystems?

16 We know... I've been a lobster
17 fishermen since 1988 full time. I was a lobster fisherman
18 prior to that. We know that any research that goes into
19 lobster, it's done primarily aboard one of our boats. I
20 have scientists and I have technicians aboard, sometimes
21 three and four and five times a year.

22 Last year there wasn't any, because of
23 either Workers' Compensation or the expense; they couldn't
24 keep up with it. Now they'll go into a lobster pound where
25 I land my lobsters and they will ask my permission first if

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1 they can go through my lobsters, and all they do is sex and
2 size.

3 And I have no problem with that, but
4 that's the only, basically the only... Except for two traps
5 that I also fish; that is a branch... I can't say a branch
6 of DFO, but the Fishermen's Science Research Society has
7 developed juvenile traps, and selected people throughout LFA
8 34 and around Nova Scotia, and the Maritimes; have two of
9 these traps, and each time we haul them, we size and sex
10 them.

11 And that's basically, except now, this
12 time of year, there is science work being done in different
13 locations of Yarmouth, the Argyles, Barrington and those
14 places where they're going and taking the same, they're
15 doing the same thing, size and sexing, but they're also
16 taking a protein count, where the protein count isn't done
17 these other times.

18 So I'm very worried as to if there's a
19 development in the lobster of some sort. Shell disease; we
20 have all kinds of shell diseases, especially over in Maine.

21 In fact, Long Island Sound got wiped right out.
22 Practically 100 percent of their fishery closed. There was
23 no lobsters left, of a shell disease. What was the cause of
24 it? Nobody's really sure, yet, to my knowledge, or at least
25 I haven't been informed.

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1 But anything coming out of these rocks
2 is a runoff as from blasting, the dust. It can actuate some
3 type of disease into the lobster, or other species.

4 The LFA 34 Management Board has concerns
5 for the quarry's impact on other marine life. Herring in
6 this area of the Fundy is a very significant component of
7 the food chain in this area's ecosystem. It is unacceptable
8 that this Panel accept the flippant remark by a DFO rep on
9 June 20th, who claimed that herring in this area is not
10 significant, and referred to the herring on George's, on
11 German Banks as the main biomass.

12 The herring in this region is
13 significant to those marine species that depend on them as
14 their food, and to fishermen, the harvesters that harvested
15 them for their livelihoods, or use herring for lobster bait,
16 or groundfish bait. Herring is a significant source. It's
17 a staple of the ecosystem of the oceans. (Laughs) Thank
18 you.

19 There's also a horse mussel bed in the
20 area of the Bay of Fundy that needs protection from this
21 runoff and blasting. The sharks. The Bay of Fundy is known
22 to be the home of a diversity of shark species. There are
23 more species of sharks in the Bay of Fundy during the summer
24 months than anywhere else in the world. Sharks are
25 considered to be endangered species with 90 percent

1 depletion in the biomass of the world's sharks.

2 The important role of a shark in the
3 food chain, their role in maintaining the healthy oceans,
4 and their rate of depletion beg for a precautionary approach
5 to industrial development in the Bay of Fundy.

6 So I've only got a minute left, and the
7 invasive species, I spoke about this a year, a year and a
8 half ago. We're very concerned of, and in fact, if I can
9 find it here... Anyway I can't.

10 In summary, the accumulation of a
11 sediment poses a high risk to smothering critical lobster
12 nursery and juvenile habitat, and habitat for many other
13 marine species. The long-term impact of rock mining is
14 unacceptable if the result of sediment or chemical runoff
15 brings about the destruction of marine habitat.

16 All sediments from the proposed quarry
17 will sooner or later settle on some ground, and that ground
18 is at risk of being changed to a point of habitat
19 destruction.

20 Chris Taggart's presentation showed the
21 killing impact of sediment drift on plankton and
22 zooplankton, which are the foundation of the food chain.
23 Others spoke to the influence of quarry lights on the
24 herring population, which is another critical link in the
25 marine food chain of this area.

1 Chemical drifts in the Bay currents pose
2 a high risk of mortality for lobster larvae and egg-bearing
3 females. Invasive species and an invasion of bacteria that
4 causes shell disease pose a high risk not only to the
5 lobster industry, but the social, cultural and economic
6 foundation of Southwestern Nova Scotia.

7 St. Mary's Bay is one of the best
8 lobster habitats in 34, and scientific studies prove that
9 this area is prime juvenile lobster habitat. No baseline
10 study of St. Mary's Bay has ever been carried out.

11 Recommendations; area of impact from
12 this proposed industrial rock quarry must reflect the area
13 that is determined by the Bay of Fundy currents, and must
14 include St. Mary's Bay; that this Joint Review Panel
15 recommend that the proposed quarry not go ahead at this
16 time; that a baseline study be completed in the coastal
17 waters of St. Mary's Bay and the Bay of Fundy, and the
18 proposed quarry impact area; that all Intergovernmental
19 Departments with responsibilities for the environment and
20 ocean management collaborate to ensure; that technology
21 required to prevent the high risk imposed by invasive
22 species brought into the area by hitchhiking on seagoing
23 vessels; that DFO present an appropriate plan for action to
24 deal with the high risk to the lobster stocks that will
25 result from this quarry, if it becomes operational.

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1 And last, no fish harvesters should be
2 displaced from their livelihood for the sake of a small
3 number of quarry jobs. The region can survive without the
4 quarry, but the economic sustainability of the area cannot
5 be maintained without commercial fisheries. Thank you very
6 much.

7 THE CHAIRPERSON: Thank you, Mr. Spinney.
8 **PRESENTATION BY Mr. WAYNE SPINNEY - QUESTIONS FROM THE PANEL**

9 THE CHAIRPERSON: Mr. Spinney, I have a
10 question for you, is that you put a lot of emphasis on your
11 presentation on St. Mary's Bay, but of course the proposed
12 quarry is on the Fundy ---

13 Mr. WAYNE SPINNEY: North...

14 THE CHAIRPERSON: --- side, right?

15 Mr. WAYNE SPINNEY: North side.

16 THE CHAIRPERSON: And why would you
17 emphasize St. Mary's Bay as strongly as you had, when the
18 footprint from the quarry is relatively modest, and its
19 impacts will be felt most severely, if there are any
20 impacts, would be felt most severely on the Fundy side, and
21 yet you seem to spend an inordinate amount of time worrying
22 about the ecosystem in St. Mary's Bay.

23 Mr. WAYNE SPINNEY: Has it been proven
24 where the drift is going? The sediment drift from this
25 operation?

1 THE CHAIRPERSON: No.

2 Mr. WAYNE SPINNEY: You're right above
3 the first gut passage, strong currents that go through there
4 six, seven, eight, ten knots, depending on what time of the
5 tide, and there's no end to that drift.

6 THE CHAIRPERSON: So the underlying
7 concern is that sediment would be produced off the quarry
8 into the coastal waters, and that could eventually make its
9 way in some form back into St. Mary's Bay.

10 You can't rule it out, of course, but at
11 the same time, the tidal currents there are very strong off
12 the coast here, and we asked one lobster fisherman who said
13 it was at least two to three knots, so that's going to
14 suspend sediment, and there's a lot of turbulence, and it's
15 going to be dispersed, so I mean...

16 I'm an oceanographer and I'm certainly
17 not a geologist and not a specialist in these sediments, but
18 my sense is, is that this probably would be widely
19 dispersed, and probably unlikely that it would make it back
20 through those passages.

21 It's only a guess, but you're convinced
22 that that would be the case, is it?

23 Mr. WAYNE SPINNEY: A prime example is a
24 freighter on George's lost a man overboard, and that body
25 was found up here on Digby Neck from George's, with all the

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1 dry rows on George's, and we went through all this with no
2 rigs on George's. You know, the...

3 THE CHAIRPERSON: Yeah.

4 Mr. WAYNE SPINNEY: The gas going on
5 there?

6 THE CHAIRPERSON: Yeah.

7 Mr. WAYNE SPINNEY: And the people used
8 to say that that could never happen. What's on George's
9 stays on George's. It does not stay on George's with all
10 the dry rolls, and I mean, with all the good oceanography
11 that's going on, there's no predictability, there's a
12 leakage in the system always.

13 THE CHAIRPERSON: So, I mean, the basis
14 for your concern is that you're looking for some reasonable
15 assurance, some quantitative information, some information
16 that would be long term, that would give you some comfort.
17 That's really at the heart of what you're saying, is it?

18 Mr. WAYNE SPINNEY: Once you cover that
19 bottom with dust, and it smothers everything, if that can
20 occur, then we have to stop it before it can occur.

21 And is there going to be monitoring?
22 None of these grounds out here have been monitored to the
23 stage that they're at right now. We've asked DFO a thousand
24 times before they allow a scallop industry into a certain
25 area, hey, let's go, let's take some pictures down here.

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1 Let's monitor, let's see what's down there. We know what a
2 scallop drag does on the bottom of the ocean floor. It's
3 just like a tractor plowing up a garden.

4 But the people need a job, but at the
5 same time, they're destroying the whole habitat, and it has
6 to stop.

7 If you take this dust, if it's going to
8 happen, and it smothers the bottom, then we've got dead
9 bottom. Nothing will survive there. And year class of
10 lobster. And when they talk about the ship leaving here and
11 going through the gear and it's only going to affect five
12 people or five boats, that's hogwash. That's terrible, to
13 have that type of mentality.

14 Because if you take a lobster fisherman
15 that made \$200,000 gross, it sounds like an awful lot of
16 money. It is. And you take out all the expenses, the man
17 at the end of the year can't make mortgage payments for the
18 summer months that he's not fishing.

19 But if you take that \$200,000 and divide
20 it into the 375 traps, that's the income from each trap;
21 that's what it averages. Then that's the loss, plus the
22 gear and everything else that go with it. It's not just the
23 matter of fact of losing a trap or 10 or 15 or 20 traps and
24 getting them replaced the next day. That's not how it
25 works. There's some fishermen that can't afford to replace

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1 those 20 or 30 traps two or three times a year, or once.

2 THE CHAIRPERSON: Thank you, Mr. Spinney.

3 Mr. WAYNE SPINNEY: You're welcome.

4 Dr. GUNTER MUECKE: Could I just ask a
5 few questions about your organization, for context purposes?

6 Mr. WAYNE SPINNEY: Yes.

7 Dr. GUNTER MUECKE: The position that you
8 have, just outlined, and the paper that you have presented
9 us, am I right in assuming that is the position taken, and
10 that was discussed by your Board...

11 Mr. WAYNE SPINNEY: It was not discussed
12 by the Board. It was discussed with the local fishermen up
13 here that are on the Board. The Board is the... The
14 members of the Board, in each port cluster, what is called a
15 cluster, a port cluster like in Meteghan includes Cape Saint
16 Mary, Meteghan, Saulnierville, Comeauville, and Weymouth.
17 That's a port cluster.

18 There's a representative from each Port
19 Cluster, and there's approximately sixteen port clusters in
20 all by 34.

21 Below Yarmouth, these people were not
22 involved in this document. Some of those above Yarmouth
23 were involved, but no, it did not pass the Board's approval,
24 and they do not have a copy of it yet.

25 Dr. GUNTER MUECKE: I understand that a

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1 bit better now. So it is the cluster that's of immediate
2 concern here, and I guess my question is how many lobster
3 fishermen would that include, and could you give me perhaps
4 an estimate on how many have voiced opinions about this that
5 are included in this document?

6 Mr. WAYNE SPINNEY: It would affect
7 approximately, I would say roughly maybe 200 that fish...
8 Now, that's not counting the Bay of Fundy side and LFA 35.

9 Dr. GUNTER MUECKE: Mm-hm.

10 Mr. WAYNE SPINNEY: Okay? We're in LFA
11 34. LFA 35, I'm not aware of.

12 Dr. GUNTER MUECKE: Thank you, that
13 clarifies it for me.

14 And I have one other question to you
15 which actually didn't come up in your presentation, but it
16 came up yesterday. And it was stated by somebody supporting
17 the project that the motivation for lobster boat captains to
18 oppose the development is because they may lose people who
19 are crewing their boats due to the jobs that are created by
20 the quarry. How would you respond to that?

21 Mr. WAYNE SPINNEY: We're losing crew
22 members to much higher-paying jobs, and that's in Alberta.
23 So to the quarry, I don't know. I'm not worried about
24 losing crew to the quarry.

25 And by the way, I'm not here to say jobs

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1 shouldn't be developed in sou'west Nova Scotia, or the
2 quarry, or anywhere else. You know? I'm more concerned
3 about the runoff and the blasting. If that can be proven
4 that it's not going to affect a large area of the ocean
5 bottom, then there's no argument. And I'm not here to close
6 it down because it's...

7 I'm here to close it down right now
8 because DFO has not done the science work required to allow
9 it to go ahead. That's basically why I'm here. And after
10 it gets started, you're not going to close it down. That's
11 our opinion. If we find that lobsters all of a sudden have
12 a shell disease, well, they're going to say, well, maybe it
13 was there before the quarry got started. We don't know
14 that. No tests have been done.

15 Dr. GUNTER MUECKE: Thank you very much.

16 Mr. WAYNE SPINNEY: You're welcome.

17 Dr. JILL GRANT: Can I ask you a
18 question, another point that's come up a few times from
19 people who have spoken to us is the suggestion that the
20 lobster fishery is in decline; that there aren't enough jobs
21 in the industry, and that if this region is going to move
22 ahead the economy needs to diversify.

23 I wonder if you could comment on those
24 concerns?

25 Mr. WAYNE SPINNEY: Well, from personal

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1 experience, yes, the lobster industry has declined the last
2 two years. The reason? I myself don't believe that there's
3 an absence of lobster population. Now, if it's
4 environmental impacts, colder water, we know that divers
5 have gone down and there's all kinds of lobster. You put a
6 lobster trap there, and you're not going to trap any.

7 We know gill netters have caught
8 flounder but had to move their nets because there was too
9 many lobster. Fishermen have put traps there and there's no
10 lobster go in them.

11 We know down off of Wedgeport Nova
12 Scotia Power runs a cable across to some of the islands.
13 They went down to check it last year, and there was lobsters
14 galore, and they were not trapping.

15 Now, maybe we've got to come up with new
16 bait, but no, I don't believe the lobster industry is in a
17 precarious state. I do believe perhaps we're going to have
18 to make changes, but I don't believe it's because there's no
19 lobsters there, that that's why it's on a decline. I just
20 believe it's environmental or cold water and stuff like
21 this. Everything impacts it.

22 Dr. JILL GRANT: And a question about
23 diversifying the economy. What's your view on the need to
24 diversify the economy in the region?

25 Mr. WAYNE SPINNEY: The lobster industry

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1 is the staple of our communities in sou'west Nova Scotia.
2 It's the blood line. You go into any store and any car
3 dealership or any where along anywhere in sou'west Nova
4 Scotia and they will tell you it's hurting. Everything is
5 hurting. There is no money coming in. There is nobody
6 spending money, 'cause there was no money earned.

7 And can we just... There's no other
8 licenses that we can put on our boat and go fishing. That's
9 been mismanaged also. And that's DFO's responsibility, and
10 that's why we're here today. We don't think this is going
11 to be managed properly.

12 THE CHAIRPERSON: Mr. Buxton.

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

15 THE CHAIRPERSON: Are there any questions
16 from the floor? Yes?

17 **PRESENTATION BY Mr. WAYNE SPINNEY - QUESTIONS FROM THE**
18 **PUBLIC**

19 Ms. LINDA GRAHAM: I have a question for
20 Mr. Spinney. My name is Linda Graham. Mr. Spinney, you've
21 mentioned St. Mary's Bay, and I know that's not the issue
22 here, but as you've said, it sort of is.

23 Have you ever been to the head of St.
24 Mary's Bay at low tide?

25 Mr. WAYNE SPINNEY: [Inaudible - no

1 microphone]

2 Ms. LINDA GRAHAM: You can't do it in a
3 boat because it's low tide; you can't get a boat there.
4 It's all mud.

5 Mr. WAYNE SPINNEY: Well, no, but you can
6 come up as far as the water allows.

7 Ms. LINDA GRAHAM: That's correct.

8 Mr. WAYNE SPINNEY: Yeah. Yeah.

9 Ms. LINDA GRAHAM: And it's all mud?

10 Mr. WAYNE SPINNEY: Yes.

11 Ms. LINDA GRAHAM: And they clam fish
12 there?

13 Mr. WAYNE SPINNEY: Yes.

14 Ms. LINDA GRAHAM: And in Sandy Cove?

15 Mr. WAYNE SPINNEY: Yes.

16 Ms. LINDA GRAHAM: At low tide, it's all
17 mud. And have you seen St. Mary's Bay in a high wind?

18 Mr. WAYNE SPINNEY: Very much so.

19 Ms. LINDA GRAHAM: And it's all brown?

20 Mr. WAYNE SPINNEY: Is it brown because
21 of fresh water rain or the mud?

22 Ms. LINDA GRAHAM: I'm not sure, but I
23 mean, there's lots of silt runoff, whatever, so it's there,
24 and the lobsters are thriving. That's my point.

25 Mr. WAYNE SPINNEY: Well, lobsters have a

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1 tendency to go in the mud, too. Even in deep water.
2 There's traps set, we set in mud, and they bury themselves.

3 THE CHAIRPERSON: Mr. Theriault.

4 Mr. WAYNE SPINNEY: Oh, it's time to
5 leave.

6 Mr. HAROLD THERIAULT: Harold Theriault,
7 MLA for the area.

8 I would just like to make a comment, and
9 then I would like to ask Mr. Spinney a question.

10 I have to report something that was
11 reported to me as an MLA. Last summer, after the piece of
12 land was stripped at Whites Cove Point, there, there came
13 some heavy rains, and I'm getting to the point of this silt
14 movement out of that area.

15 THE CHAIRPERSON: Mr. Theriault, are you
16 going to ask a question? Is this a statement or a question?

17 Mr. HAROLD THERIAULT: Statement and
18 question.

19 THE CHAIRPERSON: No, no. Statements
20 aren't, we're not encouraging statements, because they
21 can't... Well, for various reasons. So you're there to ask
22 a question of Mr. Spinney, not a statement, please.

23 Mr. HAROLD THERIAULT: The question is,
24 Mr. Spinney, what is the lobster industry worth to western
25 and sou'west Nova Scotia of this province, and what, two

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1 questions, and what would happen if something did happen to
2 the lobster fishery?

3 Mr. WAYNE SPINNEY: In my document, we
4 said back in I think it was the year 2002 that the industry
5 was worth a quarter billion dollars. I've taken part in
6 many studies about the lobster industry and its economic
7 effects on the coastal communities, and we will have Canso
8 and Lockeport, those ghost towns, we'll have it all along
9 this coast if this lobster industry collapses.

10 THE CHAIRPERSON: Any additional
11 questions? Yes, Sister Barbara?

12 SISTER BARBARA: Yes, thank you Mr.
13 Chair. I have a question for Mr. John Wall, the quarry
14 manager. In my presentation I, too, was concerned about the
15 environment, and last week Mr. Buxton also reprimanded Diane
16 Theriault for not attending CLC meetings.

17 I must admit, I have not attended any
18 CLC meetings. I wasn't aware of any, and (b), I also
19 mentioned in my presentation that another quarry as talked
20 about on the other side of St. Mary's Bay back in the '90s.

21 And I mentioned to Mr. Wall, when he
22 visited me at my community outreach centre that it's nothing
23 to do with jobs. If there were 340 jobs in the quarry, I
24 would still oppose the quarry.

25 My question to Mr. John Wall, quarry

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1 manager, have quarries become environmentally friend since
2 the 1990s, whereby they do no harm to animals, fish, birds,
3 plants, or human habitat? If no, given my views on the
4 subject, would it serve any purpose for me or any others who
5 may share my views to attend future CLC meetings?

6 THE CHAIRPERSON: That question is
7 directed to?

8 SISTER BARBARA: John Wall, quarry
9 manager.

10 Mr. PAUL BUXTON: I'm not sure that Mr.
11 Wall is qualified to answer all the sections of that
12 question, Mr. Chair, unless perhaps we had notice of the
13 question.

14 THE CHAIRPERSON: Would you care to try
15 some of it?

16 Mr. PAUL BUXTON: I'm not sure. I caught
17 the first part of the question. There was a comment with
18 respect to the CLC meetings, and I don't think, although I
19 certainly stand to be corrected by the minutes, that I'd
20 reprimanded Mrs. Theriault for not attending the meetings.

21 I think essentially what I said was the
22 meetings were open to the public, and anybody could go, and
23 if you didn't go then Bilcon could hardly be blamed for them
24 not attending.

25 The second part of the question, I

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1 think, was a question about whether quarries had become more
2 environmentally friendly since the early '90s. I think
3 probably they're much more regulated than they were in the
4 early '90s. I think regulations have tightened up
5 considerably, and I would say, as a general comment, they're
6 required to be more environmentally friendly than periods in
7 past history. But without a specific quarry to refer to,
8 I'm not sure I can go any further than that, Mr. Chair.

9 THE CHAIRPERSON: That'll have to do for
10 the moment, Sister Barbara.

11 SISTER BARBARA: Thank you.

12 THE CHAIRPERSON: Mr. Stanton?

13 Mr. KEMP STANTON: Kemp Stanton.

14 Mr. Spinney, would you kind of describe
15 to us what it entails representing the fishermen for you and
16 how many hours you spend at meetings and how much more time
17 you would have to spare to go to CLC meetings and the such?

18 Mr. WAYNE SPINNEY: Well, that's a loaded
19 question, Mr. Stanton. I've practically donated my life,
20 representing the lobster fishermen in the industry.
21 Especially since about 1992.

22 I'm here today for no compensation. I
23 didn't get paid mileage, I didn't get paid a meal. I did it
24 out of the goodness of my heart and what my soul tells me.
25 And it means a lot to me to attend meetings and get... I

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1 couldn't attend these meetings... It's over an hour's drive
2 for me, back and forth, and I can't afford motels to stay
3 here. And on top of that, I don't get paid to do that.

4 Our organization does not pay anybody to
5 go anywhere, and I've been to Maine and British Columbia,
6 and I've been to Ottawa, and usually those places, it's paid
7 for by an organization or some other.

8 And I think it's critical that our
9 lobster fishermen attend meetings, but a lot of people are
10 not cut out for meetings, to set here day in and day out and
11 either take minutes or participate and what have you.

12 But thanks, Mr. Stanton, for the
13 question. It brings back reflection that perhaps I
14 shouldn't have done as much as I've been doing.

15 I want to make comment on the lady that
16 asked me if I'd been up to the head of St. Mary's Bay, and
17 what colour the mud is, and what colour the water is after a
18 storm. That same beach that's there at low tide, how far
19 does it extend out in the ocean. I don't remember it, but a
20 friend of mine in Meteghan was telling me that they were
21 taking rocks off of the beach in Belliveau's Cove, for
22 whatever job it was back in the '70s. And DFO stopped it
23 because there were juvenile lobsters in those rocks above
24 the low water mark.

25 So it is critical that... We don't know

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1 enough about our lobster industry and about the habitat in
2 the bottom of these oceans around us, and when you, Mr.
3 Fournier, said in my presentation that I dwelled a lot on
4 St. Mary's Bay, yeah, that's primarily where I fish, and
5 there's a lot of fishermen that fish in that area.

6 I'm very concerned of the habitat ground
7 here where the wharf and everything is going to be loading
8 on in this particular area. And all that is of major
9 importance to the industry.

10 Mr. KEMP STANTON: Thank you.

11 Ms. CHERYL DENTON: My name is Cheryl
12 Denton, and my question is, in Little River, from St. Mary's
13 Bay to the Bay of Fundy, it's only a mile and a half wide.
14 Would blasting also have effects on species and habitat in
15 St. Mary's Bay, just as much as it would have in the Bay of
16 Fundy, where we're such a short distance?

17 THE CHAIRPERSON: I don't know who you're
18 asking that question to. I don't think Mr. Spinney can
19 answer it, and certainly I'm not able to answer it.

20 Ms. CHERYL DENTON: Perhaps the
21 Proponent?

22 THE CHAIRPERSON: You're welcome to try.

23 Ms. CHERYL DENTON: Can you?

24 Mr. PAUL BUXTON: I'm sorry, could you
25 repeat the question?

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1 Ms. CHERYL DENTON: In Little River, from
2 St. Mary's Bay to the Bay of Fundy it is only a mile and a
3 half wide. Would blasting also have the same effect on
4 species and habitats just as much or almost as much as it
5 would have in the Bay of Fundy?

6 Mr. PAUL BUXTON: As much effect in St.
7 Mary's Bay?

8 Ms. CHERYL DENTON: Yes.

9 Mr. PAUL BUXTON: I would believe not.
10 Certainly the data which has been developed by DFO
11 concerning blasting in or near Canadian fisheries' waters is
12 very largely predicated on distance from the source of the
13 blast, and just maybe I can use a comparison.

14 In the waters, we are not permitted, nor
15 is anybody else permitted, to create an over-pressure in
16 fish bladders of 100 kilopascals or 100 kPa. Our blasting
17 model suggests that with the test blast we would produce an
18 effective 25 kPa; i.e., a quarter of that amount.

19 That blast was to take place 130 metres
20 from the water column, so St. Mary's Bay I think you said
21 was a mile and a half away, so I can only say that certainly
22 the evidence is not there that in fact it would be scarcely
23 measurable, I think, in St. Mary's Bay.

24 Ms. CHERYL DENTON: Perhaps it's
25 something that should be looked into?

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1 Mr. PAUL BUXTON: I would certainly say
2 that if DFO felt that that were something that needed to be
3 looked into, they would insist that we do so.

4 THE CHAIRPERSON: Thank you. One final
5 question over there, and then we have one more here.

6 Ms. JAN ALBRIGHT: Good afternoon. I
7 have a question for this gentleman. My name is Jan
8 Albright.

9 I understand that St. Mary's Bay and the
10 Bay of Fundy is a great body of water that flushes in and
11 out. The mud in St. Mary's Bay was mentioned.

12 Do you know, and would it be safe to say
13 that that mud is primeval mud; that nothing has changed
14 there? Is there any industry or anything that has been
15 placed along that shore, say even from Meteghan up to the
16 head of the river, around the edge of the coast, up as far as
17 Digby, that would have changed any mud or any sediment, or
18 is it a fact that that mud is original mud that's been
19 there, undisturbed, except for clam diggers, for over 200
20 years?

21 Meaning is there any industrial waste,
22 any plants, any chemicals, any businesses, anything that
23 would've been introduced into that habitat that is any
24 different now than what it was 100 years ago?

25 Mr. WAYNE SPINNEY: The only thing that

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1 I'm aware of is the fish plants that have popped up around
2 the coastline. But as far as industrial, I can't answer
3 your question.

4 Ms. JAN ALBRIGHT: There would be nothing
5 that would have stirred up or changed or added more sediment
6 in any way, though, is that correct?

7 Mr. WAYNE SPINNEY: I don't believe. I
8 really can't answer that question.

9 THE CHAIRPERSON: I'm sorry, Ms.
10 Albright. You're allowed one question and one follow-up.

11 Ms. JAN ALBRIGHT: Thank you.

12 THE CHAIRPERSON: You've exhausted both,
13 thank you.

14 Dr. GUNTER MUECKE: Mr. Spinney, could I
15 ask you, in terms of the Management Board, has Bilcon
16 consulted with your Board?

17 Mr. WAYNE SPINNEY: Yes.

18 Dr. GUNTER MUECKE: And what form has
19 that consultation taken?

20 Mr. WAYNE SPINNEY: We received, I
21 believe, one letter. I believe that's what it was. Yes.
22 One letter. I don't have it with me, I'm sorry.

23 Dr. GUNTER MUECKE: Well, could you
24 perhaps characterize its content and what developed from
25 that one letter?

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1 Mr. WAYNE SPINNEY: Perhaps Mary can lend
2 some light on it.

3 Ms. MARY KENAELLY: Just the presentation
4 today.

5 Mr. WAYNE SPINNEY: Just to notify us of
6 the presentation today.

7 Dr. GUNTER MUECKE: No invitation to
8 attend it, or was there... Sorry. I'll take that part
9 back.

10 Did the Management Board at any time
11 request any information from Bilcon?

12 Mr. WAYNE SPINNEY: I'm not sure. We
13 don't know that, either. And I must add that the
14 organization is registered with Joint Stocks. Okay? It's a
15 bona fide organization. It has all of its bylaws and
16 constitution and titles of managers, you know, the recording
17 secretary and financial secretary and all this. It's not
18 just a title that come out of the air just because of this
19 debate here today. This was formed I'd say four years ago,
20 roughly.

21 Dr. GUNTER MUECKE: Thank you.

22 Mr. WAYNE SPINNEY: You're welcome.

23 THE CHAIRPERSON: Is this a question
24 you're going to ask?

25 Ms. MARY KENNAELLY: Wayne, is it your

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1 intent to take your document to the Board of directors as
2 soon as you finish here today and have more input and firm
3 it up a bit before you email it to the Panel?

4 Mr. WAYNE SPINNEY: That's correct.
5 There will be a follow-up from us.

6 THE CHAIRPERSON: Miss, ma'am, your name,
7 please.

8 Ms. MARY KENNAELLY: Oh, sorry. Mary
9 Kennaelly.

10 THE CHAIRPERSON: Thank you.

11 Mr. WAYNE SPINNEY: Our intent is to pass
12 this on to the Board, and if there's additions or deletions,
13 we will be passing that on to you.

14 THE CHAIRPERSON: Thank you, Mr. Spinney.
15 Thank you very much for your
16 presentation.

17 Mr. WAYNE SPINNEY: Thank you, all.

18 THE CHAIRPERSON: I'd like to move to the
19 next presentation now, to Heather Jenkins. Is there a
20 Heather Jenkins here? Thank you.

21 --- Pause

22 THE CHAIRPERSON: Please identify
23 yourself and then begin.

24 **PRESENTATION BY Ms. HEATHER JENKINS**

25 Ms. HEATHER JENKINS: My name is Heather

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1 Jenkins. Good afternoon. Good afternoon.

2 My name is Heather Jenkins. I live in
3 Digby and operate a small seasonal bed and breakfast there.

4 Many of my guests drive out to the neck, either to whale
5 watch, enjoy the trails, balancing rock, birds, seals,
6 coastal vistas, or they just enjoy the clean, empty space.
7 My European guests especially love the quiet, love the
8 space.

9 You have a piece of heaven here. Do you
10 realize what you have? A frequent typical comment.

11 Bilcon proposes to blast, extract,
12 crush, and transport 40,000 tonnes of basalt rock a week
13 from Whit Point Beach, Digby Neck. That is 120,000 tonnes
14 of rock a year, times 50 years, is going to be blasted out
15 of a 120-hectare quarry located on an approximate two-
16 kilometre wide spit of land, and Mr. Buxton says that
17 because there will be buffers of vegetation the tourists
18 won't see anything.

19 For 50 years, tourists are not going to
20 notice, as they drive by, that tonnes and tonnes of rock are
21 being blasted, dug out, crushed, trucked over the land, and
22 shipped over the water.

23 For 50 years, the residents of Digby
24 Neck won't see anything because there will be buffers of
25 vegetation, and they won't hear much because noise-reducing

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1 materials will be used. The hoppers and the dump trucks are
2 to be rubber lined.

3 Of course that will have a limited
4 effect, once there is a layer of rock in a truck or in a
5 hopper. Then rock will be falling on rock.

6 I am trying to visualize the size of a
7 hole that 120,000 tonnes of rock times 50 years makes. I've
8 tried to imagine standing on the edge, standing on the rim
9 of this hole, because Mr. Buxton says that the site will be
10 returned to its natural state at the end of the 50 years.

11 Cigarette manufacturers would still like
12 us to believe that smoking has no influence on lung disease
13 and lung cancer. For years, the owners of the coal mines
14 assured the miners that their lung disease and emphysema had
15 nothing to do with breathing in coal dust.

16 I am thinking back to years ago when I
17 was a young single parent, living in a housing complex.
18 There were lots of young, single mothers. A fellow jokingly
19 said to me that a guy could do very well for himself
20 cruising around in a fancy car on Friday night.

21 I feel like I did then; easily
22 exploited, wary, and vulnerable.

23 This quarry has the potential to destroy
24 all the attributes that make the neck a unique and desirable
25 tourist destination, and a desirable and unique place to

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1 live. It is very possible that an interpretive and/or
2 discovery centre of some kind will be built somewhere on the
3 Neck. It will be our area's Hopewell Rock, Peggy's Cove,
4 Cabot Trail. It will put us on the map, and it will create
5 family-sustaining jobs, without killing the very geography
6 that provides the jobs.

7 My youngest daughter, Paula Fedirchuck,
8 is in Seattle, Washington. I want to share with you some of
9 her thoughts.

10 She is a senior environmental civil
11 engineer with Herrera Environmental Consultants, 2200 6th
12 Avenue, Suite 1100, Seattle Washington.

13 One of the hot issues with the quarries
14 around Puget Sound is the widespread contamination to
15 surface soils. I'm sure they, Bilcon, did an air model
16 study, I don't know if one was done, to show where future
17 dust will travel.

18 Think of that dust not only as a
19 nuisance, but potentially contaminated. For certain, there
20 will be dust, and rubber-lined dump trucks and hoppers won't
21 stop it.

22 As a retired nurse, my concern with the
23 dust is for the babies, children and elders, sufferers of
24 asthma, bronchiolitis, COPD, congestive failure as well as a
25 myriad other health concerns that will be exacerbated by 50

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1 years of breathing dust-laden air.

2 Paula asked her colleagues for their
3 input. My mom is very concerned about a proposed aggregate
4 quarry near where she lives in Digby, Nova Scotia.

5 Her main concerns are the impact due to
6 blasting, increased marine traffic and overall irreparable
7 destruction of what is currently pristine coastal land.

8 Mark Eubank, also with Herrera, a
9 principal engineer, highly respected, replied, "There was a
10 big brouhaha over mining a deep pit adjacent to the
11 shoreline for sand and gravel on a site on Moray Island here
12 in our own backyard a few years ago. To my knowledge, the
13 mining never went through due to the environmental impacts,
14 some of which had to do with threatening the ground
15 aquifer."

16 I looked up the Moray Island project
17 that Mark refers to, and although the technical speak caused
18 my eyes to glaze, I saw several remarkable similarities
19 between Moray Island and the White Point Beach site.

20 The proponent proposed a deep gravel
21 mine on Moray Island, a coastal site, as is White Point.
22 Local groups were concerned that the project could
23 contaminate the fresh water supply, would increase the
24 threat to already threatened whales and salmon, and that it
25 was a project contrary to Senate-legislated efforts to

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1 restore the overall quality of the coastal region.

2 Digby Neck already has a good drinking
3 water supply, whales and an inshore fishery, and a pristine
4 shore that doesn't yet need legislation to restore it if we
5 stop this quarry.

6 Last year I had a guest and his wife
7 stay with me for several days. Their last morning, we were
8 lingering over coffee and chatting, and he asked what I knew
9 about this proposed quarry "because, you know", he said,
10 "you all have to stop it."

11 He went on to explain many reasons why
12 it was a bad thing, and that he was very sceptical about the
13 jobs that Bilcon is promising.

14 Most of the work is very specialized,
15 and he doubted those trades exist in this area and that the
16 company probably doesn't have the time or the local
17 resources to do the necessary on-site training.

18 He spoke for some time, very articulate,
19 very passionate. I wish he could speak before this Panel.

20 Of all the things he said, the one that
21 has stayed with me is about the blasting. He said that no
22 matter how skilled the operator, blasting cannot always be
23 predicted or controlled, that it can open underground
24 fissures and cracks, and that these cracks and fissures in a
25 coastal environment can allow salt water to mingle with and

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1 contaminate the fresh groundwater.

2 This can never be fixed, never reversed.

3 Mark Eubanks refers to the threat to the aquifer on Moray
4 Island, one of the reasons that project was rejected.

5 This year an ecologist and his wife were
6 one of my first guests. The three of us had a good chat
7 over coffee, as becoming the norm.

8 Early visitors are a delight, as they
9 are not in a rush. The conversation came around to the
10 quarry and the "Stop the Quarry" signs he had seen.

11 I explained a little about the situation
12 and was surprised when he stressed that there is always two
13 sides to an argument and that the economic side should be
14 considered.

15 He was not familiar with the White Point
16 project and asked the purpose of the quarry. I explained it
17 was to provide gravel which would eventually pave roads in
18 New Jersey.

19 "Pave roads in New Jersey", he said. "I
20 thought you were going to say the Space Arm or new medicine.

21 No, no. It is not worth the risk to the environment to
22 pave roads, and they are not even your own roads."

23 Thank you.

24 THE CHAIRPERSON: Thank you. To you
25 Gunter.

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1 PRESENTATION BY Ms. HEATHER JENKINS - QUESTIONS FROM THE
2 PANEL

3 Ms. JILL GRANT: Ms. Jenkins, can you
4 give us an idea of how far your business is from the quarry
5 site?

6 Ms. HEATHER JENKINS: My business is in
7 Digby, so it's quite far, and I've given a lot of thought
8 before I've come today as to whether or not it would impact
9 my business.

10 It would impact my business as a tourist
11 business, but I personally would probably be okay because I
12 have a beautiful home in a beautiful location, fortunately
13 for me, nowhere near the quarry. So I could sell my
14 property.

15 But it will impact my business. Tourism
16 is predicted to really boom because of the baby boomers, but
17 the baby boomers are a very specific tourist. They don't
18 just go anywhere. They want to have experiential tourist
19 destinations.

20 So they won't just come, no matter how
21 beautiful my B&B is. They're going to come because there
22 are things to do in the area, and they almost all go to the
23 Neck.

24 THE CHAIRPERSON: Mr. Buxton?

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

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1 I don't have any questions.

2 THE CHAIRPERSON: Any additional
3 questions? Yes, Mr. Mullin.

4 **PRESENTATION BY Ms. HEATHER JENKINS - QUESTIONS FROM THE**
5 **PUBLIC**

6 Mr. DON MULLIN: Don Mullin.

7 As a retired nurse, do you have any
8 concerns over the fact that a baseline air quality study was
9 not done at the Whites Point site against which you can
10 evaluate future changes that might impact on health?

11 Ms. HEATHER JENKINS: Well, again, as a
12 retired nurse, yes, because I have worked in the desert. I
13 worked in Saudi Arabia, so I know the quality of air there
14 is one of the major contributing factors to lung disease
15 with the clientele in that country.

16 The air is never cleaned because
17 sometimes for four years there's no rainfall, and many of
18 the doctors that I have worked with have identified that as
19 the number 1 issue for lung disease in that country.

20 So I can speak to it from that point of
21 view, but I mean, certainly not as an expert.

22 THE CHAIRPERSON: It's a form of
23 silicosis, is it?

24 Ms. HEATHER JENKINS: Yes, exactly. It's
25 like breathing in sandpaper.

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1 THE CHAIRPERSON: Thank you. Any
2 additional questions? No?

3 Then thank you very much, Ms. Jenkins.

4 Ms. HEATHER JENKINS: You're welcome.

5 THE CHAIRPERSON: We now call Michael
6 Corbett. Is Michael Corbett here?

7 --- Pause

8 **PRESENTATION BY Dr. MICHAEL CORBETT** Dr. MICHAEL CORBETT:

9 I do have a PowerPoint, Dr. Fournier, so your eyes...

10 THE CHAIRPERSON: We'll move in just a
11 moment.

12 Dr. MICHAEL CORBETT: Okay. It's ready
13 to go.

14 THE CHAIRPERSON: Identify yourself,
15 please. Spell your last name, and proceed.

16 Dr. MICHAEL CORBETT: Yeah. Okay. My
17 name is Mike Corbett. I work at Acadia University in the
18 School of Education, and my background is as a researcher,
19 academic background. I'm an educational sociologist.

20 I hold a Ph.D. in Educational Sociology
21 from UBC and Masters Degrees from Acadia and Mount St.
22 Vincent.

23 Most importantly, I was a public school
24 teacher in Digby Neck Consolidated Elementary School between
25 1990 and 2002, so I have worked in the community for some

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1 considerable time and I suppose I've done a fair bit of
2 research in my academic career in this particular community.

3 I guess the most recent bit is this
4 book, which I'll leave with you. It's called "Learning to
5 Leave, the Irony of Schooling a Coastal Community", in part.

6 I don't take royalties from this. The
7 money goes to the school itself, so if Panel members would
8 make a donation to the school, I would appreciate that.

9 I'll proceed.

10 In our last submission to the Panel,
11 Tony Kelly and I critiqued the methodology of the
12 socioeconomic analysis presented in the Bilcon EIS. We
13 raised several concerns, none of which was addressed in any
14 follow-up material from Bilcon that I've seen.

15 It's my hope that the Panel will take
16 very seriously our critique of the social science
17 methodology. I continue to believe that this material is
18 deeply flawed.

19 Since this critique is already a matter
20 of record, I would like, in this presentation, to present
21 some data and analysis from my own surveys and from Census
22 Canada microdata on Digby Neck.

23 The general nature of the socioeconomic
24 argument in the Bilcon EIS is fairly simple to summarize.
25 In fact, I can summarize it in one sentence. Digby Neck is

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1 in permanent decline due to the collapse in the fishery.

2 There's no analysis of this phenomenon.

3 It's simply presented as a fact of life.

4 The argument then continues with the
5 claim that this basket case rural economy could be
6 resuscitated by the Bilcon quarry project.

7 Then, finally, and this is the bulk of
8 the EIS documentation, Bilcon argues that things will all be
9 fine and the project will result in virtually no significant
10 environmental damage that can't be mitigated, so nature will
11 be protected, the plants, trees, animals, fish, groundwater,
12 et cetera, et cetera, et cetera. It will all be just fine.

13 I want to begin by looking at
14 demographic change on Digby Neck because one of the
15 arguments is that everybody's going away, and I suppose
16 writing a book entitled "Learning to Leave" I might be a bit
17 responsible for that, so I want to clarify a bit here.

18 The demographic changes on Digby Neck
19 are not quite as simple as Bilcon suggests in its EIS. The
20 population of Digby Neck overall was relatively stable from
21 the 19th century until the early 1980s, when it began to
22 decline.

23 Slide 1 that I'm showing you here shows
24 village level population change between 1951 and 1991, when
25 Census Canada ceased publishing a bulletin detailing

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1 population counts for small villages, unincorporated places.

2 The questions I asked in my research
3 were who left, who stayed, why and where did they go when
4 they left. And I expected to find that by the 1980s and
5 '90s when the crisis in the fishery had become the big news
6 story about coastal communities, a kind of panic around
7 that, that most of the young people would be long gone.

8 Well, yes and no. What I found was
9 that, from the early 1960s to the late 1990s, that while
10 only about 30 percent of people who grew up on Digby Neck
11 remained there, a little more than 60 percent overall
12 remained living within 50 kilometres of where they were born
13 on Digby Neck.

14 It is, indeed, a fact that Digby Neck,
15 like many other parts of rural Canada, has undergone a
16 radical transformation in the past half century.

17 Part of this change has been a change in
18 the numbers and types of people found in the communities. A
19 number of factors are in play here, including the list that
20 is on the screen. And I'm not going to read through that.
21 You can have a look at it. It's fairly obvious, I think.

22 These transformations have, indeed, had
23 demographic implications. People no longer tend to live in
24 the communities in which they were born. New people arrive
25 from other places. Jobs are created and others are lost.

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1 Each of the above forces has created new
2 challenges and new opportunities. In some ways, there is
3 nothing new here.

4 The Stirling County study found the same
5 pattern in the early 1950s when out-migration was a
6 principal concern for the people of Digby County.

7 It's still the case today, and it's
8 interesting the interviews that I've done with fishing
9 families recently sound very much like some of the material
10 that Alex Leighton and his team did.

11 This economy works just fine for those
12 who are currently in it, but the future is bleak and, well,
13 here we are now.

14 There are still people fishing, as you
15 just heard from Wayne Spinney.

16 To connect my analysis to these
17 historical transformations, I separated 36 graduating
18 classes I studied into three age cohorts, so I interviewed
19 people who came of age, I call it, turned 18 between 1963
20 and 1998.

21 These cohorts represent three distinct
22 periods of the modern socioeconomic history of the community
23 from the point of view of local people.

24 The cohorts reflect the transition from
25 a primarily small boat fishery, early '60s through early

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1 '70s, through the industrialization of the fishery, mid '70s
2 to the late '80s, through a period of decline in the ground
3 fishery in the late '80s and '90s.

4 What I found is that through the period,
5 a cadre of survivors remained on Digby Neck. In terms of
6 raw demographics, I have found this group to be a minority,
7 but an important and resilient one.

8 Surprisingly, the size of this group
9 actually grew from 26 percent in Cohort 1, the people who
10 grew up in the '60s and '70s, to 33 percent in Cohort 3.

11 This core group has been augmented by
12 another group, obviously, with which the Panel has become
13 acquainted. These people are known locally as summer
14 people, but some of them have bought houses and become full-
15 time residents of Digby Neck.

16 Like the resilient 30 percent, this
17 group of people defends the way of life, natural beauty,
18 peace, quiet and all of that stuff that drew them to Digby
19 Neck in the first place.

20 There's a third group representing 30
21 percent of the population that I studied. These are people
22 who no longer live on Digby Neck proper, but who remain
23 living within 50 kilometres of the Neck.

24 Combined with the 30 percent core,
25 approximately 60 percent of the total group I studied still

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1 lives within 50 kilometres of where they were born, mostly
2 in and around the Town of Digby.

3 In fact, the youngest cohorts of the
4 '80s and '90s, who grew up in the '80s and '90s, these
5 people are now between 27, 28 and 40, is actually less
6 likely to migrate further than 50 kilometres than the older
7 cohort.

8 In the youngest cohort I studied, those
9 who reached high school graduation between '87 and '98, more
10 than three-quarters of the males were still living in and
11 around.

12 I re-surveyed this group again in 2005
13 just to make sure that this wasn't an anomaly caused by
14 people who'd just gotten out of school. The youngest people
15 in that cohort were 20 when I first started this, so they
16 were at least 25 when I re-surveyed them in 2005.

17 I found that 74 percent of the males
18 were still in this area.

19 So while there is out-migration, much
20 less of it, much of it's been quite localized, particularly
21 in recent years.

22 To me, this does not suggest a broken
23 economy but, rather, one which has transformed spatially
24 from highly localized village-centric fishery to a more
25 dispersed regional economy.

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1 Parts of this economy have grown in
2 parallel with the expansion of government and private sector
3 services, health care workers, teachers, social service
4 people, insurance people, accountants and others whose work
5 is concentrated in the regional service centre. Digby had
6 been part of this demographic.

7 In terms of actual population, Census
8 Canada provides the most complete picture available.

9 Before sharing Census Canada micro-data,
10 I want to show you how these data are constructed, and I
11 hope you can see that map. It breaks out the smallest areas
12 that Census Canada uses.

13 The smallest demographic unit available
14 is what is known as the Census Dissemination Area. It used
15 to be called Enumeration Areas in '96.

16 I want to issue a caution here because
17 the Dissemination Area I call western Digby Neck, which is
18 the one you can see taking the bottom part of Digby Neck and
19 part of Long Island, also includes, obviously, part of Long
20 Island.

21 You can see the actual boundaries there
22 on the map. In this area, it's difficult to separate Digby
23 Neck from Long Island.

24 In the case of Digby Neck, Census Canada
25 micro-data provide a picture of the community that is

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1 declining in terms of population like most rural Nova Scotia
2 communities, rural communities.

3 This should be expected. Family size
4 has decreased and the number of people employed in the
5 fishery has declined.

6 As I pointed out above, due to the
7 transformation of the local economy, many services and jobs
8 have now migrated to Digby, and three-quarters of the men in
9 the youngest cohort, 55 percent of the women, remain within
10 50 kilometres.

11 Actual population in the villages
12 adjacent to the quarry is really a matter of speculation, at
13 least from the point of view of the data I've been able to
14 gather, so let's assume that half the population of what I'm
15 calling western Digby Neck is living on Long Island between
16 Tiverton and Central Grove. The other half is living on
17 Digby Neck between Mink Cove and East Ferry.

18 My guess is that more people actually
19 live on Digby Neck side, given that there were 467 people
20 living in the villages of Mink Cove, Little River, Tidville,
21 Whale Cove and East Ferry in '91 when Census Canada actually
22 gathered unincorporated places' data.

23 So given my assumption, this would mean
24 that about 956 people are now living on Digby Neck, about 10
25 percent fewer than the 1,055 that lived there in 1991.

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1 While this is significant decline, it's
2 not a precipitous one for an isolated rural community in
3 Nova Scotia.

4 It's one thing to say that people have
5 survived, but how well have they survived? The Panel has
6 heard conflicting testimony about this.

7 Some of this testimony fits with the
8 general discourse of rural decline. Much of it is
9 unsupported. We just simply believe rural communities are
10 going into the toilet, and that's what we believe.

11 This is very familiar in the media.

12 I think most of the testimony you've
13 heard comes from people who seem to feel as though things
14 are not totally desperate on Digby Neck.

15 This slide illustrates average incomes
16 for men in western Digby Neck are well above those of the
17 Town of Digby and the West Nova Federal riding, which
18 encompasses everything from Argyle on the South Shore to
19 Waterville in the Annapolis Valley.

20 Women's income's a little bit different,
21 isn't it? And so if Bilcon wants to create work, perhaps
22 that's the demographic they ought to be looking at. And I
23 don't see anything in the EIS about creating work for women.

24 Bilcon's analysis of these data agree.
25 In the EIS they find, using the same kinds of data, that

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1 Digby Neck's unemployment rate is at or below the provincial
2 average.

3 In their attitude surveys, they find the
4 overwhelming majority of people on Digby Neck are, in the
5 main, highly satisfied with the lives they live and with the
6 environment they live in and where they live.

7 So it's difficult for me to connect the
8 dots between these data and the analytical conclusion of
9 communities in crisis.

10 The socioeconomic argument is all about
11 jobs in the context of trust. The people of Digby Neck
12 should trust Bilcon because of its track record of community
13 service, which amounts, as near as I can see, to spreading
14 money around to strategically placed community groups in the
15 communities where it operates.

16 We ought to trust that Bilcon's research
17 and analysis is objective and thorough.

18 But I think there's more than trust
19 Bilcon at play here. They have made promises, many of which
20 may or may not be true.

21 When the ground fish fully
22 industrialized, few people could have predicted the ultimate
23 outcome and the eventual decimation of the Grand Banks' cod
24 stocks.

25 Will Bilcon's promise that everything

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1 will be just fine turn out to be any more true than any of
2 the other promises made by industrial resource extraction
3 proponents historically in this community?

4 I'm thinking about promises like the
5 ones that the ocean would never run out of fish or that the
6 woods will never be ruined by invasive industrial
7 harvesting.

8 Can you really trust the quarry people
9 and their experts, who are rather obviously going to tell
10 you that everything is going to be just fine? And what is
11 the community's historical experience with this kind of
12 promise?

13 A generation ago, fishermen were
14 encouraged to think big, to industrialize, to capitalize, to
15 go out and make the industry more "professional" and
16 productive. They were chided for being backward and
17 inefficient, for working only seasonally.

18 Well, many listened, capitalized their
19 operations, took the low interest or no interest government
20 loans, increased their fishing effort. Some fortunes were
21 made.

22 But did the whole process result in more
23 jobs and population increases? No. Just the opposite.

24 In fact, there's very good reason to
25 suspect that the proposed quarry might well worsen the

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1 economic situation in Digby Neck and possibly further
2 afield.

3 As the editorial in The Courier last
4 week very wisely pointed out, there are a number of
5 industries established and emerging in the Digby area that
6 do not jeopardize the environment and will fit very well
7 with the lifestyle, the peace and the quiet that attract
8 tourists and cause locals to love the place.

9 I also want to say a few words about the
10 traditional knowledge segment of the EIS.

11 The kind of traditional knowledge I've
12 found in my own work in this community was a very clear
13 analysis of the way that some people were seduced by an
14 industrial model of the fishery that led to endangered
15 stocks and jeopardized certain features of the community and
16 certainly changed it.

17 There was nothing inevitable about this
18 process. It was a matter of policy, and it was a matter of
19 the wrong choices made by too many people with the active
20 support of the federal state.

21 Because my research was focussed on
22 education, I also found compelling accounts of the way that
23 people had managed to survive through the fluctuations in
24 the economy through this period.

25 They did this by working together in

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1 families, by sharing and trading goods and skills, by making
2 do and figuring things out in ways that they could never
3 have learned in school.

4 As the data I've shown illustrate, many
5 have survived relatively well in the process. Nested in the
6 local Digby Neck sense of what counts as learning is the
7 idea that bureaucrats, politicians, big corporations are all
8 lined up to take advantage of rural people by tricking and
9 manipulating them, this is what people told me, with fancy
10 language, promises, legal games, complicated processes, I
11 suppose like this one.

12 I encountered fear and, in many cases, a
13 sense of hopelessness that common sense could ever win in
14 the face of the relentlessness of the big players.

15 In the case of this quarry, some people
16 believe that Bilcon will eventually win, not through its
17 rational arguments or its science, but through the sheer
18 force of its economic power.

19 This power hires dozens of experts who
20 produce thousands of pages of technical justification. This
21 power buys land and property from people who need or want
22 money. This power makes lots of promises, particularly to
23 vulnerable people.

24 This power is persistent because it
25 knows there's an enormous pot of gold waiting for it.

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1 Finally, on the subject of traditional
2 knowledge, I also found a deep love for what one person
3 called, and I'm quoting, "the physicality of the Neck, the
4 trees, the ocean, the air."

5 I found people who could talk about the
6 bottom of the ocean in St. Mary's Bay and in the Fundy,
7 describing the landscape down there as clearly as I could
8 describe the features of this room. I won't go into this
9 any further. You've heard this ad nauseam, I'm sure.

10 As an educator, something that concerns
11 me in the EIS is I see no educational plan. What will
12 Bilcon do to educate the local workforce it claims to be
13 willing to hire?

14 What educational levels and skills,
15 training will be required for various jobs associated with
16 this project? In what ways will it liaise with secondary
17 and post-secondary educational institutions to ensure that
18 people are adequately prepared for these opportunities?

19 As far as I can see on these questions,
20 the EIS is silent.

21 For the past three years, I've been
22 conducting nearly 60 interviews with young people about
23 educational and career trajectories, youth from Digby Neck
24 currently in secondary school. In only one instance has a
25 young person ever mentioned the proposed quarry as a

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1 potential source of employment.

2 This indicates to me that Bilcon has not
3 done much in the way of educating and informing youth or
4 working with educational institutions to ensure that local
5 youth have opportunities in this project.

6 One rather obvious fear is that Bilcon
7 will actually import its skilled labour force.

8 Finally, I'd like to say that I've been
9 interviewing people on Digby Neck for some years now. I
10 taught in Sandy Cove in the elementary school at the
11 beginning of this quarry process.

12 In fact, it was some of my students, I
13 think, who spotted the survey stakes and alerted the
14 community about what was happening in Whale Cove back in the
15 early part of this decade.

16 I know that things have gotten a lot
17 more complicated recently. I can hear it. I read the news.
18 But I've yet, personally, to have a conversation with
19 anyone from Digby Neck who favours this project. And I know
20 somebody's going to get up in five minutes or two minutes
21 and I'll have that conversation.

22 I think the Panel must observe this from
23 the sheer volume of testimonials already received, and I'm
24 not sure how you sort that out.

25 In conclusion, it wasn't really until I

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1 went fishing out of Whale Cove as part of my research that I
2 really understood the immediacy of this problem.

3 From early December, the stretch of
4 water on the Fundy Shore east of Whale Cove is thick with
5 lobster buoys, some of which are as near as a few hundred
6 metres from shore.

7 I spotted at least half a dozen boats
8 fishing close to the shore east of Whale Cove that day.

9 When I asked the person who took me out
10 where the quarry would be located, he pointed through the
11 mist at a white cross that was erected at that time on the
12 rocks.

13 "That's right up against where you
14 fish", I said. "Yep", he replied. So I asked him, "What do
15 you think blasting and other quarry activity will do to the
16 fishery?" He said, "I don't know."

17 Well, I don't know, either. I wonder if
18 anybody knows, including the Proponent.

19 And that's all I have to say.

20 **PRESENTATION BY Dr. MICHAEL CORBETT - QUESTIONS FROM THE**
21 **PANEL**

22 Dr. JILL GRANT: Thank you, Mr. Corbett.

23 You spoke quite a bit about interviewing
24 young people and their hopes and aspirations, and we've
25 heard from some of them in interventions here.

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1 So can you give us a better sense of
2 what it is young people are looking for in terms of the job
3 market and how a project like this appeals to a segment of
4 the young people in the region?

5 Mr. MICHAEL CORBETT: Sure. The young
6 people that I've been interviewing are young people in high
7 school at the moment.

8 I began interviewing them three years
9 ago when the cohorts that I'm looking at were in Grade 8, 9
10 and 10, so I finished this set of data collection in May,
11 June of this year, so students are now Grade 10, 11, and 12.
12 It's a three-year longitudinal study.

13 My main interest was in how young people
14 see their future rolling out and what their educational
15 aspirations are.

16 Most of the young people that I have
17 interviewed, the vast majority imagine themselves leaving
18 this community, the ones that I have interviewed.

19 They imagine themselves, for the most
20 part, going on to do some post-secondary training, some at
21 the Community College, some at the University, and some just
22 going out and finding work, wherever they can find it.

23 The one young person who did mention to
24 me that they saw the quarry as a potential job for them, it
25 was a young person, he was on his way to the Community

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1 College, and going into heavy equipment operation I think,
2 and he simply mentioned that the quarry might be a possible
3 place where he might find work.

4 Now I wasn't asking people specifically
5 about the quarry, I was just simply asking them to talk
6 about how their education is going, where they see
7 themselves headed, and what occupational future they imagine
8 for themselves.

9 So I asked no direction questions about
10 the quarry. What I simply said in my presentation is that
11 only one young person mentioned the quarry in the context of
12 thinking about where he was heading, in his future.

13 Dr. JILL GRANT: And can you give us an
14 idea of the studies that you've done with these cohorts,
15 some of whom have stayed here and some who have gone through
16 the years, about...

17 What do they see as the overall quality
18 of life in the region, what it is that keeps them here and
19 what it is they see as the future of the economy of the
20 region, in terms of its ability to keep future generations
21 here?

22 Mr. MICHAEL CORBETT: I think there's a
23 lot of trepidation, you know, in terms of the future.
24 Again, I go back to the study that Alexander Leighton and
25 his team did.

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1 They did a massive study in Digby County
2 in the 1950s, and I heard much the same thing. "I am a
3 fisherman, we're a fishing family, we love it here, we love
4 the beauty of this area, but we're very concerned that it's
5 not going to be a sustainable life for our kids."

6 That's exactly the same thing that was
7 said in 1950, in Alex Leighton's interviews.

8 What impresses me about all of this is
9 that as time rolls out, it seems to me that a fairly stable
10 population of people figure out how to make it in the
11 fishery, how to move to other species, how to combine
12 different kinds of employment, to make life work.

13 I guess my general sense is Digby
14 Neckers are tough, they're survivors, they're resilient,
15 they're intelligent, they're educated in ways that the
16 formal education system doesn't really recognize or value.

17 So while on the one hand there is this
18 sense of fear for the future...

19 And I found it very hard to understand
20 for a long, long time. How is it that a lobster fisherman
21 whose rig is worth a million box on the open market and is
22 making pretty decent money landing this product, how is it
23 that this person can say that kind of thing, that: "I'm
24 afraid. Well, it's a natural resource industry. I suppose
25 anything can happen in the future."

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1 I think part of it, there's a real fear
2 that the fishery is going to be quarrelled by a combination
3 of state policy and corporatisation and drive small boat
4 fishing people out of the business.

5 So there's this sense that there are
6 large forces at play that influence the lives of small
7 players, and many of the people that I interviewed, this is
8 a cloud that hangs over their lives.

9 Be it somebody like the Minister of
10 Fisheries that has a dream and fisheries policy changes the
11 next day, and people are put out of work, or be it somebody
12 from New Jersey who decides: "We want to come in here and
13 blow the whole of the mountain."

14 Who knows what is going to happen to the
15 fishery after that? Does that make sense?

16 Dr. GUNTER MUECKE: Yes. Could I just
17 ask you, have you.. In terms of people leaving that you
18 have interviewed, young people, how many indicate that they
19 see their leaving as a temporary measure rather than a
20 permanent one?

21 And have you got... In terms of rates
22 of people leaving and people returning eventually, have you
23 got any comments on that?

24 Mr. MICHAEL CORBETT: I think returning
25 is a dream for a lot of people. Amongst the folks, I really

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1 don't know. I haven't taken a longitudinal look at that. I
2 guess you would have to go back and re-interview some of
3 those people that I talked to back in the original study to
4 really answer that in a definitive way.

5 When I did talk to people who were
6 living away from Digby Neck, there is a great nostalgia, you
7 know?

8 People would love to move back, but for
9 various personal reasons can't or don't.

10 I found very little movement back and
11 forth, and it seemed to me as though the decision to strike
12 out and move kind of beyond Halifax was a very significant
13 life decision which for most people was not easy to turn
14 back.

15 Now that having been said, this study
16 was done in the late '90s. The main data for this was
17 gathered late '90s, 2000.

18 Alberta wasn't booming at that point,
19 and obviously things are different today. People have
20 different kinds of opportunities in Ontario and Alberta, and
21 they can perhaps more easily move back and forth.

22 But what I did find from the folks that
23 I talked to, particularly people in the youngest cohort, was
24 that it was becoming through time more and more difficult to
25 actually establish a life in a place like Alberta for two

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1 reasons; one was because the education requirements for most
2 jobs in Alberta and Ontario, the traditional labour-
3 catchments markets had gone up, so you had to be fairly well
4 educated in order to make a living.

5 Secondly, living costs had gone through
6 the roof, so where a guy or a woman in the '60s and '70s
7 could leave a place like Digby Neck, go to Toronto, get a
8 job with a grade 10 education and make a pretty good living,
9 raise a family and so forth, that possibility was simply not
10 there by the 1980s and '90s.

11 So the traditional Nova Scotia migrant
12 labour force wasn't in the same position by the 1980s,
13 1990s, that it was in the '60s and '70s.

14 Now that may be changing a little bit.
15 It will be interesting for me in the next project, if I...
16 It would be fascinating to me to take a look at these young
17 people who are now graduating in a different kind of
18 economic environment where you have Alberta booming and a
19 number of different factors in play.

20 Dr. GUNTER MUECKE: Thank you.

21 THE CHAIRPERSON: Mr. Corbett, if you
22 were to move your research from Digby County to one of the
23 other counties in Nova Scotia, we were told a couple of days
24 ago that there were only four counties in the entire
25 province which have an influx of people.

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1 Mr. MICHAEL CORBETT: H'm.

2 THE CHAIRPERSON: So if you were to move
3 your research to some of those local schools and some of
4 those other counties, the Guysborough County for example, or
5 Queens County, or wherever, don't you think that the message
6 would be more or less the same, or would you expect it to be
7 the same?

8 In other words, out-migration of
9 counties not only in Nova Scotia but in many rural areas in
10 this country and in North America in general, it's going on.
11 There's a very definite migration to cities.

12 Mr. MICHAEL CORBETT: Yes.

13 THE CHAIRPERSON: So I wonder if the
14 findings that you have are generic rather than specific to
15 Digby?

16 Mr. MICHAEL CORBETT: I...

17 THE CHAIRPERSON: Can you comment on
18 that?

19 Mr. MICHAEL CORBETT: Sure, yeah. I
20 think obviously, rural Canada, statistically, has been
21 depopulating for a long, long time, for generations.

22 I guess what really motivated me in this
23 project at the very beginning was that in living on Digby
24 Neck, I had the sense that there was obviously a whole lot
25 of media hype around migration, but I had a sense that

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1 people were actually not going that far.

2 I actually found that there was some
3 truth to that. And when you look at that youngest cohort
4 who grew up in the late '80s and '90s, 75 percent of the
5 males, the men, are still within 50 kilometres of where they
6 were born.

7 That's not massive out-migration.

8 So it seemed to me that Digby Neck might
9 actually be kind of an anomaly to this outpour of the
10 depopulation phenomena, this phenomena of the depopulation
11 of rural communities in the Canadian West.

12 I think I actually found that there's a
13 certain amount of truth to that. When you have... At least
14 in the way that I looked at this.

15 I found a level of resilience and a
16 level of sticking around that I didn't expect to find. I
17 talked about this issue with people who have also studied
18 rural Newfoundland, you know?

19 And they say: "This is incredible. You
20 know, our communities, if you took a look and did that kind
21 of a study in most Newfoundland communities, you'd find that
22 just about everybody is done."

23 Well, I didn't find that here and how
24 replicable this is. I think in certain kinds of
25 communities, rural communities, there is a kind of

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1 resilience, and what has kept people here, I suppose it's
2 the strength of the lobster fishery, it's the...

3 Mr. Spinney was just talking about that,
4 \$250,000. The value of fish landed in Nova Scotia has been
5 pretty much steadily rising from the '70s. I'm sure you've
6 heard that one as well.

7 So there's something here that is
8 actually keeping people.

9 Kevin Gidney I heard speak the other day
10 said that, you know, there are a number of boats that
11 actually fish there. And you asked the question: "Why do
12 they fish right here in Whites Cove, is it particularly a
13 rich area?"

14 Well, those people aren't laying out
15 lines of lobster traps along that shore because there are no
16 lobsters there, it's obviously a rich area.

17 That's I think what keeps a certain
18 level of stability of this place.

19 THE CHAIRPERSON: Thank you Mr. Corbett.
20 Gunter?

21 Dr. GUNTER MUECKE: I had a question, but
22 I think you just answered it basically, whether there are
23 comparable studies.

24 If I understood you correctly, people
25 have looked at the distance that the out-migration occurs

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1 over in other fishing communities such as Newfoundland, is
2 that correct?

3 Mr. MICHAEL CORBETT: Yeah, not so much
4 distance, but magnitude about migration.

5 Dr. GUNTER MUECKE: Well, you showed us
6 that... Well, it's not really a pie chart, but you showed
7 us distances over which that 75 percent of the people,
8 males, were retained---

9 Mr. MICHAEL CORBETT: Right.

10 Dr. GUNTER MUECKE: ---within a certain
11 circumference.

12 Mr. MICHAEL CORBETT: Right.

13 Dr. GUNTER MUECKE: So I guess what I was
14 asking, are there similar studies, not necessarily involving
15 the same distance obviously, that show that a large
16 proportion are actually localized, or is that unique to
17 Digby County?

18 Mr. MICHAEL CORBETT: I don't know of any
19 studies. You know, I want to start a school of this kind of
20 analysis. Actually, there is a follow-up study or a study
21 that's based on mine being undertaken right now on Vancouver
22 Island. Not Vancouver Island, Bella Coola, in a First
23 Nations community.

24 I've had a fair bit of interest from
25 First Nations communities who are interested in tracking

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1 their populations and figuring out where people end up.

2 As far as I know, nobody has done this
3 kind of analysis. You know, I couldn't have done this
4 without the help of dozens of contacts that I made as a
5 teacher here for a dozen years.

6 People helped me enormously to get this
7 done, and I owe a great debt of gratitude to those folks.

8 So to have that level of integration in
9 a community I think for an academic is pretty unusual.

10 THE CHAIRPERSON: Mr. Buxton?

11 Mr. PAUL BUXTON: Thank you Mr. Chair.

12 **PRESENTATION BY Mr. MICHAEL CORBETT - QUESTIONS FROM THE**
13 **PROPONENT**

14 Mr. PAUL BUXTON: I can't really comment
15 on the presentation, because we haven't seen that one yet,
16 but just a couple of comments with respect to the promoting
17 of women in the workforce.

18 It is specifically in the EIS, and I
19 refer you to a newsletter dated October 2006, which
20 specifically says:

21 "Hiring preference will be given to
22 women."

23 So that was well covered, and again with
24 respect to talking to youth, I think this has come up
25 before, but just as a reminder that Bilcon held two specific

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1 meetings with the youth around the Little River area.

2 The first one I think was 23, 24 in
3 attendance, and the second one was 43 in attendance, and
4 those meetings were actually requested by the youth of the
5 area.

6 And I can also say that I made a
7 presentation... Actually, it was a bit of a debate, but
8 with a grade class, I think it was grade 11 or grade 12 in
9 Digby High School, within the last year.

10 So I think there has been some contact
11 with youth.

12 Thank you Mr. Chair.

13 THE CHAIRPERSON: Any additional
14 questions?

15 **PRESENTATION BY Mr. MICHAEL CORBETT - QUESTIONS FROM THE**
16 **PUBLIC**

17 Ms. LINDA GRAHAM: My name is Linda
18 Graham, and you spoke about the children at the school and
19 that they were not speaking about a future with the quarry,
20 okay?

21 Is it not true that Mr. Kelley and the
22 teaching staff at the school were very against the quarry?
23 As a matter of fact, Mr. Kelley is very vocal with the "Stop
24 the quarry" group.

25 If that is said that much in the school,

1 are the children going to admit or are their parents going
2 to speak in front of the children who will be intimidated at
3 the school from the other children or from the teaching
4 staff?

5 Mr. MICHAEL CORBETT: The interviews I
6 did weren't at the elementary school, they were at the Digby
7 Regional High School.

8 Ms. LINDA GRAHAM: No, but Digby Neck
9 consolidated.

10 Mr. MICHAEL CORBETT: Right. The
11 students I interviewed were at the Regional High School. I
12 didn't interview...

13 Ms. LINDA GRAHAM: I'm sorry, I thought
14 it was Digby Neck.

15 Mr. MICHAEL CORBETT: No, no, no.

16 Ms. LINDA GRAHAM: Sorry.

17 Mr. MICHAEL CORBETT: No, I didn't
18 interview the children at the elementary.

19 THE CHAIRPERSON: Additional questions?
20 Yes, please. Are there others? If there are, maybe you can
21 come forward.

22 Ms. McCarthy?

23 Ms. MARY McCARTHY: Mr. Chair, my
24 question is for...

25 THE CHAIRPERSON: Identify yourself

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1 please.

2 Ms. MARY McCARTHY: I'm Mary McCarthy.
3 My question for Dr. Corbett is if he has given any
4 consideration in his studies to the advantage for younger
5 people moving out of the community for education, for job
6 experience, for business experience...

7 I suppose this question comes from being
8 with a background of one third of my life in Europe, another
9 one third in South East Asia, and coming close to a third of
10 North America.

11 People nowadays, young people, are very
12 mobile and this is the age of globalization, and that is
13 very, very obvious, the mobility of the young people in
14 Southeast Asia.

15 I was recently in Singapore, and I met
16 people from India all over, and that is their aim, to move
17 around and see what's going on.

18 THE CHAIRPERSON: Ms. McCarthy...

19 Ms. MARY McCARTHY: Thank you.

20 THE CHAIRPERSON: Yes, this is
21 interesting but I don't know how germane it is to the
22 subject at hand. Perhaps you could...

23 Mr. Corbett, do you have an answer or...
24 Perhaps you could make it brief?

25 Mr. MICHAEL CORBETT: Well, mobility is

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1 sort of the new capital, and everybody wants to move. And I
2 think, I guess, the sociology side read around this one or
3 argue that mobility has now become a specific kind of
4 capital that some people acquire and other people don't, so
5 you've got this global elite that move all over the place,
6 fly in aeroplanes and so forth, and you have another group
7 of people who don't move around very much and are in fact
8 localized.

9 Ms. MARY McCARTHY: Yes, thank you. I
10 just wanted this to be given some consideration. Thank
11 you.

12 THE CHAIRPERSON: Thank you. Okay. I
13 think we will thank Mr. Corbett and we'll take a 15-minute
14 break.

15 --- Recess at 3:19 p.m.

16 --- Upon resuming at 3:32 p.m.

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

19 We have two presentations for the rest
20 of this afternoon. The first is by the Clean Annapolis
21 River Project. Andy Sharpe will be presenting.

22 And I gather that... The other names I
23 have here are Judith Cabrita and Ann Goddard. Are they all
24 going to be presenting? All three? Or just you?

25 Mr. ANDY SHARPE: They are separate

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1 presentations.

2 **PRESENTATION BY THE CLEAN ANNAPOLIS RIVER PROJECT - Mr. ANDY**
3 **SHARPE**

4 Mr. ANDY SHARPE: Good afternoon. I'd
5 like to begin by taking this opportunity to acknowledge and
6 than the Canadian Environmental Assessment Agency in its
7 participant funding program, the support which has made it
8 possible for Clean Annapolis River Project to participate in
9 these hearings.

10 I've also prepared a written submission
11 to complement this presentation, and the written submission,
12 which I think is being distributed to you, contains
13 additional details on new material I'll be introducing
14 today, notes on the methodology that I have used, as well as
15 references.

16 Some of the guidance that I have made
17 use of in this presentation includes the Agency guidance on
18 significance, as well as the analysis matrix that was used
19 in the ORCA Sand and Gravel Project.

20 This analysis I think provides quite a
21 good tool for consideration of the issues around
22 significance.

23 I think it's important to state upfront
24 that I believe it's fully the responsibility of the Review
25 Panel to determine whether or not particular impacts are

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1 significant.

2 Through this presentation, I'm seeking
3 to introduce some new material, and hopefully some new tools
4 that will assist the Panel in this task.

5 I'd like to begin by considering the
6 visual impacts of the Bay of Fundy.

7 The Proponent has indicated that
8 mitigation will be used, including the 30-metre
9 environmental preservation zone, and the incremental
10 disturbance of around 2.5 hectares per year.

11 Now through the past week or so of
12 hearings, it has become apparent that the environmental
13 preservation zone begins at the high tide line.

14 Along much of the site, at least along
15 this high tide line, the vegetation consists of grasses and
16 shrubs, providing little if any screening from the Bay of
17 Fundy.

18 When one examines the revised project
19 description and the snapshots of the Project through its
20 lifespan, at any time approximately 30 hectares of the site
21 is actively being quarried with the crushing area, et
22 cetera.

23 When we look at the potential visual
24 receptors for the impacts, we see that operators along the
25 Digby Neck carry in the order of 900 visitors per year, for

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1 local whale watching.

2 Last year, the port of Saint John was
3 scheduled to receive 33 cruise ships carrying in excess of
4 90,000 visitors.

5 As well, I think it's important to note
6 that the Town of Digby has had long-standing aspirations to
7 host cruise ships, another potential large pool of visual
8 receptors.

9 Just to throw in here as well a
10 comparison, the Glensanda Aggregate Quarry, which is in the
11 Scottish Islands, the visual impact assessment for that
12 project noted that visual impacts were observable up to 20
13 kilometres away from that site.

14 So when we put this information into the
15 matrix that was used in the ORCA Sand and Gravel project, we
16 see we have a large number of receptors, a scope across the
17 Bay of Fundy, a duration for the life of the Project with
18 some uncertainty over the reversibility of the visual
19 effect, whether it will be possible to attract new visitors
20 if present ones are turned off by the impact.

21 Continuing with tourism, when questions
22 were raised in the past with the potential impact of the
23 Project on tourism, the perception of tourists of this area
24 as a destination resort, it's a topic that is really not
25 addressed that much in the EIS.

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1 There's no mitigation proposed to
2 address this specific question of perception of the area.
3 In the EIS, the Gardner Pinfold Study really consulted two
4 individuals, one in Cape Breton at the tourism information
5 centre, and a Sechelt tourism consultant, on whether they
6 felt projects in those areas had an adverse effect.

7 This was based on the assumption that
8 Digby Neck, Cape Breton and Sechelt tourism markets were
9 comparable.

10 There was no direct examination or
11 consultation with visitors who come here, why they come here
12 and why they may not chose to come back in the future if the
13 situation was different.

14 So we have a medium perhaps magnitude, a
15 scope across the southern end of the province with some
16 unknowns.

17 We don't... You know, it's difficult
18 for example to use this matrix in all situation, because
19 some of these questions it's hard to pin down.

20 I turn to ducks, Harlequin Ducks,
21 endangered provincially, red-listed, species of concern.

22 They haven't really been discussed as
23 one of the species at risk to a great extent in these
24 hearings, but I think it's worthwhile bringing up some of
25 the issues concerning them.

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1 Bilcon commissioned Dr. George Alliston
2 to investigate the potential impacts on the Harlequin Ducks.
3 The map was taken from his study, and he began with the
4 premise that the ducks were in here and up here, on the two
5 areas on the Digby Neck with the quarry in the middle.

6 So the central question that he set out
7 to answer would be or was do wintering Harlequin Ducks pass
8 by the Whites Point Quarry site. That's what his research
9 sought to answer.

10 This research was based on this premise
11 that the ducks were confined to two areas on the Neck.

12 His research method involved
13 simultaneously observing the two sites, and the reason for
14 this was that he hypothesised that if the ducks were in two
15 areas, if we would watch both areas, when the ducks leave
16 one area, they should arrive a short time later at the other
17 area flying along the coast.

18 So for example, leaving here, flying
19 along and a short time later would be observed arriving at
20 the second location.

21 This was complemented by observations at
22 the Whites Point Quarry site, whether the ducks were seen
23 passing by and also observations from a Canadian Wildlife
24 Service field survey.

25 So what did he find?

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1 Well, his principal conclusions or
2 sorry, one of his observations was that the ducks were not
3 confined to the two locations.

4 The observations... When they
5 simultaneously monitored these two wintering aggregations,
6 ducks were arriving and leaving, but they didn't arrive and
7 leave corresponding at the other site.

8 What this meant is that the ducks were
9 not confined to the two aggregation areas, and this really
10 questioned the central premise of his research method.

11 On the question of whether the ducks
12 could be observed by an individual at the Whites Point site
13 passing by, Dr. Alliston in his report said:

14 "This task is a difficult one with a
15 very real risk of failure."

16 Because of the difficulty in seeing
17 ducks move back and forth across the site.

18 And then, we should look at the duration
19 of the survey. The simultaneous observations. The two
20 aggregations occurred over two days. The observation at the
21 Whites Point site one day, and one day with the Canada
22 Wildlife Service boat survey. It's a very narrow sample
23 window.

24 And from this, the EIS concludes no
25 adverse effects.

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1 But when we think about this a bit
2 further, we know that the literature indicates that
3 Harlequin Ducks, particularly on their wintering grounds,
4 are vulnerable to shipping or oiling.

5 That chronic disturbance can displace
6 them.

7 These questions were not addressed in
8 the EIS. The Alliston study really focussed on: "Do they
9 move up and down the coast?"

10 And as I have just showed, there's
11 certainly some uncertainties about the conclusions drawn in
12 that study.

13 So when we slot this into our matrix,
14 again some unknowns.

15 Turning now to rare plants. These have
16 been discussed several times in the hearings. The Proponent
17 proposes that the mitigation for these would be to contain
18 them with an environmental preservation zone.

19 DNR has recommended that this zone be
20 increased to 100 metres.

21 But the EIS provides little
22 consideration of the changes in micro-climate, dust,
23 hydrology or pollinators to these populations.

24 And when a Panel member asked the
25 company expert last week about whether the mitigation would

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1 work or not, the response was: "I'm not sure I can answer
2 with a great deal of certainty."

3 You know, that doesn't really provide me
4 with a great deal of confidence when this is the only known
5 location for this plant community in the province.

6 So high magnitude, given this is the
7 only known location for this plant in the province, with
8 again ongoing duration, ongoing frequency.

9 Turning to blasting, the impacts on
10 whales, fish and lobster.

11 The Proponent has suggested a
12 significant number of setbacks and restrictions.

13 DFO though in their presentation
14 indicated that they were "uncertain", and I think that was
15 the language they used, on the impacts on whales, but there
16 was the potential for non-lethal affects on lobsters, that
17 the Proponent's suggestion of detection of whales out to
18 2,500 metres was questionable.

19 DFO's predictions were based on a
20 relatively small number of 45-kilogram charges, with the
21 Proponent estimating... It's now becoming apparent that
22 they will be in the order of 400 of 45-kilogram charges.

23 And at the bottom, another way of
24 looking at this would be if each of those 400 charges was
25 instantaneous and there was an 8 millisecond delay between

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1 each one, we would be looking at somewhere in the order of 3
2 seconds of sustained detonation.

3 That's quite different from one or two
4 or ten in small instantaneous charges, and I think it really
5 raises some questions about the viability of the DFO
6 predictions.

7 So again, we have some uncertainties
8 here when we slot this into the matrix.

9 Invasive species now. The Proponent has
10 indicated that they will be implementing the Canadian
11 ballast water regulations.

12 Now DFO again indicated that the
13 regulations can reduce but not eliminate the risk of
14 invasive species introduction.

15 It was discussed how there would be
16 situations, due to safety and other reasons, where ballast
17 water exchange may not occur.

18 The risk, one particular risk for
19 introduction, is the parasitic lobster disease. I have a
20 figure here of \$10 million. Mr. Spinney indicated earlier
21 \$250 million, in terms of landing value that may be
22 jeopardized.

23 And again, this issue... Once an
24 introduction occurs, there may be very little opportunity
25 for control.

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1 I now take a quote from DFO from last
2 week:

3 "It only takes one successful
4 colonization to result in regional
5 impacts. Monitoring may detect a
6 possible invasive species in the early
7 stages of colonization, however
8 depending on the species, the
9 eliminating or controlling the
10 introduced species after it has been
11 detected can be difficult or
12 impossible."

13 I'd like to touch now on the issues
14 around nitrates and ammonium.

15 The Proponent has indicated that
16 blasting residues will be minimal, zero I think or next to
17 zero.

18 There are some literature figures though
19 that give some different values.

20 Bill Crowson is a retired mining
21 engineer who suggested 5 to 10 percent under good practice
22 working conditions, real-life experiences.

23 But from a larger examination of the
24 literature, it seems it's very difficult to predict in
25 advance what blasting residues might be due to the many

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1 site-specific conditions: rock hardness, the drilling
2 patterns, the number of wet holes, fractured ground, bench
3 heights, et cetera.

4 One interesting thing that I pulled from
5 Kelleher is that explosive residues will decrease as both
6 the charge size and velocity of detonation increases.

7 I think there's an important implication
8 here.

9 The Proponent is minimizing their charge
10 size to 45 kilograms to minimize the peak pressure and
11 impacts on marine life.

12 Now this restriction on the charge size
13 may well introduce some inefficiency in the explosive event,
14 and result in at least a minimum of explosive residue
15 occurring.

16 The Proponent has indicated a large
17 number of conditions when blasting will not occur throughout
18 these hearings and in the EIS.

19 Now setting aside the question of
20 whether it's possible to economically run a quarry with this
21 number of restrictions and meet the stated production
22 targets, I think these restrictions have a number of
23 important implications.

24 Given the number of holes, the large
25 number of blast holes that will have to be prepared, there

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1 may well be times when the holes are partly or fully filled,
2 and then conditions change, fog, overcast, someone walks
3 down Whites Cove Road, a boat pulls up.

4 So there's certainly the strong
5 potential that the blast may be ready or partly ready, and a
6 delay may occur, a delay of hours or a delay exceeding
7 perhaps into the span of several days.

8 Now when we combine this with the
9 evidence from Dr. Nastev, he indicated the site consisted of
10 fractured basalt, vertical and sub-horizontal fractures, and
11 that the fractures served as a principal means for
12 groundwater movement.

13 So when we combine this from the
14 previous slide, there's a strong potential that a blast hole
15 may intersect a water-bearing fracture.

16 We know that ANFO dissolves immediately
17 in water, so during the delayed blast, hours, days, there's
18 the likelihood that ANFO could be dissolving.

19 Now because of the nature of those
20 fractures, if we recall the diagram that Dr. Nastev used,
21 the fractures may mean that this ANFO contaminated water may
22 well exist the site, but not through the sediment ponds. It
23 may well not come back to surface within the confines of the
24 site.

25 As well, the final point here, the wet

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1 or damp holes may present less than ideal conditions for the
2 Proponent.

3 And so I guess to put this one together,
4 even though the Proponent will be using blasting best
5 practice, as I have discussed, there are a number of factors
6 inherent with the site that may well indicate that ANFO
7 losses and blast residues may well be inevitable.

8 It's not my intention here to go through
9 all the potential significant effects. There are clearly
10 others, they have been discussed by other people.

11 But I think it's important to note that
12 there are some of them here.

13 I'd like to now turn to talk about
14 sustainability.

15 Dr. Gibson in his presentation yesterday
16 mentioned... And I think Dr. Muecke mentioned it as well,
17 but this paper by Anthony Hodge on the "Seven Questions for
18 Mining and Sustainability".

19 I think that provides a very effective
20 road map of how mining companies could address
21 sustainability.

22 I think I've tried to incorporate some
23 of the elements here.

24 I'm going to look at sustainability from
25 the aspects of the Project that enhance sustainability and

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1 the aspects that may well reduce sustainability.

2 My time frame is two to three human
3 generations that I will be considering here, and my
4 justification is that the definition of sustainable
5 development includes a multi-generational approach.

6 And so I think it's reasonable to
7 consider two to three human generations in the time horizon
8 here.

9 So beginning with the Project. As
10 indicated, there will be federal and provincial tax
11 revenues.

12 Now due to the corporate nature of
13 Bilcon of Nova Scotia and Bilcon of Delaware, it's not a
14 certain thing that the company here will make a profit. If
15 it doesn't make a profit, then it will pay far less
16 corporate taxes.

17 So the tax revenues indicated in the EIS
18 are certainly not confirmed.

19 As it was noted the other day, these
20 also may be offset by employment insurance payments during
21 the off season.

22 I think Mr. Buxton indicated that some
23 of the trades would be retained through the winter.

24 Well, I think from looking at the EIS,
25 somewhere in the order of 29 individuals may well be laid

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1 off in the winter months, who then would be eligible for
2 employment insurance.

3 An important comment as well, that
4 federal tax revenues would not be year-marked, would not be
5 set aside for the long-term sustainability of the Project.

6 At the end of 50 years, 75 years, those
7 revenues will be gone and won't be available to offset any
8 negative sustainability components.

9 Municipal tax revenues. There's
10 certainly some disagreement over these given the comments
11 from the Warden of Digby that they may well be significantly
12 less than what was indicated in the EIS.

13 Again, the municipal tax revenues will
14 not be year-marked, will not be set aside, and so will have
15 limited effects on sustainability at the 50 or 70-year time
16 frame.

17 And finally, jobs. While the Proponent
18 has indicated that preferential hiring locally will be acted
19 upon, there's no guaranteed percentage set down as to what
20 is the minimum local hire, nor is there any indication of
21 the percentage of new versus replacement jobs, and again in
22 the sustainability analysis, jobs created equals jobs
23 lost.

24 And so we probably could, if we delved
25 further, add a few more here to the enhancement column, and

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1 one might be training, but as the previous speaker noted,
2 the EIS contains no hard numbers in terms of number of
3 certificates offered or number of graduates trained, number
4 of college years completed.

5 There's no firm arrangements in terms of
6 partnerships with community colleges or schools.

7 So I haven't included training here
8 because there is no quantification of it in the EIS.

9 On the other side of the equation, we
10 know we're going to have extraction of a non-renewable
11 resource, and we know that that resource is going to another
12 area, New Jersey, for road construction and which may well
13 contribute to urban sprawl and greenhouse emissions,
14 greenhouse gas emissions.

15 Finally, we add the potential
16 significant adverse effects. Some of the them are listed
17 here. I believe there may well be others.

18 So while this is an admittedly very
19 first approximation to try and assess the pros and the cons
20 and the enhancements versus the reductions to
21 sustainability, I think it begins to paint a fairly clear
22 picture on what the Project may contribute down the road.

23 In conclusion, I urge the Panel to look
24 beyond the deficiencies in the Environmental Impact
25 Statement, acknowledging that there are many.

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1 I urge you to consider the very real
2 possibility of significant adverse environmental effects
3 should the Project proceed.

4 And finally, I ask you to take the long
5 view, to consider whether or not the Whites Point Quarry and
6 Marine Terminal Project will contribute to the long-term
7 sustainability of Digby Neck and Islands.

8 Thank you.

9 THE CHAIRPERSON: Mr. Sharpe, what is
10 your definition of a significant adverse environmental
11 effect?

12 Mr. ANDY SHARPE: Drawn on the CEAA
13 guidance for example, large scope, magnitude, not
14 reversible. In the sense of the ecological context,
15 frequent duration, repeatability.

16 THE CHAIRPERSON: Okay.

17 Dr. JILL GRANT: Just a clarification.
18 You put up on your list of benefits jobs, but you didn't
19 quantify them or add very much detail in terms of your
20 sustainability analysis, so...

21 And on the other side, you had jobs
22 lost, but again you don't have any kind of quantification,
23 so can you help clarify for us what your view is on how jobs
24 feature into a sustainability assessment?

25 Mr. ANDY SHARPE: I think for jobs to

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1 factor into a sustainability assessment, there must be some
2 long view. For a resource project, it's difficult. It
3 begins, it ends.

4 I think the example was brought up
5 yesterday with Voisey's Bay where through a signed agreement
6 that was done between the Proponent and the local First
7 Nations, there was deliberate actions to seek bridging,
8 bridging beyond the end of the Project.

9 So how can we do something now that will
10 ensure there are jobs after the Project?

11 And I think those jobs after have a
12 greater impact in terms of when we look at the long term,
13 the durable contribution of a project.

14 THE CHAIRPERSON: What would you suggest
15 then?

16 Mr. ANDY SHARPE: In terms of this
17 Project?

18 THE CHAIRPERSON: Well, the
19 sustainability issue.

20 I mean in a sense, I'm asking a
21 continuation of the discussion that went on yesterday.

22 Dr. Gibson was advocating this, but we
23 asked him the same question, where do you go with this? How
24 do you do this?

25 Do you have any suggestions?

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1 Mr. ANDY SHARPE: Well, I think the
2 article by Hodge that was mentioned yesterday, "The Seven
3 Questions to Sustainability", that does layout...

4 You know, this was developed with the
5 mining sector. It does layout what steps might a
6 sustainable mining project look like or what steps might it
7 entail.

8 I guess from being involved in this
9 process for several years, I guess I see... I feel if
10 Bilcon of Nova Scotia had taken these questions, these
11 principles onboard four or five years ago and then
12 implemented them with care and thoughtfulness, I think we
13 would have been having a very different conversation during
14 the course of these hearings.

15 I think the steps though also provide
16 the Panel with an example of what might a sustainable
17 aggregate project look like.

18 THE CHAIRPERSON: Mr. Buxton please.

19 **PRESENTATION BY THE CLEAN ANNAPOLIS RIVER PROJECT -**
20 **QUESTIONS FROM THE PROPONENT**

21 Mr. PAUL BUXTON: Thank you Mr. Chair. I
22 just want to, if I can, just make a comment on blasting,
23 since it's been of interest of the Panel in the last few
24 days.

25 I think one of the slides indicated that

1 there was a requirement for an 8-millisecond delay, and
2 there will be 400 charges, and I'm not sure where the 400
3 came from, but in any event it was multiplied out to produce
4 a 3.2 second blast, and this points very clearly to one of
5 the difficulties with thresholds.

6 The 8 milliseconds is suggested in the
7 guidelines for blasting in or near the Canadian fisheries'
8 borders.

9 We have discussed these at some length
10 with DFO and in fact the people that wrote the guidelines,
11 and at some point in their deliberations, in attempting to
12 provide guidelines for blasters by Canadian fisheries'
13 waters. There was clearly an effort to reduce beaming.

14 And we talked a little bit about this
15 where one blast affects the size of the adjacent blast.

16 Typically, one might expect a
17 millisecond or two milliseconds or some sort of separation,
18 you know?

19 In an attempt to sort of be more
20 conservative, they suggested: "Well, let's go with 8
21 milliseconds."

22 The problem with this is that it can't
23 be done because what happens is that if you even visualize a
24 blast stepping back from a face, what happens is that if the
25 delays have too long a gap between the detonation, what

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1 happens is that you will start to fetch down the second row
2 of blast before it has gone off, and now we have a tangle of
3 rock at the bottom of the slope filled with unexploded ANFO,
4 and so you can't just simply take these figures and blindly
5 multiple them.

6 As a matter of fact, no blasting would
7 be permitted in the Province of Nova Scotia with an 8-
8 millisecond delay, because it is unsafe.

9 So, you know, one has to sort of go back
10 to the root as to why that was suggested, with very reason;
11 to sort of put some precaution into the effect of beaming.
12 But then what you end up with is both a physical safety to
13 people. There's nothing worse than trying to clear that
14 kind of mess out, and of course, the danger then of
15 releasing ANFO into the environment.

16 So as I pointed out I think earlier this
17 morning, a typical length of blast could be characterized as
18 perhaps half a second; maximum a second. Otherwise you're
19 going to have this terrific mess at the bottom of the slope.

20 THE CHAIRPERSON: The half a second or
21 second would be the total duration within which individual
22 charges would go off?

23 Mr. PAUL BUXTON: That's correct, the
24 whole charge in that time period. Yes.

25 THE CHAIRPERSON: Thank you.

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1 Mr. ANDY SHARPE: Thank you for the
2 clarification.

3 THE CHAIRPERSON: Beg your pardon?

4 Mr. ANDY SHARPE: I was just thanking Mr.
5 Buxton for the clarification.

6 THE CHAIRPERSON: Are there any
7 questions? Mr. Lang, are you coming forward? Any other
8 questions? Maybe you could line up behind Mr. Lang, if
9 there are.

10 **PRESENTATION BY THE CLEAN ANNAPOLIS RIVER PROJECT -**
11 **QUESTIONS FROM THE AUDIENCE**

12 Mr. WILLIAM LANG: William Lang, Green
13 Party of Nova Scotia. I'd just like to begin by saying to
14 the representatives from Bilcon that littering is a crime in
15 Nova Scotia, and the Pines provides ashtrays for your
16 cigarette butts outside, so if you could please stop
17 throwing them on the ground.

18 But my question would be to Mr. Sharpe.
19 A couple of days ago we learned that all the materials for
20 the Project will be brought in by ship, bringing new ships
21 to the Marine Terminal, and I was just wondering if, in his
22 reading of the EIS, is there any information on if they're
23 bringing the ammonium nitrate in on a ship?

24 Mr. ANDY SHARPE: From a clarification
25 that Mr. Buxton made a few days ago, I understand large

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1 equipment for the Marine Terminal is coming in by ship. I
2 understand that the ANFO is coming by road, but Mr. Buxton
3 would be a better place to respond to that, I feel.

4 Mr. PAUL BUXTON: It will not come by
5 ship, Mr. Chair.

6 Mr. WILLIAM LANG: And just a quick
7 follow-up to that; these new ships that will be coming to
8 the Marine Terminal, do you know if the Proponent has
9 included those ships in their greenhouse gas emissions?

10 Mr. ANDY SHARPE: I believe that that was
11 the discussion with an undertaking earlier today that the
12 initial numbers did not, but the subsequent numbers that are
13 being discussed today in the undertaking did include the
14 greenhouse gas emissions.

15 Mr. WILLIAM LANG: Okay. Pardon me. I
16 did not hear that.

17 Mr. ANDY SHARPE: Sorry.

18 Mr. WILLIAM LANG: Thank you.

19 THE CHAIRPERSON: No additional
20 questions, then? Thank you, Mr. Sharpe. We now move onto
21 to Marilyn Stanton. Not the others?

22 --- Pause

23 THE CHAIRPERSON: Okay, we have a
24 clarification here; is that the next presentation is by
25 Judith Cabrita and Ann Goddard, and they will be talking

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1 about tourism. Tourism within the context of the Clean
2 Annapolis River Project. Is that correct?

3 Ms. JUDITH CABRITA: [Inaudible].

4 THE CHAIRPERSON: Give it to the
5 Secretariat, please. God, what a mess.

6 --- Pause, video shown

7 **PRESENTATION BY Ms. JUDITH CABRITA AND Ms. ANN GODDARD**

8 Ms. JUDITH CABRITA: This is our brand; A
9 Seacoast Destination.

10 THE CHAIRPERSON: Excuse me.

11 Ms. JUDITH CABRITA: Pardon.

12 THE CHAIRPERSON: Excuse me, ladies.

13 Could you identify yourself and your affiliations.

14 Ms. JUDITH CABRITA: It's further down.

15 THE CHAIRPERSON: I beg your pardon.

16 Ms. JUDITH CABRITA: Yes. I'm Judith
17 Cabrita, Tourism Specialist, and I'm here today with Ann
18 Goddard.

19 THE CHAIRPERSON: Tourism Specialist
20 with?

21 Ms. JUDITH CABRITA: With TSEA, my own
22 company.

23 THE CHAIRPERSON: TSEA.

24 Ms. JUDITH CABRITA: Formerly with the
25 Tourism Industry Association of Nova Scotia.

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1 THE CHAIRPERSON: Thank you.

2 Ms. JUDITH CABRITA: And with Ann
3 Goddard, owner/operator of the Mountain Gap Inn, a
4 prestigious resort of 92 years old, situated in Smith's
5 Cove.

6 THE CHAIRPERSON: Yeah.

7 Ms. JUDITH CABRITA: So we are a seacoast
8 destination, our culture, our heritage nurtured and
9 cherished and ready to share. It's a special place, and
10 this is what tourism is all about; building pride of place,
11 celebrating our nature and sharing it with visitors.

12 This rich asset is owned by only coastal
13 province or state in North America that does not have a
14 coastal strategy, or a coastal management plan. If we had
15 that plan in place, all of this exercise here today and for
16 the last few weeks would not be taking place, because we
17 would have already declared Digby Neck, this rural fishing
18 community nestled in the arm of the land surrounded by the
19 sea a very special place, with a fragile environment, and an
20 excellent opportunity for experiential tourism activity.

21 We appreciate the opportunity to present
22 our views on the business of tourism and the damaging effect
23 that a quarry in this location will have on a viable,
24 growing, existing industry, on the fragile landscape and on
25 the quality of life; the important mosaic that tourism

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1 depends on.

2 I'm definitely not against development,
3 as long as it is sustainable and responsible, and that it
4 doesn't just replace one industry, or in this case, several
5 industry sectors with another.

6 Bilcon is promising 34 jobs. What
7 revenues does that bring to Nova Scotia? Royalties?
8 Guaranteed Nova Scotia purchases? And when you consider and
9 compare that to 100 fishing vessels that presently support
10 over 300 local families, and strong communities benefitting
11 from nature bounty, a quick estimate of those benefits is
12 400 jobs and revenues of \$50 million plus, purchasing
13 community products and services, keeping the economy
14 thriving and the dollar working within Nova Scotia.

15 Tourism and fishing are very similar
16 industries, depending on our natural resources. They are
17 inter-dependent and each needs to be strong and vibrant.
18 Tourism is a network industry, and when you consider and
19 compare over 1,000 tourism jobs in Digby County that provide
20 more purchasing power in the region, tourism is an economic
21 engine with the dollars earned turning over, and over, and
22 over within the community and beyond.

23 60 percent of the \$38-million annual
24 tourism revenue generated in Digby County is export revenue;
25 new money coming into the economy on its first level of

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1 circulation.

2 Additionally, tourism-related ventures
3 in Digby County will contribute \$10 million in taxes that
4 support socio-economic programs like health care and
5 education.

6 Tourism is the fastest-growing industry
7 in the world. Our tourism industry in Nova Scotia is in its
8 infant stage, however, with outstanding potential. We were
9 only discovered in the '20s by the Mass Travel guru, Arthur
10 Tauck, bringing the first bus tour to reach our shores.

11 The industry is fragile, susceptible to
12 repercussions of perceptions and reality, however we do have
13 what the world's travellers are looking for. The tourism
14 industry is on the cusp of exponential growth, if we plan
15 for its sustainability through protection of our natural and
16 built assets; our marketing niche.

17 We call ourselves Canada's Ocean
18 Playground, Canada's Seacoast, and we invite visitors to
19 experience. Our brand is unique. The promise we make is
20 that Nova Scotia is nature's Eden, a premiere coastal and
21 nature-based tourism destination. We must fiercely ensure
22 delivery of the promises made, if tourism is to survive.

23 We promise they will see whales. Can we
24 allow whales to become more endangered by the noise, the
25 disturbance of their habitat, or food, or killed by the

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1 foreign parasite that may be imported in the New Jersey
2 ballast waters?

3 We promise them a clean, nature-based
4 experience. What effect will noise and dust and the visual
5 reality have on the potential for a prosperous,
6 community-based tourism industry in this region?

7 We promise them the best of birding
8 destinations. For how long?

9 The proposed quarry is like a forestry
10 clear cut, ugly and a monstrosity to the eye, a rape of the
11 coastline, just as unforgivable and indefensible by the sea
12 as it is on the land. It will have the same effect as clear
13 cuts on our visitors, some of whom will turn around and go
14 home telling the unpleasant story.

15 The quarry may not be seen from the
16 road, but it be seen from sea, and the scars left will be
17 seen from the air.

18 Whale-watching and boat excursions are
19 the precursors and partners in the new market of marine
20 tourism, ready to flourish and be the experiential product
21 the world is seeking. The new opportunities are in diving,
22 tall ship tours, kayaking, and combining these land
23 excursions to see and feel the culture of Nova Scotia.
24 Walking, birding, visiting small fishing villages,
25 archeology, sociology, learning the way of life in Nova

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1 Scotia, enjoying our festivals, wines and cuisine. It is
2 all coming together, marrying the sea and the land to
3 experience the real Nova Scotia.

4 We have a unique opportunity with rural
5 tourism, marine tourism, adventure tourism, and the seacoast
6 is the important component, and we never want to have to say
7 this is what it used to be. If we have a true vision for
8 Nova Scotia, we will not allow a quarry on this coastline,
9 with a marine terminal that will terminally effect the
10 quality of our life and, sorry, greatly hinder the tourism
11 growth.

12 And we will also consider the compatible
13 opportunity, retirement communities; another growing
14 industry led by lifestyle and potentially posed for huge
15 growth, yet not explored here. There is a good future here,
16 a good way of life that begs the world come to life.

17 Ms. ANN GODDARD: Good afternoon to all.
18 My name is Ann Goddard, and we, the Goddard family, have
19 had Mountain Gap for more years than we want to remember,
20 like 38 years. It's the oldest privately owned tourist
21 establishment of its kind in Nova Scotia, having begun in
22 1915.

23 We're located on 45 acres of pristine
24 land that borders on the Annapolis Basin. We are comprised
25 of 107 rental units, cottages, houses, et cetera, and have a

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1 staff complement of between 40 and 60 seasonally employed
2 and minimal winter staffing. We cater to families who focus
3 and appreciate our seaside location, our gardens and our way
4 of life which centers on the preservation of the natural
5 setting we enjoy, and on eco-tourism.

6 Over the last 15 years, our marketing
7 has relied heavily upon packaging this product that we have,
8 which relies heavily upon eco-tourism.

9 The Digby Neck and Islands are a haven
10 for the visitors from afar who come to watch the whales, to
11 explore the bird life and the indigenous plants of this
12 special, and I emphasize "special" part of Nova Scotia.

13 I have great concern that these special
14 interests are in jeopardy. This marketing of
15 whale-watching, of wild birds, plant life is not only a
16 mainstay of my tourism business, and I'm located in Smith's
17 Cove, some distance from the proposed site, but tourist
18 operators eastward up the Annapolis Valley who rely on this
19 same marketing strategy. Hence the potential negative
20 impact of the Proponent's plan is of concern well beyond
21 Digby Neck and Islands.

22 I was unable to find any information in
23 my readings that were supplied from Bilcon, other than to
24 state that there would be no impact upon tourism on Digby
25 Neck, which isn't good enough for me.

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1 The mention that the proposed site would
2 not be visible from the highway, and it would be infrequent
3 that there would be viewers to these waters presents a
4 question. To this statement, I must add that many of our
5 whale-watchers are on tours, and they do have a very clear
6 view of the coastline, and in particular, the coastline
7 we're talking about, as they travel on their boats, and not
8 their boats, necessarily, but the whale-watching excursion
9 boars.

10 We cannot prove, and by "we", people
11 like myself, my family who rely heavily on this eco-tourism
12 opportunity, we cannot prove that the whales will leave
13 these waters. I mean, that's very difficult, but on the
14 other hand, can Bilcon say, "Sure, Ann Goddard, there'll be
15 whales there long after you're gone". Forget it.

16 So whether that whale population will
17 continue to frequent the waters, the special waters leaves a
18 great question in my mind.

19 Another issue came up, and it came, I
20 think, with Andy Sharpe when he said the perception of the
21 tourist. And another market that we serve is - and Judith,
22 you alluded to it - experiential education, and for the past
23 18 years we have hosted at Mountain Gap the international
24 program called "Elder Hostel" that some of you and many of
25 you maybe are aware of.

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1 These people are all 55 years of age and
2 over. Mostly they are retired professionals and come in
3 groups to us of between 20 and 40 people. They have a week-
4 long program that we provide with academic support from the
5 professional community, from St. Anne's University, from
6 Acadia, and other places. And their program, the five-day
7 program has to have... As many of you know, it has to have
8 21 hours of serious but fun study that is of an academic
9 quality.

10 Now it sounds easy, but they're not just
11 tourists. There are people in there with a great
12 appreciation of our area, but they want something to take
13 away other than a few pictures. And over the last two
14 years, there has been serious questions from many of these
15 groups of highly educated world travellers.

16 And last year, in particular, one couple
17 came to me, after having just completed a two-week Elder
18 Hostel in New Zealand, and had just had our bus excursion
19 down the neck, and onto Brier Island, where they did a lot
20 of things. You know, looking for endangered species, et
21 cetera, and the plant life. And after our bus excursion,
22 one couple came over to me and they were the ones who had
23 just come back from New Zealand, and they had concern over
24 the quarry. And they likened our area to parts of New
25 Zealand, and they expressed shock. "What do you mean? What

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1 are you doing about this?"

2 I must admit, at that point, I probably
3 wasn't on any chopping block, screaming, but they said that,
4 you know, this was equivalent to the rape of the land and it
5 would not happen in New Zealand; it would not happen
6 anywhere unless you got into a place like Nova Scotia, where
7 as Judith has said, no coastal protection laws are in place.

8 Oh, two minutes remaining. Okay.
9 Almost the end. We cannot... Sorry. How easily you can
10 get thrown off focus here.

11 Anyway, my last point, and one that is
12 really outside the realm of tourism is that my husband,
13 Peter, my partner in life and Mountain Gap ownership is a
14 practicing medical physician who cares for patients in the
15 Greater Digby area, including Digby Neck and the Islands.
16 He has expressed concern regarding the amount of dust and
17 the direction of the prevailing winds.

18 Now I was not in here on all the
19 sessions, and maybe prevailing winds has come up, and been
20 an issue, but it's very definitely a prevailing wind from
21 the west. So his concern regarding the amount of dust and
22 the direction of this wind, as it sweeps up off the water of
23 the Fundy, and the dust from blasting under the most
24 controlled circumstances, and given the prevailing winds is
25 an issue posing various medical conditions; COPD, emphysema,

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1 and it would seem that now when we are hopefully just
2 educating our population about the health problems that
3 arise with tobacco, and suddenly we just give them something
4 else to get lung cancer from.

5 Upon these points I rest my submission,
6 and recommend that the Project is unsupportable by our
7 family, and that we should not proceed as presented. Thank
8 you.

9 **PRESENTATION BY Ms. JUDITH CABRITA AND Ms. ANN GODDARD -**
10 **QUESTIONS FROM THE PANEL**

11 THE CHAIRPERSON: Thank you, ladies. Ms.
12 Cabrita, you mentioned... I should say I think you lamented
13 the fact that there is no coastal strategy, coastal
14 development process, no coastal management plan in place,
15 despite the fact that Nova Scotia is essentially an island,
16 and it depends on its coasts.

17 What has the tourist industry done about
18 advancing that particular cause? Maybe you can give me some
19 insight into that?

20 Ms. JUDITH CABRITA: Working very
21 diligently. In the tourism industry, we say the coast is
22 the major asset that we have, as I've said, and we have been
23 meeting with Government, and working on this for a very long
24 time.

25 The tourism industry recently did a

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1 coastal strategy; presented that to Government. There is
2 now a Coastal Coalition of which I am the Co-Chair of
3 organizations throughout Nova Scotia that are meeting.
4 We've recently met with the Deputies.

5 The problem is very complex for the
6 Province, because of the fact that municipal... There
7 are... You know, half of the Municipalities do not have any
8 strategy, and I think there's a fear of sort of top down,
9 and we just can't understand why this Province does not have
10 a coastal strategy.

11 THE CHAIRPERSON: They've been talking
12 about it for 15 years?

13 Ms. JUDITH CABRITA: Mm-hm. Yes.

14 THE CHAIRPERSON: If it was in place, how
15 would it affect you, or how would it change things, do you
16 think?

17 Ms. JUDITH CABRITA: Well, I remember in
18 1992, and I think we talked about this a long time ago, in
19 1992, British Columbia GIS'ed their coastline and, you know,
20 decided where development could take place, and there are
21 many places probably in Nova Scotia where development of
22 this nature would fit right in, and where the fragile areas
23 were, where the ferry boats could go in B.C., et cetera, and
24 this is what we need to do.

25 We need to decide where are the fragile

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1 areas? Where are the wetlands that we need to protect?
2 Where are the areas that could have any kind of development?
3 And we aren't doing that. We have all kinds of incidences
4 all over the Province of aberrations that, as far as
5 wetlands are concerned recently in Queens, and it's
6 unexplainable. It's unexplainable.

7 THE CHAIRPERSON: Are you making any
8 progress?

9 Ms. JUDITH CABRITA: Yes, we think we are
10 making progress. In fact, the Government has... And
11 although I don't know whether their Federal funding is
12 coming through again for next year; that's probably the
13 problem, but there is a Federal/Provincial group of various
14 DNRs that are working together, and they've formed this
15 group called "PONS".

16 We think they should be making an
17 announcement to say that this group is there, and that
18 they're working upon it, but they're not. They're silent
19 and it's very unfortunate.

20 THE CHAIRPERSON: Okay. Hope springs
21 eternal.

22 Ms. JUDITH CABRITA: Well, it's a passion
23 of mine, for sure.

24 THE CHAIRPERSON: Jill?

25 Dr. JILL GRANT: Ms. Cabrita, I wonder if

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1 you could tell us a bit more about sea kayaking. This is
2 the first that this has really come up for any kind of
3 discussion, and you mentioned that that was happening. Is
4 there very much in the way of sea kayaking going on, on the
5 Digby---

6 Ms. JUDITH CABRITA: It's a developing
7 area,---

8 Dr. JILL GRANT: ---Neck?

9 Ms. JUDITH CABRITA: ---and certainly in
10 the Digby area, it's one of the markets that could be
11 developed, along with the tall ship sailing. There's a
12 number of operations that are developing in Nova Scotia to
13 take advantage of this new look at marine tourism. So much
14 of our tourism has been looking at the sea, and we're trying
15 now to sort of develop from the sea into the land, and marry
16 those two together.

17 So kayaking is one of those things, as
18 is diving, scuba diving, and although there aren't very many
19 wrecks on this particular coast, there's still some
20 beautiful plants and fauna that could be explored just as we
21 see for the Caribbean. We have beautiful deep clear water,
22 so the diving is one of them, and certainly kayaking is an
23 area that could be really developed in this region.

24 Dr. JILL GRANT: I wonder whether the
25 coastal conditions, the high winds and strong currents and

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1 so on, make this part of the coastline difficult for those
2 kinds of activities.

3 Ms. JUDITH CABRITA: At times, but you
4 know, you're going to be putting experienced people out
5 there doing this, and there are some beautiful coves that
6 can be looked at. There's the St. Mary's, there's... You
7 know, but you have to have a holistic product there.

8 You just can't sort of put it here, and
9 not have it there. It has to be planned so that it is
10 sustainable, but certainly, you know, there are times when
11 the Bay of Fundy is quite treacherous, but there are also
12 sailboats out there that are doing very well.

13 Dr. GUNTER MUECKE: Ms. Cabrita, you
14 mentioned that you envision exponential growth in tourism
15 for this area. As a scientist, when somebody mentions
16 exponential, I would envision a cause for such growth.
17 Could you identify to me whether that is change of
18 demographics, tourist expectations, or you know, what leads
19 you to believe that it would be exponential?

20 Ms. JUDITH CABRITA: There's been a lot
21 of research done. There's the Canadian Tourism Commission,
22 our own research people here in Nova Scotia who have looked
23 at why people travel, and worldwide, the product that we
24 have in Nova Scotia, provided we protect it and sustain it,
25 is exactly what the tourist today is looking for.

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1 We have a lot of work to do in
2 increasing air access, and all those kinds of things in
3 order to make it happen, but it's there. As I said, our
4 industry is really in a very infant stage. We have not
5 nearly reached any sort of maturity for the product that we
6 have.

7 And we just had the most wonderful
8 product in the world, and it's very rare. We have these
9 pristine areas where, you know, people who come, and
10 matching it with the sea. You saw the beauty of that video.
11 You know, when you get somebody from mid-west America that
12 doesn't see the sea; they see a lake that doesn't move, and
13 doesn't change, and they come to Nova Scotia. They get very
14 excited, and they go home and they tell their friends, and
15 they tell their friends, and you know, it's just the
16 potential is phenomenal, if we plan it, if we sustain, if we
17 are careful that we look after and preserve these beautiful
18 assets that we have here.

19 We just can't ruin them. We just can't,
20 'cause you can never get them back.

21 Dr. GUNTER MUECKE: Where do you see
22 greatest potential markets?

23 Ms. JUDITH CABRITA: Well, the growth...
24 You know, the European Union has been looking at, you know,
25 what Michael Corbett talked about, about the people moving

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1 away from the coastal areas.

2 When the European union says that that
3 is where the next, where all the potential is for growth is,
4 you know, is from fishing and is from tourism, and they're
5 looking at this major problem about how, in Ireland, they're
6 losing their people in their coastal communities and in the
7 coastal areas of Europe.

8 Well, we haven't got that far, and
9 Michael Corbett said it, you know; the people are staying
10 here.

11 So we have the human resources. We have
12 the asset. We just have to put the two together and develop
13 them properly through planning; get coastal strategy.

14 Dr. GUNTER MUECKE: Thank you. Perhaps a
15 quick one to Ms. Goddard. Could you tell me where your
16 Mountain Gap Inn is located?

17 Ms. ANN GODDARD: It is on the Annapolis
18 Basin. It's in Smith's Cove, which, if you're coming from
19 Halifax, which presumably you did, you cross a bridge called
20 the Bear River Bridge, and there's an exit 24, and there's
21 an exit 25.

22 And those two just swing you in through
23 Smith's Cove, which is a very old tourism community with
24 places, not just my own. There's Harbourview, there's a
25 couple of camping sites, there are other smaller tourist

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1 accommodations, and that's it.

2 So every night, we look at a fabulous
3 sky, except in the winter when we're closed, beautiful
4 sunsets, and you look straight out the gut, so you see the
5 ferry leaving for New Brunswick.

6 And you must come. You must come and
7 see it.

8 Dr. GUNTER MUECKE: You mention that for
9 Elderhostel you have bus tours out to the neck.

10 Ms. ANN GODDARD: Mm-hm.

11 Dr. GUNTER MUECKE: In terms of other
12 tourists staying at your inn, could you give me an estimate
13 of how many of them would go out to the Neck, would go whale
14 watching?

15 Ms. ANN GODDARD: You know, I should have
16 that figure, but you know, we have so many.

17 I mean, this morning, like this is the
18 time of year when obviously occupancy is low and we keep
19 hoping it's going to pump up, but this morning I had three
20 people at 7:30 knocking for the boxed lunch; they were going
21 now. Last night we only had seven rooms in the house.
22 Three of them were going whale watching.

23 But, you know, probably every day when
24 the weather is... I'm not talking in the right thing, am I?
25 Nobody heard me, okay. So every day

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1 probably we would have upwards to ten groups, ten couples
2 with their kids going out to watch.

3 Dr. GUNTER MUECKE: Thank you.

4 THE CHAIRPERSON: Mr. Buxton?

5 **PRESENTATION BY Ms. JUDITH CABRITA AND Ms. ANN GODDARD -**
6 **QUESTIONS FROM THE PROPONENT**

7 Mr. PAUL BUXTON: Thank you, Mr. Chair.
8 I don't have any questions for Ms. Goddard, except to say
9 that she should be congratulated for keeping the Mountain
10 Gap for 38 years, and if you haven't been there, you should
11 go there. It is a beautiful piece of property.

12 I have a couple of comments which will
13 lead to a question, Mr. Chair, to Mrs. Cabrita.

14 I'm not quite sure, I'm a little bit of
15 an amateur tourism person in this area, as Mrs. Goddard
16 knows, and certainly from my research tourism in fact was a
17 its height in this area before the first World War, but we
18 have nowhere ever approached the numbers that we have here.

19 And curiously enough, the sales image,
20 what was the word. Somebody reminded me yesterday. The
21 brand. The tourism brand at that time was "The Land of
22 Evangeline", because Longfellow was at his height in
23 popularity in the schools in the Northeastern United States,
24 and people came here to see the Land of Evangeline.

25 And it's curious that the first line is,

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1 "In the forest primeval", and of course the Land of
2 Evangeline at that time was a meadow.

3 However, they came, and they came in
4 very large numbers, and I think you would be absolutely
5 astonished to see a brochure of Digby before the first World
6 War, and the number of hotels and accommodations there were
7 in this areas.

8 I was absolutely dumbstruck at the
9 amount. Certainly three or four or five times the
10 accommodation that there is today in this area. I myself
11 live on a property that was a resort like Ann Goddard. It
12 used to have 65 rooms. And there are no rooms today. The
13 train used to stop at the bottom of the grounds and offload
14 the passengers who were brought up to the hotel on a horse
15 and buggy.

16 So we have changed very considerably,
17 and to my certain knowledge tourism in this area has
18 suffered a very significant decline in the last three or
19 four years. It may not be totally apparent in some numbers,
20 but in retail sales, for example, I can assure you it is a
21 disaster. It has gone down probably 50 percent.

22 And I am getting to a question, Mr.
23 Chair.

24 One of the difficulties that I have with
25 tourism numbers, which are always bandied about in the value

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1 of the tourism industry, is that much that is counted as
2 tourism, in effect is business travel.

3 And I give you today or this week, the
4 Panel I'm not sure would consider itself coming in here on
5 vacation for two weeks, nor would my experts, nor would the
6 Secretariat and other presenters who have come from out of
7 town. They've all occupied considerable rooms in the Pines
8 and the bed and breakfasts in Digby, and they will be
9 counted as tourists.

10 But in fact this is purely business
11 travel. When I go in to Halifax to consult with a
12 Government agency, DFO, et cetera, and stay in a Halifax
13 hotel, I am counted as a tourist. I am not. This is a
14 business expenditure.

15 And I'd like you to comment on that,
16 because we keep hearing about this, you know, exponential
17 increase in tourism that's possible, I've been hearing it
18 myself personally since 1978 when I became involved in the
19 tourism industry in this area.

20 It hasn't happened. It's declined since
21 1978 in this area, both in numbers and expenditure.

22 So would you sort of comment on that? I
23 mean, I have great difficulties in... I see the numbers of
24 people employed in tourism go up every year, 38,000, I think
25 it is this year in Nova Scotia, and I've got real problems

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1 with these numbers. And as it relates to this area, I have
2 the same sort of problem.

3 Could you comment, for the benefit of
4 the Panel? You've been, you were with TIANS, you know about
5 the numbers.

6 Ms. JUDITH CABRITA: Well, my discipline
7 is tourism, I'm a Ryerson graduate.

8 But I don't know where to begin, Mr.
9 Buxton. Maybe back at the beginning with your talking bout
10 before the war. You know, we took up some of the railroad
11 tracks, and our business was definitely, the whole tourism
12 industry, developed in North America by the train travel.

13 And hotels, you know, like the
14 Cornwallis in Kentville and the Digby Pines, all of these,
15 developed around, the Banff Springs, they all developed from
16 the train travel.

17 We're now in the age of air travel, and
18 we haven't quite caught up in this province to match that.
19 The demand is so great from Europe that when somebody
20 cancels a reservation from a tour operator in Queen's County
21 that I know, the phone rings. They're booked up in May with
22 all of their tours because there are no flights from Germany
23 that can take the rest of the people.

24 So if somebody cancels, their phone
25 rings immediately to say: "I just got a flight and I'm

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1 coming". So in the age of air travel, and Nova Scotia has a
2 long way to sort of marry.

3 Business travel, well, you need to read
4 the various text books, and when I went to school it was
5 somebody who travelled 60 miles, in those day, and stayed
6 overnight. Today it is if you are earning your wages in one
7 community and you travel to another community and whether
8 you buy gas or you stay overnight. Those are tourism
9 dollars.

10 And business travel is considered
11 tourism dollars, and it is very much, in fact business
12 travel is a whole sector within itself that is very viable
13 and growing. And when we have, you know, disasters like
14 911, I mean, tourism is the barometer of the economy.
15 Whenever something happens in the economy, tourism is the
16 first one to fall flat. It's the first one to pick up. And
17 there's lots of scientific proof about that.

18 You know, when people start travelling
19 again, you know the economy is getting stronger, because our
20 industry is depending on that disposable income in the
21 pocket, and when it isn't there, we suffer.

22 But business travel is a huge part of
23 travel, and there are a lot of people, I remember a hotel
24 manager in Halifax telling me that he wasn't in the tourism
25 business because all of his customers were business travel.

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1 He became the president of TIANS, and he certainly changed
2 his tune.

3 So yes, we have... And the other thing
4 about tourism is it is very cyclical. It has its peaks and
5 its valleys just as any other industry has. But we are in
6 our infant stage when it comes to developing what we have.
7 What we were selling before was the railroad and travel on
8 the railroad, and travel on the railroad was part of the
9 experience.

10 What we're selling now is our
11 environment, is our land, is our natural experience, and
12 we're growing that gradually, and we have to make sure that
13 we protect it and conserve it so that 50 years from now we
14 have a tourism product, a hundred years from now, and I have
15 a letter that the tourism industry started while it still
16 under my watch, but it was finished after I left, that they
17 wrote to you and asked you a great many questions, and I
18 checked with them today and they still do not have an answer
19 of all the questions that they asked you.

20 So I would implore you to perhaps look
21 at the letter from TIANS, it was January the 21st, 2005, and
22 perhaps help us in the industry to understand what you are
23 trying to do.

24 Mr. PAUL BUXTON: I think I got the
25 answer to my question, Mr. Chair, that business travel is,

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1 in fact, counted as tourism travel, and I think that that's
2 quite significant, and you can see the effect in this area
3 today.

4 THE CHAIRPERSON: Questions? Ms. Little,
5 Mr. Lang. Could you line up, please, for me?

6 PRESENTATION BY Ms. JUDITH CABRITA AND Ms. ANN GODDARD -
7 QUESTIONS FROM THE PUBLIC

8 Ms. TINA LITTLE: I do travel quite a bit
9 for business, and I always choose locations that I want to
10 do business in to make it a point of travel, because I can
11 deduct it from my taxes.

12 So if there was any way I could do
13 business and count it for Nova Scotia, you'd better believe
14 I would do it.

15 I have a question for you. Do you have
16 any idea what statistics the travel would be compared to
17 tourists for, say, Las Vegas?

18 Ms. JUDITH CABRITA: There's a tremendous
19 amount of business travel in Las Vegas, just like you do. A
20 lot of people travel on business. There's major
21 conventions. In fact, there's a lady that works in Las
22 Vegas that her job is make sure that there's an activity
23 going on in Las Vegas every day, whether it's a convention,
24 a ball team, you know, some sort of activity.

25 So it is huge, the business travel in

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1 Las Vegas. And those numbers are counted. They're counted
2 world-wide, they're counted by the World Travel and Tourism
3 Council, by the WTO, by CTC, by Nova Scotia, and we know
4 exactly how much is business travel and how much is leisure
5 travel ---

6 Ms. TINA LITTLE: Thank you.

7 Ms. JUDITH CABRITA: --- and how much is
8 visiting friends and relatives, et cetera.

9 Ms. TINA LITTLE: Thank you.

10 SISTER BARBARA: Yes, my name is Sister
11 Barbara, and I'm from Rossway. Thank you for your
12 presentation.

13 I have a question from, I guess of
14 Bilcon. Gentlemen from the Green Party said that the
15 ammonium nitrate would be transferred not by boat.

16 Would that be coming from car, or truck,
17 rather?

18 THE CHAIRPERSON: That's my
19 understanding.

20 SISTER BARBARA: And you said last week
21 that in its raw state, it's not dangerous.

22 THE CHAIRPERSON: I'm no expert. You
23 should direct that to Mr. Buxton.

24 Mr. PAUL BUXTON: It's [inaudible - mic
25 glitch]

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1 SISTER BARBARA: That's right. I used to
2 shovel it when I had a horse many years ago. It's called
3 fertilizer and it's not dangerous. But it will be coming by
4 Highway 217 from where?

5 Mr. PAUL BUXTON: It will come from the
6 Metro area, Halifax Metro area.

7 SISTER BARBARA: And is it enclosed in a
8 bag, or I don't know... I'm not sure. Is it enclosed in a
9 bag?

10 Mr. PAUL BUXTON: No. These are very
11 specially-constructed vehicles that have to meet very
12 strict codes and are licensed specifically for this
13 purpose.

14 SISTER BARBARA: But are they in bags?
15 I'm trying to figure, a fertilizer bag is, is that what the
16 ammonium nitrate will be in?

17 Mr. PAUL BUXTON: It's generally in small
18 containers. It's generally not bulk. But it is all
19 contained in a purpose, design-specific vehicle for that
20 purpose.

21 SISTER BARBARA: All right. Well, in its
22 raw state it's not dangerous, but if a truck had an
23 accident, would the spark from the gas ignite the nitrate,
24 the ammonium nitrate, and we'd have an explosion?

25 Mr. PAUL BUXTON: No, it would not.

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1 SISTER BARBARA: It would not. Good.

2 Thank you very much.

3 THE CHAIRPERSON: Mr. Lang?

4 Mr. WILLIAM LANG: William Lang, Green
5 Party of Nova Scotia.

6 My question is in reference to a comment
7 Mr. Buxton made regarding a dramatic decline in tourism over
8 the past three years in the area. I'm from a little tourist
9 town myself of a town called Banff, Alberta; you mentioned
10 one of our claims to fame, the Banff Springs Hotel.

11 And so, you know, I have a little
12 understanding of the cycles of tourism, and I would say
13 that, or I would pose the question to you, what do you think
14 the rising Canadian dollar over the past year has... Do you
15 think that has had an effect on the decline in tourism in
16 the area? Because I know it has in Banff.

17 Ms. JUDITH CABRITA: Yes, it would in
18 Banff because of the high Japanese market as well as the
19 U.S. market, but the visitors that we get in Nova Scotia
20 don't necessarily worry about that. You know, the price of
21 gasoline, the price of liquor, and the U.S. dollar is always
22 cited as the reasons, but there are bigger reasons than
23 that.

24 You know, there is the fact that America
25 is at war, it's the state of the economy in the U.S., it's

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1 more than those factors.

2 Probably it does factor in perhaps a
3 little bit with the business travel, but where a company, a
4 huge corporation would say, well, we'll cut down on the
5 conferences that we're going to do, or something like that.

6 So you know, again, the larger places,
7 like Toronto and Halifax, would feel that. But certainly in
8 an area like this, I wouldn't expect that the U.S. dollar
9 would be a major factor. There's other things that are
10 happening, and they're all, that's what tourism is. It's
11 external factors that affect us.

12 Mr. WILLIAM LANG: Thank you very much.

13 THE CHAIRPERSON: I'll terminate the
14 questioning now. Thank you, Ms. Cabrita and Ms. Goddard.
15 Thank you very much.

16 Ms. JUDITH CABRITA: Thank you.

17 THE CHAIRPERSON: The last presentation
18 of the day is by Marilyn Stanton.

19 **PRESENTATION BY Ms. MARILYN STANTON**

20 Ms. MARILYN STANTON: Good afternoon. My
21 name is Marilyn Stanton. I was originally to be joined by a
22 fellow presenter, Myrna Farnsworth, who has had a death in
23 the immediate family and she's just not emotionally
24 equipped.

25 So I'm going to do the presentation for

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1 both of us.

2 Before I begin that presentation, I'd
3 just like to... I've been requested to clarify a point that
4 was raised yesterday, and that was that The Partnership was
5 having a van come every day from Halifax to these hearings,
6 through the whole 14 days.

7 Actually, the van did come for three
8 days, and that was through participant funding, and since we
9 asked for that, it was a requirement that we produce that
10 van.

11 The second thing is, having mentioned
12 The Partnership, I'd like to point out that I am no relation
13 whatsoever to Kemp Stanton, delightful as that would be.

14 And then I want to just go on to say
15 that Myrna and I are both members of that Partnership, but
16 we present today as two senior community women. Although
17 you will hear in my presentation that we continuously
18 mention The Partnership, it's been our entire life for the
19 last five years.

20 We are representatives of two different
21 communities, and two different segments of these
22 communities. Myrna is from Little River, and has lived on
23 Digby Neck her entire life. And my husband and I left Sandy
24 Cove 50 years ago, and returned to retire here eight years
25 ago.

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1 I had originally been planning to show
2 three or four minutes of a DVD made in 1993 by Oakley Peck
3 of Bear River, and it's called "Beautiful Digby Neck and
4 Islands and French Shore Communities", and this shows a
5 bird's eye view of the peninsula. It's a two-hour long
6 video or DVD, but this is in the first 10 or 12 minutes, and
7 I would really appreciate if the Panel had a chance to look
8 at that. I have submitted copies, and I just didn't want to
9 go through that this afternoon.

10 So I'd like to approach this by talking
11 about several categories, and the first is how it feels to
12 be member of a community that has been targetted by
13 corporate America.

14 When I was preparing my presentation, it
15 pained me to look back at the path we have climbed to arrive
16 at where we are today. I acknowledge the early days, when
17 everything was rumours but nothing could be proved, and
18 politicians and bureaucrats hid behind policies and
19 procedures.

20 We learned how vulnerable we were, as a
21 concerned citizens group, when we gathered 2000 names on a
22 petition, held a press conference at Province House, and
23 delivered it to the Minister of the Environment.

24 We naively thought this would help them
25 to see reason. It did not. We felt betrayed about our

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1 politicians.

2 A subsequent trip to the Legislature,
3 where we met with our MLA and tried to have a meeting with
4 the Environment Minister, was like running into a brick
5 wall. These people were not interested in talking to us,
6 and certainly did not listen to us. They merely kept
7 repeating that the whole issue was out of their hands, and
8 already in process.

9 At that time, this meant nothing to us,
10 and we could not comprehend why everyone seemed willing to
11 assist the Proponent and nobody wanted to deal with us,
12 other than in an extremely superficial fashion.

13 We soon learned what all this meant;
14 that the Proponent was preparing an EIS, and if we did not
15 want inadequate or erroneous information as the record, we
16 had to fight this report every inch of the way.

17 To this end, we formed The Partnership
18 for Sustainable Development of Digby Neck and Islands
19 Society, also known as the Stop The Quarry Group. So we
20 listened and we learned, and gradually understood more and
21 more.

22 Many believe that when the Minister of
23 Fisheries persuaded the Minister of the Environment to
24 elevate this three years ago to the status of a Panel Review
25 that this would quickly bring the project to closure. It is

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1 an incredible process, too weighty for a tiny community to
2 comprehend in the beginning stages.

3 This process must play to completion.
4 Many people, both tourists and local alike, do not
5 comprehend that we were unable to shorten it. Even today,
6 many do not understand what is happening. Many believe if
7 our group was more adequate we could've gotten this over
8 with sooner. Others attribute this to the power of the
9 Proponent, who they think wouldn't spend all this money if
10 they didn't already know the answer.

11 We were indeed fortunate to introduced
12 to the book, "Soil and Soul: People Versus Corporate Power",
13 by Alistair MacIntosh. It was about the Isle of Harris,
14 where Lafarge was still attempting to install a giant quarry
15 in a remote part of Scotland. This battle was to prove to
16 be an excellent role model, as there were so many
17 similarities between the two battles with their remote area
18 profiles.

19 Many of those early meetings talked
20 about the attempt to put a large quarry on the other side of
21 Little River 12 years previously. For four years, the
22 battles raged, they recall. In the minds of many in the
23 community, this had the same project leader as we face
24 today.

25 We learned last week this was not the

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1 case. Mr. Buxton was merely in an advisory position to the
2 Proponent at that time. That attempt was defeated, thanks
3 to the politicians of the day who fulfilled their electoral
4 responsibility to the people and listened to them when they
5 said they did not want a large quarry on this narrow spit of
6 land.

7 Mining 101 says get community support
8 first. Bilcon well knows that, especially because of the
9 attempt in Little River 17 years ago.

10 Previously, when politicians did help
11 opposed the project, the whole issue apparently died. It
12 doesn't take much projection capability to guess there were
13 many hands to help the change of the Provincial laws to
14 allow the foot in the door, or the 3.9. The salt was also
15 dropped from being classified as a mineral.

16 And this time, Mr. Buxton overcame the
17 original hurdle of the political assistance at community
18 level. This time, the MLA did help at the same level. But
19 it was to introduce Mr. Buxton to many of the businesses and
20 non-profit groups of the area, and try to secure their
21 participation in the CLC, or the Community Liaison
22 Committee.

23 However, both the MLA and the quarry
24 group has discounted the passion, strength and determination
25 of the current community on Digby Neck who are willing to

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1 forge ahead without the politicians with the Isle of Harris
2 as a role model.

3 One other resource kept popping up in
4 people's conversations about corporate power. It was a book
5 called "Red Clay, Pink Cadillacs and White Gold" about the
6 Kaolin Chalk wars in Georgia. From the jacket of the book,
7 I quote:

8 "Sweet-talking agents for the Kaolin
9 industry fanned out into this poverty-
10 stricken land, looking for farmers
11 desperate or gullible enough to sign
12 away their mineral rights.

13 Today, the companies that hired these
14 agents work with Georgia's finest
15 lawyers to bind heirs to these yellowing
16 mineral leases.

17 The leases paid landowners as little as
18 a nickel a tonne for what will later be
19 sold for 50 to 700 dollars a tonne."

20 From page six of the introduction, I
21 quote:

22 "The story Kaolin perhaps is but a
23 chapter in the dismal story of
24 extraction industries all over the
25 world. They are the live-for-today

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1 industries that take from the land, and
2 in their wake leave mostly ruined soil
3 and water, and broken people."

4 The next section is 50 years, past and
5 future. The Proponent wishes to be granted a permit to mine
6 for 50 years, and we know it has extended its lease to 90
7 years. 50 years is an incredible span of time. Who can
8 even begin to guess what life will be like in 50 years? Few
9 people in this room are able to clearly look at the
10 experience of a 50-year span.

11 Myrna and I have both been married for
12 almost 50 years. It is incredible to look back and see the
13 changes during that period. 50 years ago, as a Digby
14 teenager, I recall hearing a tourist say to her companion,
15 "This damned backwards place. They roll up the streets
16 every night at 6:00." I remember feeling ashamed at living
17 in a such a backward place, and wished it could be
18 different.

19 50 years later, many of us have come to
20 treasure the very things we felt disdainful about so very
21 long ago.

22 Myrna remembers in 1950 when the road
23 from Centreville to East Ferry was being prepared for
24 paving. She and her cousins used to ride in the dump trucks
25 hauling the gravel from the Whites Cove gravel pit. They

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1 were excited, not only because of the ride in the trucks,
2 but because of the steam shovel and the rock crusher. To a
3 child, these were magnificent machines, never seen before.

4 Although there was no blasting, this old
5 gravel pit is often referred to as a quarry.

6 Thinking through the years, Myrna also
7 remembers going to Whites Cove in the fall with a pillowcase
8 to pick cranberries for winter. In those days, Whites Cove
9 was very active. There were fishing shacks with boats being
10 hauled up the way poles, and fish were dried on flag
11 structures made of wooden wire.

12 She recalls her parents and grandparents
13 often telling her and her brothers about the village that
14 used to be in Whites Cove and the people who lived there and
15 survived by the land and the sea. They would talk about how
16 some of those early relatives were born and died there, and
17 were buried in the burial grounds, which at that time were
18 covered by alders and trees.

19 Of course, as kids, Myrna said they were
20 always cautioned not to go near this area. Her memory spans
21 many years of fun in Whites Cove; wiener roast, picnics,
22 visits to Camp Fog. Myrna says: "I feel this place is a
23 part of me, and all the others who were there, some dead,
24 now dead and only a memory. It's a part of my life, the
25 being."

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1 The ensuing years brought many changes
2 to both our lives. Myrna and her husband chose to remain on
3 Digby Neck and raise their family there. My husband and I
4 left the province and relocated in Saint John, New
5 Brunswick. However, we spent every vacation on Digby Neck
6 and eventually retired here eight years ago.

7 Through those years, we saw incredible
8 changes in technology, medicine, and particularly in
9 people's values, beliefs, and their interests,
10 entertainment, et cetera. But every year we were able to
11 come back to beautiful, little-changed Digby Neck, which
12 everyone seemed to value more and more with the passage of
13 time.

14 We are all aware of how rapidly change
15 is taking place now, with people barely able to keep up.
16 One of the most incredible changes is happening right now at
17 this point in time. Al Gore's book, "An Inconvenient
18 Truth", is changing everyone's perspective on
19 environmentalism. Even movie stars are advocating the green
20 movement.

21 I heard a commercial last week when a
22 young woman proudly proclaimed she was a tree hugger. With
23 a Herculean leap of culture change, we've gone from being
24 tiresome environmental oddballs on our way to becoming
25 heroes and heroines. It has already become the wrong time

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1 in history for this quarry; wrong time, wrong place.

2 The Kaolin Chalk wars began in 1960; 50
3 years ago. There is still no end to it. Some land leases
4 are for 99 years. Does all this have a familiar ring?

5 The next section, changes and
6 disruptions in the community and people over a five-year
7 period, while the issues is unresolved. The largest culture
8 shock occurred when we received a copy of the DNR website,
9 which began "Come and take advantage of Nova Scotia's
10 resources". In our naivety, we still believe the mandate of
11 the DNR was to protect our land and our animals.

12 It has lessened our pride in our
13 province, and being a member of it. To sum it up, we now
14 feel that the bureaucratic infrastructure views the entire
15 province as one giant resource for them to give away.

16 Nothing appears to be a treasure in Nova
17 Scotia, as seen through bureaucratic eyes.

18 The slap suit deserves special mention,
19 here, at the head of this list, as it influenced many, many
20 people not to get involved, and not to discuss the topic
21 with their neighbours, and certainly not to write letters to
22 the editor. Besides which, everyone heard the courier also
23 received a slap suit, and since they weren't blind they
24 noticed the lack of freedom of the press that appeared to
25 follow.

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1 There is a feeling of helplessness,
2 powerful interest, and powerless victims. Many believe the
3 Proponent wouldn't spend so much money buying so many houses
4 if it wasn't already a done deal.

5 We are all totally different people than
6 we were five years ago; less naive and trusting. But the
7 community solidarity of 2002 is now lost as people take
8 sides, based mainly on employment versus non-employment.

9 Bilcon is demonstrating what a good
10 corporate citizen it is, and we understand why they do this;
11 however, it leaves the other side - us - at an unintentional
12 disadvantage.

13 For example, when we sent our blue
14 tartan singers float to the Scallop Day Parade in Digby last
15 year, there was some debate about our acceptability from the
16 parade co-ordinator. She felt we would be disturbing to
17 Bilcon, who had been a very substantial contributor to the
18 parade. After a minimal amount of negotiations, this was
19 resolved satisfactorily, and we were in the parade, but it
20 left a bad taste in our mouth.

21 This is not the only indicator that the
22 Town of Digby is positioning itself on the other side. The
23 Digby Board of Trade has appeared to be extremely supportive
24 of Bilcon from day one, and opposed to those questioning the
25 advisability of the quarry.

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1 Does this mean that good corporate
2 citizenship begins before one is even a corporate citizen
3 and is still in the "want-to-be" stage? Before we got
4 public relation spin doctors and marketing consultants, this
5 was called such nasty names as bribery, buying your way in,
6 et cetera, et cetera. But today, as long as we can dress it
7 u and call it pretty names, it appears to be acceptable.

8 The same goes for conflict of interest,
9 old-fashioned terminology that it is. Today, it appears to
10 be acceptable to have the person who was the administrative
11 assistant to the Minister of Labour and Fisheries
12 immediately to across the street to work for the Proponent
13 when that Minister was not re-elected. And then the same
14 person became Elgin Consultants for the EIS. And that same
15 person then became President of the Digby Board of Trade.

16 The next thing we hear in the EIS is
17 that the Digby Board of Trade should be one of the three
18 groups to pick and send members to the CLC Management
19 Committee. This appears to be the Digby version of all
20 roads lead to Rome.

21 However, not all the things that have
22 happened in the community over these years have been
23 negative. Some of us have made lasting friends from the
24 casual acquaintances of a few years ago. Also, we have been
25 able to reach out to other people and communities, and have

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1 formed a network that we never dreamed could exist all over
2 Nova Scotia.

3 If we spent all the time and effort of
4 the last five years in enhancing our community instead of
5 struggling to preserve it, how different our outlook would
6 be today.

7 One thing we did do was get out our
8 computers and learn to travel the communications highway.
9 Five years ago, many of us did not know how to send an
10 email. Today, traffic is heavy, and has enabled many from
11 other areas to follow the course of these events.

12 When it comes to sharing information and
13 getting our story out there, this is not an isolated
14 community, vulnerable and defenceless.

15 It is upsetting that over the past month
16 things are deteriorating even more among community members,
17 and it appears to be escalating at an alarming rate. Many
18 people are expressing the concern that hatreds are being
19 born that will last, regardless of which side prevails in
20 the end.

21 The next section is the VECs, the
22 intangibles. Much has been said about the VECs, or valued
23 environmental components. They are identified by the people
24 who live here and visit here. Why does Bilcon never address
25 what we consider to be the quality of life issues, the

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1 sounds of the area, the feeling of community, and the peace
2 that comes from our spiritual attachment to the land, have
3 not been acknowledged in the EIS.

4 How can you deal with someone who
5 doesn't understand where you come from?

6 Bilcon has expressed their perplexity
7 about the fact that people around here don't mind the noise
8 of the waves crashing upon the shore, which is often louder
9 than quarry sounds, they say. How dare the DNR
10 representative suggest earlier this week, in a very
11 dismissive fashion, that communities adjust once the quarry
12 is up and running.

13 I guess it's easier to rationalize these
14 things away than to admit that neither the Proponent nor DNR
15 can mitigate them. Obviously none of them are empathetic
16 enough to even comprehend them, let alone acknowledge and
17 attempt to address them. We don't even speak the same
18 language.

19 The DNR, Environment Canada, and the
20 Proponent speak dispassionately of dead birds, pick them up
21 daily instead of weekly, species at risk and SARA are the
22 forms they use. While the community rejoices in the
23 sighting of bald eagles, mother and baby, resting on the
24 Carty property near the shore in a tree, and enjoy and
25 discuss all the birds that come to our feeders, depending

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1 heavily on our assistance during their migratory flights in
2 the spring and fall.

3 No amount of community/proponent
4 interface is going to bridge this abyss of basic cultural
5 differences.

6 My next section is management, CLC
7 style. Quoting from a notice in the newspaper:

8 "A community liaison committee is an
9 advisory body to the project proponent,
10 and provides inputs on matters regarding
11 operations or approvals, permits, that
12 have or are perceived to have
13 environmental impacts."

14 As has often been explained, members of
15 this society started attending the CLC meetings in March
16 2003; the nearest meeting after their incorporation. We
17 were not about to lose our identity as anti-quarry people,
18 especially in light of past history, when we had been
19 accused of using school children to bolster the number of
20 signatures on our petition by the owner of the quarry lands,
21 which are leased to Bilcon.

22 I always felt that our biggest problem
23 in attending these meetings was that the anti-quarry group
24 did a lot of outside research, and the members of the CLC
25 relied very heavily on the Proponent for all their

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1 information. And all too often, that information did not
2 quite agree.

3 Also, committee members with a minimum
4 amount of knowledge did not understand why we were upset
5 when a seismic expert came to address a session we
6 understood was to be on blasting, hopefully in a coastal
7 environment, or when we were anticipating the expert would
8 discuss current marine bio-invaders like the zebra mussel,
9 and we were given the results of a study by DO on
10 zooplankton, which did not address our concerns, whatsoever.

11 Also, members of the committee appeared
12 not to hold Bilcon accountable for answers to information.
13 Many a comment appeared in the CLC minutes about getting
14 back to the committee, but members appeared never to follow
15 up on this.

16 It boggles my mind to attempt to guess
17 how this scenario can transform to meet the needs of a
18 management committee.

19 We also occasionally received an
20 indicator of conflict resolution, Bilcon style, and this did
21 inspire confidence for the possibility of resolving future
22 problem areas.

23 And then my last section is Bilcon as a
24 neighbour. I was totally prepared to come here and say that
25 my problem was with the project, not the Proponent.

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1 However, after attending these sessions for over a week I
2 went home, took my eraser, and got rid of that part of my
3 speech. After listening for 10 or 12 days, I am even more
4 frightened of the Proponent than I am the project.

5 Please do not assume I refer only to
6 Bilcon when I say that. To me, the word "Proponent" has now
7 assumed new dimensions. I have listened to how all the
8 expertise and resources of many government departments have
9 been dedicated to getting Bilcon to this point, inadequate
10 as it may be.

11 It all appears to be done without a
12 thought to the cost to the taxpayer of offering these
13 resources. I have watched while they bond with each other,
14 even to the extent of having Bilcon offer research monies in
15 their role of good corporate citizen, of course, while they
16 commit to all happily working together into the future.

17 Everyone appears to be on a giant
18 learning curve, with our quality of life and our land as the
19 playing field. It takes my breath away to think that anyone
20 would consider placing something like this spit of land,
21 which is a jewel in the Bay of Fundy, into the hands of the
22 group we have met this week.

23 In my opinion, they are like a bunch of
24 destructive, adventuresome teenagers; willing to experiment
25 and learn as they go, with no accountability for the outcome

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1 or for the future of this area.

2 I wish to go on record as categorically
3 stating that nothing any Panel, any politician, or Minister
4 of the Environment could produce in the area of mitigation
5 would be able to restore my confidence in a company who
6 admittedly has no experience in mining basalt.

7 I feel exactly the same about their
8 bureaucratic cronies who are willing to hold their hand
9 every step of the way, work with them until they get the
10 acceptable words on paper, and then, at the end of the day,
11 assume the role of monitors and enforcers.

12 I've heard it all, and thank you very
13 much, I don't want any of it.

14 THE CHAIRPERSON: Thank you, Ms. Stanton.
15 Mr. Buxton?

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

18 THE CHAIRPERSON: Questions from the
19 audience? None. Thank you, Ms. Stanton.

20 That's the end of the afternoon session.

21 Let's see, when are we going to meet. I think we will meet
22 at 6:30, okay? The evening session will start at 6:30.

23 --- Recess at 5:10 p.m.

24 --- Upon resuming at 6:32 p.m.

25 THE CHAIRPERSON: Ladies and gentlemen,

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1 we'd like to begin the session.

2 The first presentation for this
3 evening's session is Ms. Tina Little.

4 **PRESENTATION BY Ms. TINA LITTLE**

5 Ms. TINA LITTLE: Hi. I'm Tina Little,
6 and I'm representing my family, who are with me here
7 tonight.

8 I'm going to show you some slides, and I
9 apologize. They're not going to be the quality that I would
10 like them to be.

11 These are actually art photographs that
12 are in display around the world. They are from the award-
13 winning artist, Edward Burtynsky.

14 We look back in time through art to
15 understand the struggles of civilizations because they're
16 depicted in our art through the centuries. I brought this
17 short slide show so that we can act today on foresight, and
18 not hindsight.

19 So this is because I want to act on
20 foresight today, and not tomorrow on hindsight.

21 These photographs that are in museums
22 around the world are there because Burtynsky is known for
23 his work that is nature transformed through industry. And
24 he has won the 2007 Genie Award for best documentary.

25 He has won the Toronto 2006 Best

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1 Canadian Documentary Film, and he has been awarded the Medal
2 of Honour by the Canadian Government, which is the highest
3 civilian honour that anyone can be bestowed.

4 So the reason I talk about this is
5 because I want to talk about what's in the hearts and the
6 minds of the Canadian people. What is being expressed
7 through their art and what has been picked up by the
8 Canadian government as pertinent enough to give this man the
9 civilian Medal of Honour?

10 I think it's pretty staggering to say
11 that the government has looked at these photographs and said
12 that we need to do something about this and we're going to
13 give this man an award and that he won the 2006 documentary
14 for Canadian films. And art is important to the humanity
15 that we live in.

16 Okay. That's all I want to do with
17 those slides. I think it speaks for itself.

18 I would like to, first of all, thank the
19 Panel for this week that I've been involved. I'm so
20 grateful for the hard work that you've put into this, and I
21 see how excellent you are. And I just want to thank you.

22 First of all, I want you to know I am
23 not paid to be here, and, actually, the truth is that every
24 minute that I spend dedicated here I am losing money, so I'm
25 in a negative.

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1 Last night I heard myself referred to as
2 a nomad. I take offense to that. I am a seasonal resident.
3 What does that mean?

4 Well, that means that I've chosen to
5 invest a lot of money in this community, and I spend all my
6 free time here and I have told my daughter that our seasonal
7 house that we bought shall stay in our family forever, and
8 she is never allowed to sell that cottage.

9 I want my child to grow up in a
10 community that's clean and beautiful, where ethics and right
11 decisions will change the world. And that's why my daughter
12 is sitting in the front row, because I am teaching her that
13 one voice makes a difference.

14 And if my one voice can help you to make
15 a decision on this, then let me haunt you. I want to haunt
16 you.

17 So let's talk about Bilcon, can we?

18 I have this flyer. Do you recognize
19 this? Yes, of course you do. You put it in the mailboxes
20 of the people that should have it.

21 This is what this says:

22 "Why should I support the quarry? For
23 people who have retired to Digby Neck or
24 others who spend a couple of weeks here
25 in the summer, any change is

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1 understandably something they might be
2 worried about. By and large, their
3 working days are behind them or they
4 work somewhere else and come to spend
5 the summer. Obviously, the quarry and
6 its long-term economic impact doesn't
7 matter as much to them."

8 We're talking about discrimination here.

9 Now, there is no human resource department in any
10 corporation I have ever worked for that would ever allow
11 this discriminatory statement to be sent out like that.

12 The psychology of this question, what
13 response did Bilcon want to create or, as I'm a word person,
14 what did they want to incite in the people with this kind of
15 a statement? I resent this.

16 Do you know how much money I've put into
17 this community in the last two years? Let me tell you
18 something, when I'm in Florida working very hard, not
19 retired, I send a large proportion of that money up here to
20 restore buildings and bring life back into the community
21 that I love.

22 And I have considered becoming a dual
23 citizen, so I resent all of this stuff about seasonal
24 residents.

25 If you knew how much money we put into

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1 this community, hundreds of thousands of dollars personally,
2 in the last two years. And that money goes to carpenters.
3 It goes to people that are pulling timber out of the forest.
4 It goes to painter. It goes to my caretaker every month
5 for two properties.

6 I love this place. Why do I love it?
7 I'll go on.

8 I'd like to say that, as a parent and as
9 a human being, sometimes I don't know what the right thing
10 to do is, but I know that I can depend on good common sense.

11 In the case of this quarry, it is
12 commonly agreed, generally in the world, that for every
13 action there is an equal and opposite reaction. But what
14 about the reactions that create domino effects that we
15 cannot predict?

16 How can we consider this large quarry
17 will not affect the environment? It has already affected
18 the social environment of the community.

19 It's not will it affect. It already
20 has, if we look at it as a whole.

21 What single reason provided by Bilcon is
22 worth destroying the future of the Bay of Fundy?

23 Compromise is a solution when you must
24 do something and have no other options, when you do not have
25 the power to do what is right for the environment or the

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1 better of the greater humanity. What is wrong with a simple
2 question, is this good for Nova Scotia?

3 And if the answer isn't yes, why do we
4 even proceed with the conversation? I keep asking myself,
5 "Why are we having this conversation?" My 10 year old
6 daughter says that.

7 All right. So now let's talk about the
8 tourists. I am the disenchanted tourist, but I am not the
9 disengaged tourist. I'm going to tell you a story.

10 When I bought my cottage up on the top
11 of the hill overlooking the Bay of Fundy, I had never
12 experienced such euphoria in my life as I did that day that
13 I smelled the grass of Nova Scotia. We saw a whale off our
14 back yard deck.

15 I took a walk that day. I never
16 experienced such happiness in my life. I thought to myself,
17 "I've come to the end of the earth and I found what it was I
18 was looking for", and I was so happy.

19 That day, we took our daughter down to
20 Digby to enjoy the rest of the community. We walked to the
21 toy-maker's and it was like a Stephen King novel.

22 I heard about the quarry, and not only
23 the quarry that was planned to come down at Whites Cove, but
24 the quarry that had applications right around the corner
25 from my house at Victoria Beach. Right around the corner

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1 there would be trucks going up a road that I'm afraid
2 sometimes two cars can't pass on, let alone have big heavy
3 trucks going on.

4 My world crashed that day. I thought
5 that the beauty of the Bay of Fundy and Nova Scotia was a
6 result of the protection of a great Canadian government.

7 Canada has identified the natural
8 resource of Nova Scotia. We see it every day on every
9 license plate. Nova Scotia, "Canada's Ocean Playground".
10 It is the liquid gold of this province and needs to be
11 protected.

12 That brings me to the topic of
13 protection and opportunists, and opportunism. Opportunist,
14 as described in the dictionary, "taking advantage of
15 opportunities with little regard for principles or ultimate
16 consequences."

17 Another interesting term, predatory,
18 "ravaging, pillaging, thieving, larcenous". Trust is the
19 big issue here.

20 Okay, listen. The fact that you have
21 the people showing up is a miracle because the nature and
22 complexion of the people of Nova Scotia is one that matches
23 the pastoral beauty of the environment.

24 These are people with a history of a
25 trusting beauty and naivete. It's a virginal land, with

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1 naivete that matches it. It's a beautiful place.

2 Last night, the young gentleman agreed
3 that he trusted Bilcon basically because he was a trusting
4 individual, and he would trust anyone's word. Blind faith.

5 I was naive. As a parent, the hardest
6 thing for me is to teach my daughter not to open the door at
7 our house when a stranger knocks because, you know why,
8 human instinct is that we want to trust.

9 When I stand at my door and a stranger
10 knocked the first time when I was teaching her not to open
11 the door, I so wanted to open that door because I felt
12 because someone was knocking, they deserve for me to open
13 the door.

14 Now imagine that somebody's standing
15 that door and they're going to tell me in detail how they're
16 going to rape me and pillage my property. I most certainly
17 would not open that door.

18 All right. It's naive to believe that
19 Bilcon is capable of self monitoring for adaptive
20 management. This whole quarry is about money.

21 I am a businesswoman. I like that
22 bottom line. And I go for that bottom line, and everyone I
23 hire better be concerned about that bottom line or they're
24 out of a job.

25 I'm sure that manager knows that if he

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1 doesn't keep up that bottom line, he's out of here. Okay?

2 So with lobster in the winter, salmon in
3 the spring and the winter, whales in the summer, the
4 environmental monitoring would be extensive. Against the
5 good bottom line, how can we trust Bilcon to self monitor?

6 How can you put someone who is in a
7 predatory posture in charge of preserving something that is
8 getting in their way? Self monitoring should be reserved
9 for those who have displayed, over time, exemplary
10 behaviour. It is a result of earned trust.

11 Okay. The DOF, the whale expert that
12 was here. We had extensive conversation about their desire
13 to see and monitor the whales. They talked about how hard
14 it was for them to monitor these whales, two ships, special
15 glasses, fatigue. But remember something. Their
16 perspective is what it's all about.

17 They would have loved to see the whales.
18 God bless them. Okay. Now, put the shoe on the other
19 foot.

20 I'm self monitoring and I've got a
21 bottom line. Maybe there's a storm coming. Maybe I'm
22 behind in production. It's a foggy day. I'm tired. Bilcon
23 is behind.

24 The man in charge of seeing the bump in
25 the water which is the whale knows that it's really better

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1 if he doesn't see a whale, but he has to monitor it because
2 that's according to the regulations. Okay. That bump, is
3 it a whale or isn't it a whale?

4 Do you want to see a whale or do you not
5 want to see a whale? If you want to see a whale, it's a
6 whale. If you don't want to see a whale, it's a bump in the
7 water. And that goes with every other aspect of self
8 monitoring and that adaptive management that I've heard
9 about which, if I hear that one more time... I'm sorry, I
10 will learn to keep my mouth shut.

11 All right. So it depends on who you are
12 and how badly you want or don't want to see a whale or a
13 sediment or a bad chemical blow, whatever it is. It's the
14 cat watching the mice.

15 It's a complete conflict of interest for
16 Bilcon to find anything other than what will help them make
17 their bottom line financially. I am a businesswoman, and I
18 speak from the truth.

19 The burden of proof. I had the whole
20 thing turned around in my mind when I had that come up.
21 When they talked about the onus of you being able to say
22 they have to prove it's absolutely without doubt going to
23 happen, that's the way this should be.

24 I teach my daughter not to engage in
25 risky behaviour. We heard the man today talk about the

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1 lobster business. It's a quarter of a billion dollar
2 business that comes into Nova Scotia.

3 It's 10,000 jobs versus 34 jobs. That
4 is not a good ratio for taking a risky behaviour. It is an
5 act of desperate self-cannibalism to destroy the earth for
6 34 lives. I'm sorry. I cannot support that.

7 This brings me to my conclusion.

8 The enlightened trend in thought today
9 is to try to heal the harm we have already done to the
10 environment and apply whatever we have learned from the past
11 to create wisdom, to create our future.

12 A great country is what you want to have
13 here. The future, according to Bilcon, is depressing. It
14 makes me want to stand on my cliff and jump if I listen to
15 them, but I'm not naive any more and I'm not going to jump.

16 I know better, and I don't trust
17 Bilcon's view of the future. I refuse.

18 There are a lot of people who see a
19 different future here of sustainability. I have myself
20 invested in the future and plan to live in harmony with the
21 people and the land.

22 I have so many friends here who, like
23 me, are bringing their children to raise them with
24 principles and ethics and standing up for the earth and for
25 the world and for what's right and for what's wrong.

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1 You have to make a series of good
2 decisions. The future of this whole area depends on you.

3 If you let this project come in, there
4 are others lined up to follow suit. I promise you, it will
5 haunt you. This decision will haunt you.

6 Kevin Costner said in the "Field of
7 Dreams", "If you build it, they will come." Well, this is
8 not that. In this case, if you don't build it, I promise
9 you they will come and they will spend the money.

10 Thank you.

11 THE CHAIRPERSON: Thank you, Ms. Little.

12 **PRESENTATION BY Ms. TINA LITTLE**
13 **Environment - QUESTIONS FROM**
14 **THE PANEL**

14 Dr. JILL GRANT: Ms. Little, can you tell
15 us how long have you been living in Victoria Beach?

16 Ms. TINA LITTLE: I started investing in
17 the area four years ago.

18 Dr. JILL GRANT: Can you tell us why you
19 picked this part of the country for a summer home rather
20 than some other part of the country?

21 Ms. TINA LITTLE: It's the most beautiful
22 place on earth for me. I have visited France, Italy, Spain,
23 California. I love coastal communities.

24 I read "Coastal Living". I mean, you
25 want to know where the future is? "Coastal Living" tells

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1 you that the environment and the coastal areas is where
2 we're going.

3 I love this area. It's beautiful.

4 Dr. JILL GRANT: You're obviously very
5 passionate about it.

6 How do you respond, though, to the
7 people who are looking for job opportunities and see this as
8 potential for them? What's your response to that kind of
9 concern?

10 Ms. TINA LITTLE: Okay. I feel very much
11 for them. I do understand that they need work, but I don't
12 think by... The MLA yesterday, when he spoke and he talked
13 about the problems with the fisheries and that sort of
14 thing, I think we need to look at what the resources here
15 are and what the best way to build this economy is.

16 I think that he was right on with
17 bringing the fisheries back. He talked about examples in
18 Norway and Finland and other places where they've done this.

19 I feel that those people are so
20 desperate that they will do anything, and I don't think
21 they're able to make good judgment. When you're desperate,
22 you can't make good decisions.

23 I would do everything within my
24 capability to create more jobs in this economy to help take
25 care of those people.

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1 THE CHAIRPERSON: Gunter.

2 Dr. GUNTER MUECKE: Just for a point of
3 information, what was proposed to be the quarry at Victoria
4 Beach, what is your understanding of the status of that?

5 Ms. TINA LITTLE: My understanding is
6 they are in wait and see mode. They are waiting to see what
7 happens with this particular quarry situation.

8 They're letting Bilcon pay the bill for
9 all this and then, if it goes through, they'll re-apply.

10 THE CHAIRPERSON: Mr. Buxton?

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

13 THE CHAIRPERSON: Questions from the
14 floor, anyone? No?

15 Thank you, Ms. Little.

16 Ms. TINA LITTLE: Thank you.

17 THE CHAIRPERSON: Okay. Our next
18 presentation is from Ashraf Mahtab.

19 --- Pause

20 **PRESENTATION BY MR. ASHRAF MAHTAB**

21 Mr. ASHRAF MAHTAB: Members of the Panel
22 and ladies and gentlemen attending the session, I would like
23 to thank the Panel for the opportunity to make comments on
24 the proposed project.

25 THE CHAIRPERSON: Identify yourself,

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1 please.

2 Mr. ASHRAF MAHTAB: Oh, my name is Ashraf
3 Mahtab, and I am a resident of Sandy Cove. Our home has
4 been in the name of the family since about 50 years ago.

5 It is about 4.5 kilometres fro the site
6 of the quarry.

7 In preparing my presentation, I have
8 relied on my professional background, which includes
9 graduate degrees in Mining Engineering and Geological
10 Engineering. I also have worked and researched in projects
11 for surface and underground excavations, which includes
12 quarries and pits.

13 My comments are directed to the
14 following three issues that I'm going to present in
15 sequence. The first one is blasting of the basalt for the
16 quarrying operation. The second is impact of the quarry on
17 the groundwater table in the area.

18 And the last one is conflict of interest
19 issue raised in Petition 178 to the Commissioner of
20 Environment and Sustainable Development of Canada.

21 The blasting protocol of EIS is based on
22 the use of ANFO, which is Ammonium Nitrate Fuel Oil mixture,
23 as the explosive. However, the DFO guidelines for the use
24 of explosives in or near Canadian fisheries waters, 1998,
25 state the following under Item 4 on page 5:

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1 "No use of Ammonium Nitrate Fuel Oil
2 mixtures occurs in or near water due to
3 the production of toxic by-products, for
4 instance, ammonia."

5 Then there's a note:

6 "The deposit of deleterious substances
7 into waters frequented by fish is
8 prohibited under Section 36(3) of the
9 **Fisheries Act** unless otherwise permitted
10 by the Regulations. There is no
11 Regulation pursuant to the **Fisheries Act**
12 that permits the deposit of by-products
13 resulting from the use of Ammonium
14 Nitrate Fuel Oil mixtures."

15 Obviously, the proposed project as
16 described in the EIS is in conflict with the DFO guidelines.
17 It should, therefore, be rejected.

18 This figure shows the blasting protocol
19 which was originally proposed by the Proponent. Actually,
20 it was proposed by Novastone Company, and it has been
21 incorporated into the EIS in Appendix 9.

22 This illustrates the blasting design of
23 benches in a quarry, but it doesn't really show or
24 illustrate the bench itself. I had to go into literature
25 and find out an appropriate illustration for the design of a

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1 bench.

2 This is from Dr. William Austerlitz book
3 of 1999. This figure illustrates what the relationship is
4 between the boreholes, the bench height, the depth of the
5 boreholes, the spacing between the boreholes and the other
6 requirements, but this is missing.

7 There is this figure from the EIS which
8 shows the development of the quarry in seven stages. It
9 shows 217 and shows the geological divide in the middle, and
10 there is this contact between the two flows.

11 So if we take that into consideration
12 with respect of the stage-wise expansion or the excavation
13 of the quarry, the conceptual design of the blasting needs
14 to consider the multiple bench configuration and also the
15 depth to which these operations will go. Depth and the
16 distance beyond the shoreline.

17 If we look at the next figure, that
18 gives us an idea of what the height of the bench is going to
19 be after a certain distance towards the North Mountain.

20 In this figure, you can see there is a
21 bench which is 20 metres high, so we are talking about an
22 average 20 metres, plus or minus, bench height.

23 I developed a table in which I used the
24 protocol as the baseline and I used the 20-metre bench
25 height which comes later on as a more realistic or required

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1 scheme, so the second column is the required scheme and the
2 first column is the protocol.

3 The baseline of the borehole diameter,
4 102 millimetres, borehole grid, nine feet by nine feet, and
5 average borehole length and the bench height. The bench
6 height is slightly different from the length of the borehole
7 because you have to drill a little bit deeper than the bench
8 height.

9 So now we are talking about 20 metres,
10 and using this baseline, I want to determine how much
11 tonnage will be produced per borehole and how many boreholes
12 we need for the production, for the blast, and then how much
13 ANFO we need.

14 This is the ANFO per borehole, that's 99
15 pounds, 44 kilograms, which was increased to 114 for the 20-
16 metre bench.

17 So the second part of this table gives
18 you a little bit more information on what can be expected
19 from blasting using the 20-metre bench as a basis.

20 So the most important thing is the
21 number of blasts... The first most important is the number
22 of blasts per year.

23 These, I have used the figure 22 because
24 in the EIS, the mention is made of the 44 weeks for the
25 operation, and then one blast every two weeks, so that gives

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1 us 22 blasts per year.

2 I have used this other figure, which is
3 important. Instead of 2 million tonnes per year of the rock
4 to be blasted, I have included 15 percent of the waste.

5 The waste which occurs due to the
6 fillings in the fractures, and then in the operation of
7 crushing, screening and washing.

8 15 percent in my opinion is not an
9 exaggeration. It could be more, but certainly I don't think
10 it could be less than 15 percent.

11 So if I use that as a basis, then the
12 rock removed per blast, which is per shot, is 104,500
13 tonnes.

14 This will be the same for both
15 scenarios, the protocol and the required scheme.

16 The ANFO per shot, using that baseline,
17 is 52,770 pounds or 26.3 tonnes.

18 This is the same.

19 The number of blasts per shot is another
20 very important consideration. All you have to do is to take
21 this number, and take the annual production, and then you
22 get the number of blasts that you need.

23 So 533 blasts of 56 holes each, with a
24 depth of less than 10 metres, or 210 blasts for the 20-metre
25 bench, so we are still talking about the same baseline

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1 production, except for this increased value because of the
2 waste.

3 And the ANFO is given per shot here,
4 it's given here in tonnes and in kilograms. And the ANFO
5 over the life of the quarry, 49 years is given here. That's
6 2.6 million kilograms.

7 Now a statement I would like to make is
8 that requirements of a realistic blasting scheme regarding
9 the 20-metre high benches to be used in a major part of the
10 Project are not met by the blasting plan provided in the
11 EIS.

12 As indicated in this table 1(b), 210
13 shot holes would be required to meet the bi-weekly
14 production requirements.

15 I'm just repeating this because this is
16 an important point.

17 So I say there are two questions that
18 need to be answered.

19 First, is the conceptually derived 210-
20 hole biweekly blast, using 114 kilograms of explosive per
21 hole, a possible solution?

22 Number two, can you do an environmental
23 assessment without examining a technically credible blasting
24 design for various stages of the quarry development?

25 These questions have occurred now but

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1 surely they should have risen before the Proponent submitted
2 the EIS.

3 Now the other concern is that the weight
4 of ANFO used per year will be 579 tonnes as we have shown
5 here, or 52,650 kilograms.

6 The weight of ANFO used over 49 years
7 will be this, 2.6 million tonnes.

8 Even a small percentage of this charge
9 of ANFO will be a source of irreversible and unmitigable
10 pollution to the local aquifer and the Bay of Fundy.

11 I'll show you an example of not directly
12 pollution due to residue discharge, but this is a picture of
13 part of the abandoned quarry site on Whites Cove, and you
14 can see the siltation is flowing down, and then it has gone
15 to the Bay of Fundy.

16 However, the Proponent has provided a
17 design or a sketch or conceptual illustration of a later
18 state of the Project, where there is a siltation pond.

19 This pond is about four metres deep, and
20 its top is at 10 metres above the watertable or the ocean
21 level.

22 The explosive residue will enter the
23 surface water and groundwater or the aquifer, and this is a
24 concern, through gravity flow of the runoff and the water
25 used to wash the aggregate.

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1 Now, if we try to divert it to the
2 siltation pond, it is important to recognize that any
3 residue polluted water collected in the sedimentation pond
4 cannot be restrained from entering the aquifer by gravity
5 flow through the porous, sand and gravel, bottom of the
6 pond.

7 There is no way to avoid the entry of
8 part of the explosive residue to the groundwater and
9 aquifer, and eventually to the Bay of Fundy, and probably to
10 the whales of Little River.

11 The potential contamination of the
12 seawater near Whites Cove will spread through the Gulf of
13 Maine, over and beyond the 50-year span of the Project.

14 Pollution of the aquifer will also pose
15 a significant threat to the water resource of the local
16 community.

17 On this topic of blasting, my concluding
18 remarks are:

19 "1. The use of ANFO will be in violation
20 of the DFO Guidelines.

21 2. The blasting design is not adequate
22 for allowing an environmental assessment
23 of the proposed project.

24 3. There will be a significant amount of
25 blast residue which cannot be restrained

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1 from entering the groundwater and
2 seawater.

3 4. The cumulative effects of ammonia
4 and nitrate pollution cannot be
5 mitigated."

6 Now, I will move on to the next topic.
7 How is my time? How many minutes? Thank you.

8 The next topic is groundwater, impact on
9 groundwater.

10 I will first put on a figure which is
11 part of the EIS, it was developed by Jacques Whitford, and
12 you can see the reference of that figure.

13 This just shows the site, the site plan,
14 the topography and some drill holes which were drilled at
15 that time, in 2002.

16 Now I will show you a view, a picture of
17 the site, which shows the basalt. This is the stripped tail
18 on the site, and you can see that the basalt has visible
19 fractures.

20 They are not regular homogeneous or
21 constant spacing et cetera, but there are fractures, both in
22 the vertical direction and in the horizontal direction and
23 in various directions.

24 So the statement cannot be made that
25 this massive basalt has no fractures which will take in

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1 water and produce a conductivity.

2 We'll talk about it a bit later.

3 Now there are some statements I will
4 quote from the EIS, which will indicate that lack of
5 confidence in the type and degree of information that is
6 available.

7 The first statement is:

8 "The surface elevation and lateral
9 continuity of individual basalt flows
10 can vary considerably from one location
11 to another, and care must be exercised
12 in interpreting information between a
13 relatively few information points."

14 This is from the response by the
15 Proponent of February, 2007. It was prepared by Conestoga
16 Rovers and Associates.

17 A second piece of information is as
18 follows:

19 "The orientation, spacing, and sealing
20 of the limited fractures in the basalt
21 appear to be random and hence
22 unpredictable."

23 That's in the EIS, tab 29.

24 This figure gives an idea of the
25 fractured nature of the basalt, the figure which is on the

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1 screen now in the proposed quarry.

2 And the last quote I'm going to make
3 from the EIS is:

4 "Overall, the results of the aquifer-
5 testing program do not provide any
6 conclusive evidence to support a
7 conclusion as to whether or not the
8 Upper Flow and Middle Flow Units are
9 hydraulically connected."

10 This is from Conestoga Rovers, in the
11 same response, February, 2007.

12 Now interestingly, this interpretation
13 of Jacques Whitford was criticized later by the Proponent.
14 However, given the database, then and perhaps even now, you
15 cannot refute the fact that the water does flow in from the
16 surface down either these curves or different curves.

17 And I will show you another diagram
18 later.

19 And then, if the quarry is constructed
20 somewhere here, naturally the water is going to be drawn
21 down, and the watertable, the return watertable is going to
22 be lowered.

23 Lowering of the watertable will of
24 course depend on the time frame and some other ones,
25 recharge, et cetera.

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1 The statements that were made in the
2 Jacques Whitford report, and I'll just read two or three of
3 them:

4 "As the quarry advances Northeast and
5 East..."

6 Northeast means it's going towards the
7 Mountain, northern and east.

8 "...into the side of North Mountain, the
9 watertable in the immediate vicinity of
10 the quarry wall will begin to decline as
11 the water drains into the quarry through
12 numerous fractures in the bedrock.
13 Conceptually, a 25 to 30-metre cut
14 (which is probably what we are looking
15 at here, maybe looking at a bigger cut)
16 into the cliff face could theoretically
17 lower the water levels by 10 metres,
18 depending on the current static levels
19 and bedrock hydraulic properties..."

20 And then:

21 "The process of watertable lowering
22 would be slow and would occur over
23 several years as the quarry face
24 advances into the side of the
25 mountain."

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1 So this is what this picture is
2 depicting, and there is this so called Upper Flow and Middle
3 Flow contact, which is found all over the place in the EIS,
4 but nothing is assured that this is in such a smooth table-
5 like manner that you find this contact.

6 Interestingly, in the presentation of
7 Dr. Nastev of Natural Resources Canada, we found the same
8 kind of a statement.

9 Here is the original surface, here is
10 the quarry which has been developed, and this is the water
11 flow.

12 Dr. Nastev was talking about this
13 continuant flow pattern because the water has defined the
14 vertical fracture, then the horizontal fracture, in order
15 for it to flow.

16 However, there are a sufficient number
17 of fractures so that the flow is allowed to occur, and this
18 is undoubtedly, over a period of time, depending on the
19 conductivity, this event will occur.

20 The event occurs and then takes the
21 water and drains. So not only will this water be drained,
22 but if there is connection behind and above, that water will
23 also be drained down.

24 Now we can look at a sketch of the
25 quarry wall at the end of the 49 years. This is a bit of a

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1 larger scale than in other diagrams, however we can see that
2 this is the wall we are talking about at the end, and this
3 is the area.

4 And now, if we superimpose the
5 watertable and the quarry line, we can make a picture like
6 this.

7 Again, I apologize for the repetition of
8 the word "conceptual", but it has to be conceptual because
9 almost all the data which is input into this figure is
10 conceptual.

11 So I do not want to excuse myself too
12 much, however this is just a point that I would like to
13 make.

14 This is the quarry. Again, we have just
15 taken the data from the figure I showed you before.

16 This is the surface, original. That is
17 the watertable, original watertable. And now, we are
18 looking at the quarry and the flow of the water. Just
19 imagine the flow of the water into the quarry and out into
20 the Bay of Fundy.

21 Interestingly, this... If you look at
22 the surface, all of the surface, and then look at part of
23 this, from one to two, one to two surface is about 40
24 percent of the surface from 0.1 to three.

25 So we are talking about a loss of

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1 recharge from about 40 percent of the hill after this quarry
2 has been established, and I can read you the comments that I
3 have made:

4 "The schematic quarry (which was put in
5 here)..."

6 And then:

7 "As illustrated by the outflow of water
8 from the hill behind the quarry wall,
9 along the UFU-MFU..."

10 Somebody asked me to always spell it
11 out. This is that unit, which is supposed to be really
12 conductive.

13 "...along the UFU-MFU contact, into the
14 Bay of Fundy..."

15 So the water flow, along this contact,
16 into the Bay of Fundy.

17 "...about 40 percent of the recharge
18 area for the common aquifer will be
19 removed by the quarrying operation of 49
20 years.

21 With the reduced recharge, the level of
22 the watertable will continue to lower
23 because of the draw down from wells from
24 both sides of the geologic divide."

25 Which is really another conceptual

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1 divide.

2 The watertable is supposed to follow the
3 topography of the ground, but because of inhomogeneity, et
4 cetera, it may not exactly follow.

5 So this is what was assumed before, and
6 this is what I am suggesting, that with the lowering of the
7 watertable, what is going to happen is that the top of the
8 watertable is going to shift in the direction of St. Mary's
9 Bay.

10 The cumulative impact of the lack of
11 recharge, the sustained pumping of water by the community
12 and lowering of the watertable during and beyond the life of
13 the proposed quarry are some of the critical issues that
14 need to be examined in detail.

15 The recharge from the quarry site
16 constitutes only a part of the source for storage of water
17 in the basalt aquifer.

18 The aquifer is below the watertable.
19 This is the storage of water. That's where the wells here
20 are going to get their water from.

21 However, as pointed out by Fetter, who
22 is a hydrogeologist who has written a book in 1994, and I
23 quote:

24 "As the well draws water only from
25 storage in the aquifer, draw down

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1 proceeds as a function of the logarithm
2 or time."

3 So it is slow, but it continues and it's
4 only going to lower the watertable.

5 Research on the cumulative impact of
6 draw down needs to be done by using numerical models and
7 software for ground flow analysis.

8 An example of widely accepted software
9 for this purpose is MODFLOW, which can be used.

10 For a reasonable assessment of the
11 environmental impact of the 50-year quarrying operation, it
12 is essential to define the hydrogeological parameters with
13 an assigned and acceptable "degree of confidence".

14 This would require the use of a database
15 that would be significantly larger than the one hitherto
16 used by the Proponent.

17 I will quickly shift to my last issue.

18 The third issue concerning some bias
19 report in the EIS was raised in petition 178 to the
20 Commissioner of the Environment and Sustainable Development
21 of Canada.

22 Appendix one of the EIS provides the
23 names and curriculum vitae of the 20 or so "reference
24 document contributors" or experts whose reports (about 35 in
25 total) were used as background for developing the EIS.

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1 Three of the experts, whose reports I
2 consider to be biased, were employed by AMEC, the
3 consultant to the Proponent, for preparing their reports for
4 input to the EIS.

5 One of the experts was on leave of
6 absence from Health Canada. We all know about that
7 situation.

8 The employment of this person with AMEC
9 and the preparation of a report for the EIS was in violation
10 of the Values and Ethics Code for the Public Service.

11 I have that quote if somebody is
12 interested in having a look at it.

13 The Code specifies that:

14 "Public servants also have the following
15 specific duties:

16 (c) They should not step out of their
17 official roles to assist private
18 entities or persons in their dealings
19 with the government where this would
20 result in preferential treatment to the
21 entities or persons.

22 (d) They should not knowingly take
23 advantage of, or benefit from,
24 information that is obtained in the
25 course of their official duties and that

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1 is not generally available to the
2 public."

3 The other two experts produced seven
4 reports (six by one and one by the other) on various
5 subjects for AMEC prior to the 12-month period after their
6 retirement from Natural Resources Canada.

7 The conflict of interest in chapter
8 three of this document defines that:

9 "Without unduly restricting their
10 ability to seek other employment, former
11 public servants should undertake to
12 minimize the possibility of real,
13 apparent or potential conflicts of
14 interest between their new employment
15 and their most recent responsibilities
16 within the federal public service.
17 Before leaving employment, public
18 servants should disclose their intention
19 of future employment and discuss
20 potential conflicts with their Deputy
21 Head."

22 Then there are provisions:

23 "Former public servants shall not,
24 within a period of one year after
25 leaving office:

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1 (b) Make representations for, or on
2 behalf of, persons to any department or
3 organizations with which they
4 personally, or through their
5 subordinates, had significant official
6 dealings..."

7 Now my comment is that I believe these
8 reports to be biased or tainted.

9 These reports should not be allowed to
10 constitute a part of the EIS for the proposed Project.

11 I thank you for your patience, and if
12 you would have some questions, I would be ready to answer
13 them.

14 **PRESENTATION BY Mr. ASHRAF MAHTAB - QUESTIONS FROM THE PANEL**

15 THE CHAIRPERSON: Mr. Mahtab, I was
16 interested in seeing some of the numbers you produced with
17 regard to blasting.

18 I presume you were here this morning.
19 We were talking about blasting this morning, and we've been
20 talking about blasting on several occasions, but what I
21 noticed was the disparity between the numbers that we have
22 been talking about...

23 For example, am I correct in looking at
24 your presentation that we have been assuming that 80,000
25 tonnes would be blasted every 2 weeks?

1 But what you're saying is that there's
2 wastage in that, and that that wastage means that in order
3 to successfully obtain 80,000 tonnes, that you have to blast
4 in excess of 100,000 tonnes?

5 Is that correct? Did I understand that
6 correct?

7 Mr. ASHRAF MAHTAB: That's correct Mr.
8 Chair, and the number I have here is 104,500.

9 THE CHAIRPERSON: Yes.

10 Mr. ASHRAF MAHTAB: And if you take...
11 If you divide it by 1.15, I think that's what I have, 15
12 percent, then you would still get more than the 80,000.

13 THE CHAIRPERSON: Yes. Also another
14 number that we were discussing this morning was the number
15 of shots or holes...

16 Well, the number of holes per shot that
17 would be required in order to generate that amount, that
18 volume of rock, and the Proponent has suggested 43 holes I
19 think, and you're suggesting 210 holes.

20 Mr. ASHRAF MAHTAB: Okay. My calculation
21 is based on the baseline of four-inch diameter and 102
22 millimetres, and nine by nine foot grid pattern.

23 THE CHAIRPERSON: Yes.

24 Mr. ASHRAF MAHTAB: If you increase the
25 diameter of the hole, you change the grid pattern and you

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1 can have a smaller number of shots; however there are
2 several implications in doing this, one your charge is very
3 large, and second your velocity may be very high and you may
4 not be able to comply with the requirements, with the
5 guidelines.

6 I think that will be a difficult... To
7 me, it seems like a very or almost impossible task.

8 THE CHAIRPERSON: Okay. The other thing
9 I noticed is that in the undertaking we received this
10 morning, the suggestion was made that we would need 17.9
11 tonnes of ANFO every two weeks.

12 Your figures are based, I guess in part
13 because of the larger volume of rock, the extra 15 percent
14 and maybe other reasons as well, but the number you are
15 presenting us with is 26.3 tonnes every two weeks.

16 Mr. ASHRAF MAHTAB: Mr. Chair, this
17 amount or this weight is independent of how many... No,
18 sorry.

19 ANFO per shot is going to produce
20 104,500 tonnes. No matter what design you use, you still
21 have to use the same amount of ANFO, more or less the same
22 amount of ANFO.

23 Therefore, the use of ANFO per shot to
24 produce 104,500 tonnes is constant as you see in this table
25 between the two columns.

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1 Between the protocol and the required
2 scheme, the amount is exactly the same.

3 THE CHAIRPERSON: Except that if I
4 multiply the number I was given this morning of 17.9 by 15
5 percent, it doesn't come up to 26.3, which leads me to the
6 last question

7 How much ANFO do you require in order to
8 produce a tonne of rock?

9 Mr. ASHRAF MAHTAB: Well, I don't have
10 that in my table here. I wonder what happened. Okay.

11 In my table here, weight of rock blasted
12 per hole is 196 tonnes. This is from the protocol, which
13 uses a less than 10-metre hole and is four inch diameter.
14 And it uses 45 kilograms.

15 So it's 45 kilograms per 196 tonnes, so
16 that gives you the figure which I think you were mentioning
17 a figure of .23 kilograms per pound.

18 THE CHAIRPERSON: Well, the number we
19 were given this morning was 0.23, but when the blaster was
20 here last week, he used Imperial units and he said one pound
21 per tonne, which is 454 grams per tonne.

22 And the number that we looked at in the
23 EIS, the EIS says 400. It says .4 kilos, 400 grams. And
24 then the number we were given this morning was 0.23, so now
25 we have a range from 0.23 on up through 0.454.

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1 And I'm trying to figure out what yours
2 is, then.

3 Mr. ASHRAF MAHTAB: Well, it's 196 tonnes
4 is for 44 kilograms, so 44 kilograms is about 100 pounds, so
5 it's 100 pounds for 196 tonnes, so it's one pound for almost
6 two tonnes. This is what the blaster was saying, I think.

7 THE CHAIRPERSON: No. He said one pound
8 per tonne.

9 Dr. JILL GRANT: This morning is says one
10 pound per two tonnes.

11 THE CHAIRPERSON: Yeah. Okay.

12 So all I'm trying to do...

13 Mr. ASHRAF MAHTAB: I can just do it,
14 like, in my mind ---

15 THE CHAIRPERSON: Sure.

16 Mr. ASHRAF MAHTAB: --- because it's 200
17 tonnes produced by 45 kilograms, which is 100 pounds, so
18 each pound of ANFO produces two tonnes of rock.

19 THE CHAIRPERSON: That's consistent with
20 the numbers we received this morning.

21 Mr. ASHRAF MAHTAB: Not all the numbers,
22 but maybe some numbers.

23 THE CHAIRPERSON: Yes, some. But it says
24 that the blaster gave us numbers that were inflated by half,
25 or by 100 percent, actually.

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1 He said one pound per tonne. You're
2 saying two pounds per tonne, and the number we got this
3 morning said two pounds per tonne, or two tonnes.

4 Mr. ASHRAF MAHTAB: Two tonnes per pound.

5 THE CHAIRPERSON: Yes, yes.

6 Mr. ASHRAF MAHTAB: 45 kilos will be 100
7 pounds, and then 200 tonnes.

8 THE CHAIRPERSON: Right.

9 Mr. ASHRAF MAHTAB: I just want to remind
10 us and the Panel, please, I am using the figures which were
11 quoted in the EIS. I'm not saying that these figures... I
12 am not giving any degree of confidence.

13 I'm simply saying I have used this as a
14 database. I do not know if these figures are relevant or
15 they are correct.

16 THE CHAIRPERSON: Well, that was to be my
17 next question, was to ask you about your conviction about
18 these numbers.

19 Mr. ASHRAF MAHTAB: I cannot answer this
20 because even the Proponent has had to do some research, and
21 I'm not a blaster. I have a background in mining.

22 THE CHAIRPERSON: Okay.

23 Mr. ASHRAF MAHTAB: I can do this kind of
24 table. I can make estimates, and I can draw conclusions.
25 Most of them are based on my experience, but...

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1 THE CHAIRPERSON: The single biggest
2 discrepancy between the numbers you're using and the numbers
3 that we had this morning is the number of shot holes.

4 Mr. ASHRAF MAHTAB: Yes.

5 THE CHAIRPERSON: The number of holes.
6 43 versus 210 is a five time difference.

7 Mr. ASHRAF MAHTAB: Yes. And this is
8 what concerns me because if you reduce the number of shots,
9 you are going to have to increase size of the borehole. You
10 may go to six, seven inches diameter, and that's huge.

11 And the charge for that borehole for 20
12 metres is an enormous amount.

13 No matter what I heard somebody saying
14 that they would put a bigger delay between blasting two
15 holes, I think these are going to be extremely difficult
16 things to overcome.

17 THE CHAIRPERSON: The diameter of the
18 hole you're talking about is what?

19 Mr. ASHRAF MAHTAB: It might go to six,
20 seven inches.

21 THE CHAIRPERSON: No, no. The hole that
22 you were talking about for the 210 shots was?

23 Mr. ASHRAF MAHTAB: Oh, it's the same
24 diameter, four inches, 102 millimetres.

25 THE CHAIRPERSON: 102 millimetres.

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1 Mr. ASHRAF MAHTAB: Yeah. It's exactly
2 the same as...

3 THE CHAIRPERSON: I can't remember what
4 the number was this morning.

5 Mr. ASHRAF MAHTAB: No, but the pattern
6 is the same. I used the same pattern, same diameter. Just
7 the depth or the length of the borehole was changed because
8 I wanted to achieve the 20 metres.

9 THE CHAIRPERSON: How deep was the
10 borehole?

11 Mr. ASHRAF MAHTAB: The borehole would be
12 deeper than 20 metres because you have to have a sub-drill,
13 about a metre more, so the borehole would be about 21
14 metres.

15 THE CHAIRPERSON: Yeah. We were talking
16 about a 20-metre borehole this morning as well.

17 Mr. ASHRAF MAHTAB: Okay. So it would
18 be...

19 THE CHAIRPERSON: Okay. Thank you.
20 Jill?

21 Dr. JILL GRANT: I just wanted to ask
22 you, Mr. Mahtab, with the 210 shot holes, that's a very
23 large area being blasted.

24 We noted that in Glensanda, the project
25 in Scotland, they were producing, at one time, five million

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1 tonnes a year, but blasting every day versus blasting once
2 every two weeks.

3 I don't know how much experience you
4 have with this, but does it seem that 210 boreholes at once
5 would be too much expect? Would there likely need to be
6 adjustments to the plan, or what?

7 Mr. ASHRAF MAHTAB: No. This was my
8 conclusion, that it's an improbable situation to have 210
9 boreholes per shot per blast.

10 So either you're going to increase the
11 amount of charge and the size of the hole, or you're going
12 to have to do it more frequently, as you were suggesting,
13 Dr. Grant.

14 In this other quarry, they had five
15 million tonnes per year and they had to blast every day.
16 Yes. The blast would have to be more frequent.

17 Dr. GUNTER MUECKE: Mr. Mahtab, I come
18 back to what Dr. Fournier needed some clarification about,
19 and that is you suggested that there be 15 percent of waste
20 involved.

21 We had a recent undertaking, you may
22 have it by now, too, from the Proponent who puts that at
23 four percent.

24 And the waste involves two components,
25 in your view, one the fines generated during the crushing

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1 process, but then you added something which we haven't heard
2 about before, which is the fracture in-fillings.

3 And I'm a bit curious here because I
4 haven't heard from the Proponent that they are planning to
5 separate the fracture in-fillings from the rock and consider
6 that waste, so I wonder how you conceptualize this.

7 Mr. ASHRAF MAHTAB: In my view, if you
8 are going to sell the aggregate, you must sell the aggregate
9 as basalt.

10 The statements have been made this is
11 one of the best types of basalt in the area, so if you're
12 going to sell the aggregate to me, I don't want to have
13 zeolite as part of the aggregate. I want just basalt.

14 So you will have to separate the
15 fillings of the joints, whatever it is, zeolite or other
16 things, and produce the aggregate which is just basalt. And
17 if you do that, you will have a lot of waste.

18 And when you are grinding and crushing,
19 some of this waste is going to separate naturally, I think,
20 because the intensive strength of the basalt is much higher
21 than the strength of the fracture fillings. And they should
22 separate.

23 If they don't separate, you may have to
24 find another means of doing it, but I suspect they will
25 separate.

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1 Dr. GUNTER MUECKE: Yes. You're a mining
2 engineer.

3 Mr. ASHRAF MAHTAB: Yes.

4 Dr. GUNTER MUECKE: And so we're talking
5 the same language here.

6 Whenever we talk about separations,
7 mineral separations in an operation like this, particularly
8 you're not separating a sulfite ore, let's say, from its
9 matrix here, separating fracture fillings from a basalt,
10 what do you think is involved?

11 Do you do it by gravity, by floatation?

12 You're familiar with, you know, the various methods that
13 are used for separation of ores from commercial minerals.
14 In your view, how is this possible in the case of basalt
15 with fracture in-fillings?

16 Mr. ASHRAF MAHTAB: Well, if the
17 separation doesn't occur during the process of crushing and
18 grinding, then you may have to use some other means more
19 than mechanical. You may have to use chemical means.

20 And I don't know if it will be
21 economically feasible, so the only feasible alternative I
22 can see is you throw out something which has the impurities
23 stuck to it. The impurity in this case is the fracture
24 filling.

25 So if you see an impure strip or piece,

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1 you just discard it as a waste. In this case, if this
2 happens, then the proportion of the waste will go beyond 15
3 percent.

4 Dr. GUNTER MUECKE: Are you familiar with
5 the MODFLOW model that you suggest?

6 Mr. ASHRAF MAHTAB: I'm sorry?

7 Dr. GUNTER MUECKE: You suggested that
8 the groundwater ---

9 Mr. ASHRAF MAHTAB: Yes.

10 Dr. GUNTER MUECKE: --- losses could be
11 calculated using a model, and you mentioned MODFLOW.

12 Mr. ASHRAF MAHTAB: MODFLOW.

13 Dr. GUNTER MUECKE: Are you familiar with
14 it?

15 Mr. ASHRAF MAHTAB: Yes. MODFLOW, you
16 can download it from the internet free, and I have used it
17 with colleagues to do the water flow analysis.

18 And this MODFLOW model was used by one
19 of the consultants of the Proponent for another project.
20 There was a quartz quarry application near Yarmouth, and
21 they had used this model. And they showed what the
22 condition was before starting mining, five years, 10 years
23 and so on.

24 And it can allow you to take into
25 account the in-home ingenuity and isotropy of the

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1 conductivity, so it's a very straightforward model to use,
2 and it's quite useful.

3 But the important thing here again is
4 that you have to have data in which you have confidence.
5 Otherwise, as my professor in Berkley, California, said to
6 me, he says, "This computer modelling, garbage in, garbage
7 out."

8 So you cannot trust the results unless
9 you have made sufficient number of evaluations to input the
10 data. But the model is there, and it should be used.

11 Dr. GUNTER MUECKE: Is MODFLOW for porous
12 media, or fractured media?

13 Mr. ASHRAF MAHTAB: I think it's equally
14 valid because you are putting the permeability value in the
15 X, Y and Z direction. You can determine what permeability
16 it was, but you can also divide it into cells, and each cell
17 can have a different permeability.

18 Dr. GUNTER MUECKE: Do you personally
19 have experience with large blasts? We're now talking in the
20 order of 20 tonnes and it may, depending on the outcome of
21 how much is needed per tonne, go up into the 40s.

22 Have you got any personal experience
23 with blasts of that magnitude?

24 Mr. ASHRAF MAHTAB: No, I don't have. As
25 I mentioned earlier, I have not been involved in blasting,

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1 but as a mining engineer I have had to look at the design.

2 And I was going to say that if I were
3 hired by the owner of this project, which is Clayton
4 Concrete, and they asked me, "What do you think about this?"
5 I would say, "You cannot go ahead. You have to produce a
6 good design. It is not credible, and you are going to lose
7 money down the road."

8 And that's a risk. I think it's a risk
9 management rather than adaptive management. You must manage
10 the risk beforehand.

11 If you want to reduce the risk, you have
12 to produce a design which is credible on which you can base
13 all your economic functions.

14 Dr. GUNTER MUECKE: One last point.
15 Correct me if I'm wrong there.

16 The design you used, the nine foot by
17 nine foot and the number of holes, was that not the test
18 blast that they suggested as opposed to an operational
19 blast?

20 Mr. ASHRAF MAHTAB: The information I
21 have, the impression I have is this is the protocol.
22 Whatever that means is beyond me. I raised that question
23 before.

24 If there is a protocol and it has been
25 mentioned in all the documents, it has been provided to the

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1 various departments, including the DFO, which has spent
2 hundreds of hours in analysing the situation and the damage
3 to the sea mammals, et cetera, then it is the design of the
4 regular blast.

5 The other comment which the Proponent
6 has made is that "This is an early stage. We do not have to
7 make an exact design. We will go down the road and then we
8 will see what we can do."

9 And this is what my fear is. The risk
10 is that down the road, not knowing what has to do in a
11 specific situation, is a very risky situation for all of us.

12 Dr. GUNTER MUECKE: Thank you, Mr.
13 Mahtab.

14 Mr. ASHRAF MAHTAB: You're welcome, sir.

15 THE CHAIRPERSON: Mr. Buxton?

16 **PRESENTATION BY Mr. ASHRAF MAHTAB - QUESTIONS FROM THE**
17 **PROPONENT**

18 Mr. PAUL BUXTON: Thank you, Mr. Chair.
19 You could sit down, if you like, Mr. Mahtab.

20 Mr. ASHRAF MAHTAB: Well, now that I'm
21 talking to you, I'll sit down.

22 Mr. PAUL BUXTON: I have some questions
23 and some comments, and I'm at a disadvantage because I don't
24 have any of the information that Mr. Mahtab has presented,
25 so I don't have the charts and tables in front of me that he

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1 has presented.

2 But I would like to just go over again,
3 and I thought that perhaps we'd put the issue to bed, but
4 perhaps not.

5 The first mapping of shots, the first
6 blast, which Mr. Mahtab showed, is clearly a part of the
7 process that we were going through with Department of
8 Fisheries and Oceans.

9 The limits that we have to meet are set
10 out in the Guidelines for Blasting In or Near Canadian
11 Fisheries Waters, and they are 100 kPa for fish over
12 pressure.

13 And essentially, our initial position
14 was, well, let's establish fairly quickly a series of test
15 blasts so we can see just what is happening here.

16 That didn't happen because, actually,
17 the reason that I was given is that we were put into a Panel
18 process and, hence, we couldn't do that.

19 So we said, "Okay, well, how do we
20 proceed from here. How do we sort of get to first base?"

21 And they said, "All right. You know,
22 give us a model. Give us a protocol that we're going to use
23 for this series of blasts and where you're going to do it,
24 what sort of charge you're going to use and, furthermore, we
25 want an analysis of that blasting model", which was done by

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1 Hannay and Thompson.

2 The criticism of the blasting model that
3 we used by DFO was that it was too conservative. That was
4 their sole criticism.

5 The model demonstrated that we would
6 produce 25 kPa at the water column, and this was felt to be
7 a reasonable position to start with, that it was 75 percent
8 less than the allowable and it was agreed that here we have
9 the basis for the start of some testing.

10 The area that was selected is not
11 intended, was never intended to represent a standard
12 benching of the quarry. In fact, as I think I pointed out
13 earlier today, it represents one of the toes that sticks out
14 closest to the water, and that's why it has this peculiar
15 configuration.

16 It simply has nothing to do with
17 subsequent blasts.

18 Our position has always been, and that's
19 why when you sort of say, well, you know, what's the blast
20 going to be here and what's the blast going to be there and
21 exactly how many pounds is that we need to go through this
22 blasting, this testing exercise and monitor the results, and
23 then we can say, "Well, no, it wasn't 25 kPa. The model was
24 wrong. It was 15 kPa" or 50 kPa.

25 We then modify until we know precisely

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1 what the blast... Because you're inserting coefficients for
2 the rock. You're inserting coefficients for all sorts of
3 things in this blast design.

4 And the blast design and the
5 coefficients and the ranges of them are all set out in the
6 back of the Guidelines for Blasting In or Near Canadian
7 Fisheries Waters.

8 But you could say to me, "Well, the
9 blasting for this type of basalt is this" and somebody else
10 could say, "Well, it's this." You insert them and you come
11 out with a model.

12 The only way to test that is you do it,
13 and you do it under very specific, controlled conditions
14 with the monitoring in the water. And the EIS clearly sets
15 out where the monitoring will take place in the water, out
16 of the water, et cetera.

17 We look at that. We may need to modify
18 it. We may need to set off three or four of those little
19 blasts.

20 We then go back in and say, "Right. Now
21 we know what the real coefficients are for this rock, how
22 the blast is being transmitted through the rock and into the
23 water, how it's being transmitted from the air and into the
24 water."

25 Now we know those things, so now we can

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1 sit down and we can say this is what we need to do to gain
2 the rock.

3 I mean, I guess we sort of continuously
4 are being pushed to a level of detail which is all
5 predicated on a protocol, a blasting protocol which needs to
6 have empirical data. If we don't have that, you're nowhere.

7 And we recognized this in September
8 2002, and we made a request to start this gathering of
9 empirical data in September 2002, and here I am explaining
10 why we don't have this data in June '07. And it's because
11 we were told, "Well, now you're in a Panel process." Now we
12 cannot do any test blasts.

13 So it's not that we haven't tried to
14 develop this data. We've been prevented from developing
15 this data.

16 We could have come to you today with the
17 full details of all the monitoring stations, this is what
18 happens when we used 45 kg, this is what happens at 110
19 metres, this is at 150 metres with 55. It would have all
20 been there.

21 We can't do it because we've been
22 prevented from doing it, so I'll leave that subject, if I
23 may.

24 THE CHAIRPERSON: Mr. Buxton, let me just
25 add a comment to that, is that I think we're fully

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1 sympathetic with the need to ballpark it, to some extent,
2 before going into the final detailed analysis, but one of
3 the concerns is that some of the numbers vary by
4 considerable amounts.

5 For example, the first number that I'm
6 aware of for blasting on a biweekly basis was four tonnes.
7 That number, what you've just given us this morning, is now
8 almost 18 tonnes. That's a factor of four plus, four and a
9 half.

10 So, in other words, there's ballparking
11 and there's ballparking, and a four and a half-fold
12 difference from one estimate to the next is, you'll have to
13 admit... I mean, as an engineer, you have to realize that's
14 a big number, and a great deal of variability, more so than
15 might... I mean, do you think an average person would find
16 that an acceptable range?

17 Mr. PAUL BUXTON: No, I don't think they
18 would. I'm not even quite sure, actually, where that first
19 number came from.

20 We have had a blasting expert advising
21 us for probably the last year, something like that. What we
22 were doing before that was basically trying to set up the
23 protocol for the gathering of this empirical data.

24 My advisers said to me: "Yes, we can get
25 this rock at an economic rate."

1 All right. I'm not a production miner,
2 and I have to rely on the people who are investing a very
3 large sum of money to tell me that this rock can be gained
4 at an economical rate.

5 You know, just some of the other things,
6 and perhaps I'm getting a little impatient. It's warm.

7 But, you know, when you talk waste, it
8 depends what you're trying to produce. We ship fines. In
9 another quarry, that's waste, all right.

10 You know, we use this because we produce
11 concrete block. If we just wanted concrete aggregate and we
12 were producing three-quarter to a half, yes, we might well
13 be up into the 15 percent waste. But we're not because we
14 can use most of the product off the site.

15 The question of quality of the rock. I
16 don't believe could imagine that somebody would invest the
17 kind of money that the company has put into this project
18 without determining essentially the quality of the rock.

19 I mean, we've drilled 10 holes in the
20 basalt. The cores from the first four holes are in my
21 garage. I've looked at them a number of times.

22 They've been looked at by the Department
23 of Natural Resources. They've been looked at by geologists.

24 They've been looked at by the hydrogeologists. And nowhere
25 in them have they found evidence of horizontal fractures.

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1 Now, I'll grant you this, that if there
2 were a vertical fracture there and we missed it by a foot,
3 you wouldn't see anything at all. It'd be a beautiful, nice
4 long core.

5 But those cores are tight. They're
6 tight. There's no evidence.

7 And we drilled six more monitoring holes
8 with a geologist/hydrogeologist there looking at the
9 tailings that came out of that hole. We have found no
10 evidence whatsoever of zeolites.

11 Zeolites are, generally speaking, in the
12 Middle Flow Unit. I'm not suggesting that somewhere on that
13 site we may not find a little patch of zeolites. That'd be
14 a problem for us.

15 We'd have to carefully put them on one
16 side. We don't want to get into that.

17 But, I mean, I would suggest that, you
18 know, when we look at these things as a whole, you know, Mr.
19 Mahtab... Mr. Mahtab, perhaps I could ask you the question.

20 Have you seen the cores off the site?

21 Mr. ASHRAF MAHTAB: I didn't ever go to
22 your garage, so I couldn't see the cores.

23 Mr. PAUL BUXTON: No, but I mean, you
24 made all these, you know, statements about what was there on
25 the site as if you have x-ray eyes. I have the cores.

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1 Now, admittedly, you know, we've said
2 this before. We've got four sets of cores. We've got six
3 drill holes, you know, right the way down.

4 That doesn't necessarily mean that we
5 have investigated exhaustively the whole site, but certainly
6 the work that has been done on the North Mountain basalt by
7 people like Dr. Kontak, the work that we've done convince us
8 that it's an economic resource. All right?

9 And just, you know, I'll perhaps sort of
10 finish off because I'm taking far too much time, Mr. Chair,
11 is that I'd just like to ask Mr. Mahtab, you know, a final
12 question, and it's really just sort of a yes or no.

13 I'm looking at the document that was
14 prepared by David Hanson, Ph.D., P.Eng., who is the fresh
15 water hydrologist, associate professor, Department of Civil
16 and Resource Engineering, Dalhousie University, which was
17 prepared by the partnership.

18 You must have seen that document.

19 Mr. ASHRAF MAHTAB: I say yes, but what
20 is your question?

21 Mr. PAUL BUXTON: I simply asked you
22 whether you had read it.

23 Mr. ASHRAF MAHTAB: Why should I regret
24 somebody's opinion? I don't regret your opinion.

25 THE CHAIRPERSON: Mr. Wall?

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1 Mr. JOHN WALL: Yeah. I'd just like to
2 add, when you drill the blast holes and you're drilling, the
3 compressive strength of the basalt is significantly greater
4 than the zeolites, and so when you hit the zeolite, you
5 immediately notice the difference and you see the difference
6 of the cuttings from the blast hole.

7 And we don't want to be in something
8 that will yield a waste factor. Our processing plant will
9 not be designed to introduce chemicals or have other kinds
10 of methods for handling things, so we would pack the hole
11 and move out of it.

12 We will stay out of the zeolites. Thank
13 you.

14 THE CHAIRPERSON: Thank you, Mr. Wall.

15 **PRESENTATION BY Mr. ASHRAF MAHTAB - QUESTIONS FROM THE**
16 **PUBLIC**

17 Now we're open to questions from the
18 floor. Any questions?

19 Please, those of you who are interested
20 in asking questions, could you just line up over there?
21 Just one?

22 Ms. JUDITH CABRITA: Judith Cabrita. I'm
23 way out of my depth here, but I'm just wondering, with all
24 the science and technology that is available, why couldn't
25 you simulate the blast?

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1 THE CHAIRPERSON: You're referring to the
2 test blast now?

3 Ms. JUDITH CABRITA: Yes.

4 THE CHAIRPERSON: Yes.

5 Ms. JUDITH CABRITA: I mean, why could it
6 not be simulated and get the results so that we could all
7 know exactly what they are?

8 Mr. PAUL BUXTON: Essentially, that is
9 what we have done. I mean, this is what a model is. You
10 put in the coefficients and you push the button and it says:
11 "This is the result."

12 But again, as we have said so many times
13 throughout these hearings, they are models and the models,
14 they need confirmation.

15 It's a first shot, and then you refine
16 from there.

17 THE CHAIRPERSON: Mr. Stanton?

18 Mr. KEMP STANTON: I don't know which one
19 this should be directed to, but if the test blast had taken
20 place before the hydrogeological information had been
21 collected (I think it was a little deficient), would the
22 blasting on the site change the factors and rocks and maybe
23 the ability to measure water flow as a baseline? If you
24 know what I mean.

25 THE CHAIRPERSON: H'm. Mr. Buxton, I

1 guess that is to you.

2 Mr. PAUL BUXTON: I'm not sure whether I
3 completely understood the question Mr. Chair, but I'll have
4 a crack at it.

5 The fact is that we did not do a test
6 blast and in fact, as I think I indicated before, if we
7 wanted to do a test blast, all we had to do is just step out
8 of the four-hectare area and let a blast go.

9 I think we have been very responsible in
10 this, in effect trying to work with the regulatory
11 authorities to develop the right answers here instead of
12 sort of saying: "Well you won't let us blast inside the
13 four-hectare, so just like anybody else, we could just blast
14 outside the four hectares."

15 But then I think that wouldn't have done
16 us any good, it wouldn't have done the process any good. We
17 have tried to stay inside the process.

18 THE CHAIRPERSON: Thank you. Sister
19 Barbara?

20 SISTER BARBARA: Thank you Mr. Chair. I
21 have a question for Mr. Mahtab. In your conceptual
22 drawings, were you taking into account... The last week, we
23 had a Federal Government employee saying that the sea
24 level...

25 He said the ice was melting and the sea

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1 level was going to rise to 30 centimetres by the year 2050,
2 which I think in imperial measurement is about 90 feet.

3 So I heard today that the lease of the
4 land is going to be 90 years now, so taking into effect if
5 it goes up another 30 centimetres, that's 180 feet?

6 THE CHAIRPERSON: Sister Barbara, you
7 said 30 centimetres?

8 SISTER BARBARA: 30 centimetres.

9 THE CHAIRPERSON: Yes, that's... 90 feet
10 is not 30 centimetres.

11 SISTER BARBARA: Oh, okay.

12 THE CHAIRPERSON: 30 centimetres is this
13 much.

14 SISTER BARBARA: Oh, so it's not going to
15 go up that far. Okay. So that's not a problem, right?
16 Great, thanks.

17 THE CHAIRPERSON: Thank you.

18 Mr. ASHRAF MAHTAB: Just to answer your
19 question, if the water levels go up, the guidelines, the DFO
20 guidelines still have to be followed and they might make
21 some difference in the setback distance.

22 THE CHAIRPERSON: Please, identify
23 yourself.

24 Ms. GRETCHEN FITZGERALD: I am Gretchen
25 Fitzgerald, should I spell it?

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1 THE CHAIRPERSON: No, I think that's
2 okay.

3 Ms. GRETCHEN FITZGERALD: There seems to
4 be considerable debate about the amount of blasting that's
5 going to have to occur, and I'm just wondering if there was
6 any mechanism for incorporating the precautionary approach
7 in your estimates?

8 There are ways to model using the
9 precautionary approach, and I was wondering if you did use
10 those methods.

11 Mr. PAUL BUXTON: I would say so, in the
12 sense that you know, we are given a guideline, a threshold,
13 and the guidelines for blasting in or near Canadian
14 fisheries' waters, and the threshold for fatal effects to
15 fish is 100 kPa.

16 So our model demonstrated what we were
17 going with on this demonstration, test blast, initial blast,
18 call it what you want, and it indicated that we would
19 generate 25.

20 We also said that we would do this
21 blasting outside of the time frames when endangered mammals
22 may be in the area.

23 So yes, I think we did incorporate those
24 things.

25 Ms. GRETCHEN FITZGERALD: I'm referring

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1 to your models about how much blasting will have to occur in
2 the first place.

3 When you're doing that mathematical
4 model, I know there's ways in fishery science that you can,
5 at the outset, say: "The reproductive value of this fish is
6 so low..."

7 And you pick the lowest, because you
8 want to be sure that you're not overfishing, and in this
9 case you would pick the highest amount of blasting, because
10 you want to be sure that you are taking all effects into
11 consideration, and I'm just wondering if in the model, this
12 is what happened, if this was implemented?

13 Mr. PAUL BUXTON: As far as I'm aware, in
14 all the discussions I've had with DFO, the issues with
15 respect to fish, marine mammals, I think were very well
16 understood.

17 I think the parameters are fairly well
18 understood.

19 DFO admitted that they had little
20 information with respect to lobsters, and we did make an
21 attempt to research that and I understand that DFO are in
22 fact carrying out their own research on that. I think we
23 heard that this week.

24 The information that we had is that the
25 levels that we were using we were using were well below the

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1 effects to snow crab.

2 So based on that, DFO have said: "Well,
3 we think we're confident enough to go ahead, but we want you
4 to monitor."

5 So you know, I think that that is
6 built-in, that nobody knows so they're asking us to monitor
7 that.

8 Ms. GRETCHEN FITZGERALD: I guess using
9 the analogy of...

10 THE CHAIRPERSON: Ms. Fitzgerald, the way
11 it works here is you get a question and a follow-up, and you
12 have had both, so we have to move on and give somebody else
13 a chance.

14 Mr. Dittrick?

15 Mr. MARK DITTRICK: Yeah, Mark Dittrick.

16 I have a question for Mr. Wall relating to something he
17 said.

18 If you drill down and you discover that
19 you're hitting zeolites, and I believe you said that you
20 would then pull out and that you would not pursue that
21 particular area.

22 If this occurs in enough areas on the
23 quarry site and you leave areas and then go a certain
24 distance from them and then mine that area, you're going to
25 be leaving...

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1 I mean, I would like to know kind of
2 what the profile you would leave would look like, what you
3 would do with that particular area that would have a hole in
4 it?

5 How do you end up... And then with
6 remediation at the end, with these little areas that you
7 weren't allowed or decided not to drill into because you hit
8 something that potentially could be waste?

9 Mr. PAUL BUXTON: Mr. Chair, I think
10 we've made it clear that we don't believe there are zeolites
11 on the property.

12 I mean, it's all hypothetical. We have
13 not encountered zeolites, we don't expect to encounter
14 zeolites. If we do hit zeolites, we will deal with them
15 then.

16 If we thought that this piece of ground
17 here on the Upper Flow Unit was filled with pockets of
18 zeolites, we wouldn't be sitting here today.

19 It's just a hypothetical question, I
20 can't answer it, and I'm sure Mr. Wall can't either.

21 Mr. MARK DITTRICK: Well Mr. Wall, you
22 did make that statement, you did say that if you did hit
23 zeolites, that you have a certain procedure and you would
24 make a certain decision.

25 So whether it's hypothetical or not, if

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1 it was so hypothetical that it would never occur possibly,
2 you did make that statement, so do you retract that
3 statement? Do you say that something else would happen or
4 would you like to carry on from what Mr. Buxton is saying?

5 He's saying: "Well, that's never going
6 to happen."

7 Mr. PAUL BUXTON: Mr. Chair, I think we
8 set out this protocol, an undertaking we just sent across,
9 because the question was raised specifically: "How do we
10 determine where the Middle Flow Unit is?"

11 If it's 7 metres over 300 metres I think
12 was the specific question, and we've made the point here
13 that you can tell when you hit the Middle Flow Unit. It's
14 very clear.

15 If we hit the Middle Flow Unit, we back
16 off, we pack the hole, we step two metres off the Middle
17 Flow Unit before we blast. I mean, this is what we do.

18 Mr. MARK DITTRICK: If I were to say
19 hypothetically, what would you do? In that case,
20 hypothetically, what would it look like at the end of the
21 process?

22 Mr. JOHN WALL: It would be a smooth
23 floor, smooth floor. We're going to stay out of the Middle
24 Flow Unit. "Smooth floor".

25 THE CHAIRPERSON: Okay. You got your

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1 answer Mr. Dittrick. Okay. Any others? Go ahead Ms.
2 McCarthy.

3 Ms. MARY McCARTHY: I'm Mary McCarthy,
4 and my question is directed to Ashraf Mahtab.

5 It's something that has worried me for a
6 couple of years now, and it concerns blasting and a
7 situation where in the words of Mr. Wall, the shot may "go
8 terribly wrong".

9 Have you Mr. Mahtab found any
10 consideration given in the EIS to a scenario where the "shot
11 may go terribly wrong"?

12 And frankly, I would like from Mr. Wall
13 too an explanation of what "terribly bad" means.

14 Sorry, it's not "terribly wrong",
15 "terribly bad" was the expression used by Mr. Wall. Thank
16 you.

17 Mr. ASHRAF MAHTAB: Mr. Chair, I have not
18 found anything in the EIS which talked about something
19 happening.

20 Things can go wrong with the borehole,
21 with the blasting, with the time that the ANFO is stored in
22 the hole, then it gets wet, and the blasting not being
23 efficient, et cetera, et cetera.

24 But this has not been talked about in
25 the EIS.

1 Ms. MARY McCARTHY: Thank you Mr. Mahtab.
2 It is contained in the minutes of one of the CLC meetings,
3 and I quoted directly from this.

4 THE CHAIRPERSON: I think you mentioned
5 the EIS, and he responded to EIS, he didn't respond to the
6 CLC.

7 Ms. MARY McCARTHY: Sorry, my question
8 was, was this problem taken up in the EIS.

9 THE CHAIRPERSON: Oh, okay. Sorry.

10 Ms. MARY McCARTHY: It's okay.

11 THE CHAIRPERSON: Thank you. That's the
12 end of the questions? One final question perhaps?

13 Mr. GRAHAM WRIGHT: It's in regards to
14 the testing, and I...

15 THE CHAIRPERSON: Your name?

16 Mr. GRAHAM WRIGHT: My name is Graham
17 Wright, and it's with regards to the testing.

18 I would like to give my question to Mr.
19 Paul Buxton.

20 When the testing is done on the charges,
21 up until tonight I didn't know about... I heard figures
22 going around, 25, 45, 55, but from what I understand, when
23 the testing starts, then they will determine what the right
24 charge is going to be.

25 Well the way I look at it... And then

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1 he said: "We'll work at it as we go down the road." Well
2 for something that is so important, and we haven't got
3 really any...

4 We don't seem to have an exact figure,
5 and all this will be worked out "as we go down the road",
6 and I find that kind of scary.

7 Perhaps I'm off base here, or perhaps
8 you could explain that?

9 THE CHAIRPERSON: Do you have a question
10 or...

11 Mr. GRAHAM WRIGHT: Yes, my question is
12 this testing, when it's done, will that actually show us the
13 amount of charge that is required?

14 Mr. PAUL BUXTON: That would be the whole
15 purpose of this program Mr. Chair.

16 THE CHAIRPERSON: So you have your
17 answer.

18 Mr. GRAHAM WRIGHT: Not really, because
19 I'm sort of... I don't feel good about not knowing what the
20 size of the charge is going to be.

21 My question... Can I have another
22 question?

23 THE CHAIRPERSON: It seems to me Mr.
24 Buxton has gone on at some length about this whole thing,
25 and...

1 Mr. GRAHAM WRIGHT: Okay.

2 THE CHAIRPERSON: Essentially, what he is
3 telling us is that there's a certain amount of ambiguity
4 about this, and a test blast will define that.

5 Mr. GRAHAM WRIGHT: And we have to live
6 with that I guess.

7 THE CHAIRPERSON: Well...

8 Mr. PAUL BUXTON: Well Mr. Chair, I can
9 almost sort of turn it around. Had we come here and said:
10 "This is precisely the blast that we're going to use
11 throughout the quarry operation absolutely, because we have
12 determined it, our experts have determined it", I'd be here
13 and people would be saying to me: "Why didn't you run a test
14 blast?"

15 I mean you know, I think this is the
16 responsible way to go, is to do the testing first.

17 THE CHAIRPERSON: Thank you. Mr.
18 Marcocchio.

19 Mr. BRUNO MARCOCCHIO: Yeah, one very
20 brief question.

21 I'm somewhat confused by the response of
22 Mr. Buxton. We saw visual evidence of a highly fractured
23 exposed hill. Mr. Buxton claims that that's not
24 representative and typical of the material, and that it's
25 monolithic.

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1 If it's monolithic, I'm very confused.
2 Given the homogenous nature of the rock and your claim that
3 it is monolithic, why can't you come up with a reasonable
4 estimate on how much dynamite it takes to dislodge an
5 homogenous material that you claim is not fractured?

6 Mr. PAUL BUXTON: I think the second part
7 of that, I would just be repeating myself Mr. Chair, but
8 just a comment.

9 And again, please, I am not a geologist,
10 but what we're looking at here is an exposed surface of
11 basalt.

12 It's been exposed in to the elements,
13 and Mr. Muecke will tell you when it was put down, but 200
14 million years ago, something like that.

15 This has been weathered. I'm not sure,
16 again not having the science to tell you how many
17 glaciations have gone over that particular piece of ground.

18 It's also interesting that the Bay of
19 Fundy in that area, as I am reliably informed, in the fairly
20 recent past, was 145 feet higher than it is now.

21 So it has been weathered by waves, it's
22 been weathered by I'm not sure how many glaciations. I
23 don't think that it's particularly unusual that the surface
24 of that rock would be weathered, checkered, et cetera.

25 But you drill into that rock, you would

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1 find a completely different picture.

2 Mr. BRUNO MARCOCCHIO: I understand Mr.
3 Buxton, but you didn't respond to my question which was if
4 this is a homogenous material, why can't you estimate how
5 much dynamite it takes to blast a homogenous material?

6 Mr. PAUL BUXTON: I'm sure we could, and
7 we could have told the Chair that it was "X" pounds per
8 tonne or "X" percentage of a pound per tonne, but I would
9 then be asked: "Where is your empirical data? Do you know
10 whether that amount will reach the guidelines for blasting
11 in or near Canadian fisheries' waters? Does it meet all the
12 guidelines with respect the seismic effect, within 7 metres
13 of a house on a adjacent property?"

14 Dr. GUNTER MUECKE: Mr. Buxton, maybe
15 it's because it's late at night, but you are getting me
16 confused now.

17 From your answer that you just gave, are
18 you suggesting that the test blast is necessary to determine
19 how much explosives are needed to dislodge a tonne?

20 Mr. PAUL BUXTON: No, that's precisely
21 not what I'm saying. I said: "I could come in here with a
22 figure, but which would have no background with respect to
23 the effects of that on fish or on anything else."

24 I mean, those are the primary
25 considerations here. We have to work within the parameters,

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1 the environmental parameters.

2 That's what sets our whole blasting
3 protocol up on this site.

4 So we start from that basis. We have to
5 start from there. We have to start and say: "What effects
6 are we creating with the first blast?"

7 Dr. GUNTER MUECKE: I understand that,
8 and that's not what I'm after. In the previous answer, you
9 seemed to suggest that you need the test blast in order to
10 determine how much rock gets dislodged per weight of
11 explosives.

12 Mr. PAUL BUXTON: I think if you look at
13 the undertaking, it was clearly asked by the Panel, and it
14 was an undertaking we provided and we said: "This is the
15 amount of ANFO that is required to dislodge this much
16 rock."

17 If you then come back and ask me the
18 question: "Does that satisfy all the other parameters out
19 there?", I would say: "Dr. Muecke, I can't tell you until we
20 have done the test blasting."

21 Does that answer your question?

22 Dr. GUNTER MUECKE: Yes. Now it's just
23 for clarity, okay? And in your response right now, you said
24 what you supplied in the undertaking, I can take that figure
25 and it's not dependant on the test blast.

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1 I wasn't talking about the effects, I
2 was talking about the simple number of how many grams per
3 tonne.

4 Mr. PAUL BUXTON: That's correct, yes.

5 THE CHAIRPERSON: Okay. I think we have
6 exhausted the questions, thank you Mr. Mahtab.

7 Mr. ASHRAF MAHTAB: Thank you Mr. Chair.

8 THE CHAIRPERSON: We're now moving to the
9 Ecology Action Centre. There will be two individuals,
10 Jennifer Graham and Gretchen Fitzgerald.

11 **PRESENTATION BY ECOLOGY ACTION CENTRE - Ms. GRETCHEN**

12 **FITZGERALD AND Ms. JENNIFER GRAHAM**

13 Ms. JENNIFER GRAHAM: Good evening, I'm
14 Jennifer Graham.

15 Ms. GRETCHEN FITZGERALD: I'm Gretchen
16 Fitzgerald.

17 Ms. JENNIFER GRAHAM: We'd like to thank
18 the Panel...

19 THE CHAIRPERSON: And you're both with
20 the Ecology Action Centre, correct?

21 Ms. JENNIFER GRAHAM: Yes.

22 THE CHAIRPERSON: Okay.

23 Ms. JENNIFER GRAHAM: And we would like
24 to thank the Panel for the opportunity to make this
25 presentation, and we would also like to thank all the hard-

1 working staff that have coordinated this monumental
2 undertaking.

3 The Ecology Action Centre is Nova
4 Scotia's oldest independent environmental organization.

5 We've been around since 1971 and we
6 represent a membership of 1,700 scattered across the
7 Province.

8 The focus of our presentation today will
9 be under two parts. Myself, Jennifer Graham, as Coastal
10 Coordinator, will focus on the Whites Point Quarry proposal
11 in the context of a need for a provincial coastal policy and
12 for integrated coastal management.

13 Ms. GRETCHEN FITZGERALD: And myself,
14 Gretchen Fitzgerald, I'm the incoming Director of the Sierra
15 Club of Canada, Atlantic Chapter, and I'm going to be
16 talking about the risks that the quarry poses in terms of
17 the introduction of non-native invasive species.

18 Ms. JENNIFER GRAHAM: I want to start
19 with background, just to make the point that generally,
20 invasion or bio-invasion is forever, and I've got three
21 cases of some of the worst bio-invasions in our region, the
22 MSX Oyster parasite, which killed most of the oysters in the
23 Bras d'Or Lakes.

24 We have tunicates found in mussel lines
25 in PEI, those are actually supposed to be mussels and

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1 they're just infested with filter feeding tunicates that are
2 invasive.

3 And in the bottom, we have a picture of
4 tunicates, another type of tunicate that is covering more
5 than 225 square kilometres on George's Bank right now.

6 And as I said, invasion is eradicated in
7 some very rare and expensive cases, when invasions are
8 detected at extremely low levels, usually quite soon after
9 introduction, and here are some cases where the cost of
10 introduction has cost communities and countries a lot of
11 money.

12 Caulerpa taxofolia is referred to as the
13 killer alga. It actually transforms some parts of the
14 Mediterranean into what is referred to as an underwater golf
15 course.

16 It's a green alga, and it was discovered
17 in California, and it cost them \$4.5 million to eradicate,
18 quite soon after it was introduced.

19 The black strip mussel was discovered in
20 Australia, in a bay in Australia. It's actually related or
21 similar to the zebra mussel and when they discovered it, the
22 Australia Government had to pour in \$2.2 million dollars to
23 eradicate this mussel, and that's not even including the
24 extensive labour costs that were used to get rid of it.

25 For those invaders that can't be

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1 eradicated, the costs are astronomical. It's estimated \$120
2 billion U.S. per year is spent on battling and combatting
3 and trying to control invasive species.

4 42 percent of rare and endangered
5 species in the U.S. are threatened by invaders, so the cost
6 in terms of bio-diversity is also astronomical.

7 Some examples, the green crab, which is
8 a voracious predator of clams and mussels. It cost the New
9 England industry \$44 million when it was introduced.

10 Then there's the zebra mussel which was
11 introduced with the Great Lakes. Most people are familiar
12 with that. It's estimated to have cost \$5 billion thus
13 far.

14 Losses due to the introduction of MSX in
15 Cape Breton. MSX is a parasite which kills off oysters. It
16 basically destroyed an emerging and expanding oyster-growing
17 industry in an economically depressed area of our province.

18 It was \$900,000 a year, and it was growing that industry,
19 so that industry is essentially wiped out.

20 The Government spent \$250,000 to restore
21 oysters in the region, which was not successful. Monitoring
22 costs are ongoing and you may be interested to note that new
23 sites have been found last fall, so the parasite is
24 spreading in the lakes.

25 And there was no compensation for the

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1 oyster growers who basically lost their entire investment,
2 so...

3 Lobster disease has been mentioned
4 earlier today by the District 34 representative.

5 Essentially, some 90 percent decline on
6 lobster catches in 1999 were attributed to this disease. A
7 state of emergency funds were called in because of the
8 disaster that this caused to this extremely important
9 industry.

10 There was extensive research done on
11 that, and in the E.A. statement, it is alluded to the fact
12 that pesticides were a factor in this outbreak, and
13 actually, Pierce did an extensive review of the causes, and
14 what they found was there was a perfect storm in Long
15 Islands that caused this outbreak to reach the levels that
16 it did.

17 That perfect storm consisted of warm
18 water and increased density of lobsters.

19 And if you think about climate change
20 and the rising catches of lobster in LFA 34, we may have the
21 conditions for a perfect storm right here on Digby Neck.

22 So what kind of numbers are we talking
23 about in terms of introductions in ballast?

24 I'm just going to talk a little bit
25 about a study that was done by Carver and Mallet, which is

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1 the same consultant that did the ballast water section of
2 the E.A. for the Proponent.

3 And to give you a little bit of
4 background, they went on several types of ships that were
5 travelling to ports in Atlantic Canada, and they looked at
6 the different types of water and in particular they were
7 interested in what types of exchange, how exchange affected
8 the density of organisms in the ballast water.

9 And by ballast water exchange, I mean
10 exchanging ballast water taken on in a port with water that
11 is either in the coastal zone or ideally in the off shore
12 area, and this is the method that is generally used by most
13 ships, ocean going vessels, to reduce the number of coastal
14 invasive species carried in their ballast.

15 They found that the highest number of
16 taxa and cell density for phytoplankton was seen in bulk
17 carriers and tankers coming from the U.S. east coast.

18 The maximum numbers they saw were 68
19 different types of species of phytoplankton in a 50 litre
20 sample and 218,000 cells of phytoplankton per litre.

21 So those are the maximums. Now average
22 numbers in a ship that had performed coastal exchange, so
23 ballast water exchange in coastal area, which would be
24 probably essentially what a ship travelling to the quarry
25 would be doing, and they found 3,700 on average cells of

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1 phytoplankton per litre, and I had to estimate using the
2 international ballast water regulators or the international
3 regime for estimating ballast water, because the Proponent
4 hasn't provided an estimate for the volume of ballast being
5 discharged per ship in this case, so the 25 million litres
6 of ballast per trip potentially that would be discharged in
7 the Digby area, so we're talking 95 billion phytoplankton
8 cells per vessel.

9 Of course, not all of these are going to
10 be invasive species.

11 The Carver studies found that 25
12 percent of the phytoplankton species were not indigenous,
13 and between one to three percent were actually toxic, and
14 that means it's the type of phytoplankton that can be toxic
15 to shellfish, and also potentially damaging to human
16 health.

17 So based on those proportions, every
18 vessel coming to the quarry might have 23 billion non-
19 indigenous phytoplankton cells, and 925 million toxic
20 phytoplankton cells per vessel.

21 And what I'm trying to show here, and
22 these are of course rough figures, is the type of
23 inoculation pressure the Digby quarry will expose this area
24 to.

25 The conclusion of the Mallet study in

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1 2002:

2 "Given the scope of ballast water
3 issues, it may be advisable to focus on
4 developing strategies to minimize the
5 impact of regular ballast water
6 discharges in ecologically sensitive
7 areas."

8 And I think many of the people
9 presenting to the Panel have reiterated that Digby is such
10 an area.

11 Mallet was commissioned by the Proponent
12 to do a study in the Hudson River to see what kind of
13 invaders were there, and they found 21 potential invasive
14 species that could be travelling by ship.

15 And as you see the ecological roulette
16 continues because it's not just ballast water that is a
17 source or a vector for invasive species, there are residual
18 sediments that are in the bottom of water ballast tanks.

19 There is residual sediments that are the
20 bottom of ballast water tanks. There are also hull-fouling
21 organisms which are thought to be a potential vector for
22 things like those tunacates that were clinging to the mussel
23 lines in my second slide.

24 I also wanted to point out that the
25 effect could be regional. This is a chart showing the

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1 potential exchange zone for ships travelling from the
2 coastal U.S. up into Atlantic Canada, and the pink gridded
3 line area, which shows the potential exchange zone that
4 ships coming into the quarry would be using.

5 So they could be discharging these
6 critters right there, in the Gulf of Maine, with potential
7 regional effects.

8 So the Mallet Research Services, they
9 identified the water in New Jersey as high risk, and in
10 addition, their previous work highlighted the fact that
11 short voyages mean less time to exchange and greater
12 survivability of organisms in ballast water.

13 Bulk carriers are carrying large volumes
14 of water, and the Digby area is relatively pristine and
15 productive, meaning that it could provide potentially a
16 really nice habitat for invasive species.

17 This is a slide that I've taken from the
18 Proponent's presentation, and I just wanted to highlight
19 here, in this section of my presentation, the mitigation
20 measures, ballast water management, in accordance with the
21 Canadian regulations, and also monitoring. They're saying
22 they're going to monitor in compliance with Transport
23 Canada.

24 And of course they conclude, based on
25 being in line with these rules, there'll be no significant

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1 adverse effects.

2 I want to show how effective ballast
3 water regulation is. This is from a report done by the
4 Commissioner of the Environment and Sustainable Development
5 in Canada, and on the left access we have number of invaders
6 going into the Great Lakes, and we have year on the bottom
7 access. So this is voluntary guidelines introduced here.
8 This is ballast water regulations introduced here.

9 So every ship after that was supposed to
10 be performing exchange, and there was monitoring. You see
11 no difference in the rate of invasion. So this is highlight
12 that exchange is not enough.

13 And nor is it always performed. Of
14 course, the safety of the ship must come first, so in cases
15 where there's bad weather or other emergencies discharging
16 or exchanging ballast is not necessary under the Canadian
17 regulations and SOR 2006, 129 is the Canadian regulations
18 for ballast water.

19 And I wanted to highlight to the Panel
20 that there are other options, aside from exchange. There is
21 the treatment of ballast water on board ship. There is also
22 requiring the Proponent to have a reception facility to
23 prevent the indirection. These two options would be way
24 better than exchange.

25 This would also be consistent with the

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1 International Convention for the control of ballast water
2 and sediments, which include some other requirements, as
3 well. Sampling for salinity on a regular basis, timely
4 removal of sediments, minimal uptake at high-risk times, and
5 also I wanted to reiterate that the International Convention
6 here does allow us, under Section C:

7 "A party, individually or jointly with
8 other parties, may impose on ships
9 additional measures to prevent, reduce,
10 or eliminate the transfer of invasive
11 species."

12 So it can be done within the
13 international regime, if the Panel so wishes.

14 But of course all mitigation measures
15 must occur within the context of a strategic and democratic
16 coastal plan, and that's what Jennifer is going to talk
17 about now.

18 Ms. JENNIFER GRAHAM: Thanks, Gretchen.

19 There have been a number of
20 presentations over the last few days that have highlighted
21 the importance of coastal policy or the lack thereof in Nova
22 Scotia, and why this particular proposal is such an
23 interesting case study of where lack of coastal policy
24 brings us to.

25 I wanted to begin by explaining what I

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1 mean by coastal policy, and then a few of the key concepts
2 that I think are relevant for this discussion.

3 Coastal policy is an over-arching
4 framework that guides decisions around coastal uses. And
5 this sentence is a value statement because it recognizes the
6 ecological value, the economic significance, and also the
7 vulnerability of coastal areas.

8 Coastal policy or coastal policies can
9 be developed and applied at many levels, and in fact should
10 be. We're not only talking about the need for coastal
11 policy for Nova Scotia, but about better coastal policies
12 and land-use decisions at the municipal level, and indeed at
13 the level of individuals and individuals business.

14 And the kind of coastal policies we need
15 to guide us in our decision making around proposals such as
16 this one are actually a package; measures and tools that
17 will protect our coasts.

18 These can include, and should include,
19 specific legislation around coastal uses, but it also should
20 include regulations and guidelines, better land-use
21 planning, community plan zoning, better enforcement of
22 existing regulations.

23 So an earlier presentation referred to
24 coastal strategy as what we needed, and I quite like that
25 because it implies the strategic nature, the looking ahead

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1 that we need to be thinking of.

2 One of the tools of coastal policy is
3 integrated coastal management, and this is a way to manage
4 use of coastal areas in a co-ordinated integrated manner,
5 and I think something that's important is it addresses
6 appropriate and sustainable use of coastal areas.

7 I think one of the themes that's come up
8 very often over the course of these hearings is, is this
9 particular project appropriate for the Digby Neck area? Is
10 it a sustainable project? And using an integrated coastal
11 management approach helps answer these questions.

12 Another important idea about integrated
13 coastal management is holistic. It looks at the coastal
14 zone as an entity. A lot of the time, and I believe the
15 Proponent mentioned themselves in the opening statement,
16 these valued ecological components that are considered are
17 actually interconnected.

18 The coastal watersheds drain into our
19 coastal waters. We have human impacts on the coast. We
20 have current and future uses. Integrated coastal management
21 looks at these as a whole.

22 It's a multi-stakeholder approach. It
23 involves broad-based community inputs. It's a process of
24 avoiding conflicts and I guess, another important point,
25 it's a transparent and information-based process.

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1 It's been mentioned a couple of times
2 throughout these hearings that we're here because we don't
3 have a plan. We're here because we haven't assembled
4 information ahead of time and identified future research
5 gaps to serve as a background for decisions on existing and
6 new uses of the coastal zone.

7 We've also heard a little bit about
8 land-use planning, and I'm not going to read this quote, but
9 it comes from a guide to land-use planning in the coastal
10 zone prepared by Department of Fisheries and Oceans in 2003,
11 and they stress that coastal land-use planning or land-use
12 planning is an essential element for integrated management
13 of Canada's coastal zone because of the high potential of
14 human impacts or land-based impacts on our coastal lands and
15 waters, and they also stress the importance of looking at
16 economic, political, and environmental elements, and how
17 they affect the coast.

18 Throughout this hearing, we've heard
19 repeatedly how community members have felt disenfranchised
20 from the process of determining the future of their
21 communities and area. How would communities fit into
22 coastal planning? With a number of ways that are all
23 commonly accepted in parts of the world where there is
24 coastal planning.

25 In coastal planning, there's room, in

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1 fact, there should be, community-articulated visions for the
2 coast that are nested with an over-arching coastal policies
3 and plans. Community participation is a way of
4 incorporating local knowledge, values, and valuing existing
5 uses.

6 In the Environmental Impact Statement
7 for this project, the Proponent stresses that this is an
8 area where there is no existing plan, and therefore this
9 proposed quarry is a suitable alternative development. And
10 I want to stress that the absence of a formalized plan
11 that's been legally recognized or passed as a resolution
12 does not mean there's no community plan.

13 Less formal processes, such as community
14 vision statements, sustainable development statements, and
15 other kinds of process for articulating the future are ways
16 that communities participating in coastal planning.

17 Communities can also participate in
18 coastal planning to municipal planning strategies and
19 developing land-use bylaws, and there's a well-established
20 history of stakeholder processes, management bodies, that
21 develop plans and regulations in other parts of the world.

22 The other thing I want to stress about
23 community participation in coastal planning is that it
24 should be an ongoing and continuing role. It's not a one-of
25 consultation, yea or nay, we want this particular project,

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1 but community participation implies an ongoing role in
2 monitoring, evaluating, initiating, new projects, assessing
3 proposed new uses. And these are opportunities that can
4 exist within coastal planning for community participation.

5 Again, from the same DFO document on
6 coastal land-use planning, it stresses that coastal planning
7 is a collaborative approach to oceans management. It's
8 inclusive and transparent. It involves multiple
9 stakeholders. It recommends that land-use planning should
10 be a fully-integrated approach, that planning on the coast
11 should consider not only the coastal zone, but adjacent
12 lands that form the coastal watershed.

13 Quite like this one, as well. I think
14 it's quite relevant. Land-use planning should incorporate
15 higher levels of protection in natural and undeveloped areas
16 to maintain these areas in a near-pristine state. Planning
17 should err on the side of caution and use the precautionary
18 principle. Planning should incorporate long-term planning
19 and development goals.

20 Coastal policies, coastal management,
21 whatever we're calling it, it in fact is a tool or a way of
22 achieving exactly the same things that the Proponent was
23 asked to achieve in developing the Environmental Impact
24 Statement for this project. Coastal management is about
25 allowing eco-system-based management, about applying the

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1 precautionary principle, incorporating adaptive management,
2 public participation, and using traditional ecological
3 knowledge.

4 A lot of this has been theoretical, so
5 far. Vague ideas about public participation, integrated
6 management, eco-system approach. So I thought I'd look at
7 some of the practical applications. Why should the state
8 regulate coastal land?

9 I looked up coastal land use in New
10 Jersey, which is the home state of Clayton Concrete, the
11 parent company for Bilcon, and I found this statement, which
12 I'll read most of:

13 "New Jersey's coast line is a rich a
14 diverse fabric of natural wonders and
15 economic engines that improve our
16 quality of life and enrich our economy.

17 Businesses, tourists and residents are
18 drawn to New Jersey's coast for its many
19 economic and recreational opportunities.

20 Coastal industries contribute a
21 normalcy to New Jersey's economy.
22 Coastal land provides crucial habitat
23 for a wealth of wildlife, including
24 migrating birds, commercially-valuable
25 fish and shellfish, and sporting and

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1 recreational species.
2 Yet our coastline is under threat from
3 human activities. Hasty, unco-ordinated
4 development along the New Jersey shore
5 has already had an impact on this
6 fragile eco-system. Regulation is
7 necessary to prevent pollution,
8 destruction of vital wildlife habitat,
9 increases in rainwater run-off, and the
10 destruction of the natural beauty that
11 attracts visitors.
12 Regulation of coastal activities is also
13 necessary in some cases to prevent loss
14 of life and property from coastal
15 storms, erosion, and flooding."
16 So who has coastal policies? This is a
17 pretty partial list, and I wanted to show a wide range of
18 national-level coastal management programs and acts, acts
19 such as the **Massachusetts Wetland Act**, which protects
20 particular coastal features. I wanted to draw attention to
21 some of the coastal policies in our neighbouring provinces
22 or elsewhere in Canada, and I'd be happy to talk more about
23 the measures within these, if anyone wanted to ask me
24 questions.
25 But I thought I'd focus on something

1 that wasn't specifically coastal but is quite relevant for
2 this discussion, which is the Scottish National Planning and
3 Policy Guidelines, the NPPG-4, Land for Mineral Working.

4 Now, these guidelines came about as a
5 result of intense national debate over potential conflicts
6 between mineral extraction in Scotland and other values,
7 such as the natural and built heritage of Scotland. This
8 particular paragraph comes from the sub-section on coastal
9 super-quarries, and it says:

10 "Given the potential size and scale,
11 super-quarries are likely to have
12 significant impacts on their locations
13 where development does take place.
14 In recognizing the complex economic,
15 environmental, and social issues
16 involved, the Government believes that a
17 cautious approach is required to the
18 further development of coastal super-
19 quarries. The Government strategy is to
20 provide a national framework for any
21 such developments, enforced through
22 normal planning procedures and
23 development controls, in conjunction
24 with broad locational guidelines an
25 upper limit on super-quarry numbers, and

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1 periodic reviews of policy."

2 A little later in that document, it also
3 talks about some of the significant impacts that is
4 mentioned in that paragraph, and they specify that they're
5 not only negative impacts on Scotland's natural and built
6 heritage, but could potentially influence the designation of
7 particular coastal areas as national heritage sites or as
8 protected areas, which I think is relevant in the context of
9 this discussion.

10 Could also lead to greater social
11 conflicts, and it also stresses the real risk of cumulative
12 impacts of more than one quarry in a particular location.

13 So who doesn't have a coastal policy?
14 (Laughs) Nova Scotia. We are, as mentioned in earlier
15 presentation, one of the few jurisdictions in North America
16 without any kind of broad coastal policy, and 46 percent,
17 only 46 percent of our municipalities have any kind of
18 municipal planning strategy, and only a very small number of
19 those have anything to do with specific measures protecting
20 the coast or regulating land use along the coast.

21 How would a coastal policy help when
22 quarries come to town? Well, one thing is that coastal
23 policies are intended to avoid the kind of conflict, hard
24 feelings, and cynicism that this piecemeal approach has
25 produced here in Digby Neck. They set up a transparent

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1 process to involve stakeholders. They provide stakeholders
2 with a continuing role, so it makes the process more
3 accountable.

4 It identifies up front the areas that
5 are particular suited for different types of economic
6 development opportunities and those that are environmentally
7 sensitive. We've heard enough over the last little while to
8 recognize how environmentally-sensitive this area is. And
9 that these areas should require conservation and protection,
10 to make sure we have the information up front to ensure
11 better understanding of the process, and environmental
12 impacts of the project.

13 And this is, coastal management approach
14 is pro-active, inclusive, and transparent, so that
15 communities know and understand what the trade-offs are in
16 reaching a consensus on future uses for the coastal area.
17 And they also have a role in ensuring that this consensus is
18 honoured by Government over the long term.

19 So in short, integrated coastal
20 management would look at some of the negative impacts of a
21 project like this quarry, and I'm not going to go into them.
22 They've been covered very well by previous presentations.

23 But it wouldn't only list these
24 particular negative impacts; it would consider these issues
25 and the connections between them. IT would consider the

1 cumulative impacts; not only of this quarry, but the
2 cumulative impacts of potential other land uses and similar
3 developments in the area. It would create the process and a
4 framework for decision-making that would deal with these
5 multiple potential uses, respect local visions for the
6 future, and recognizes and values existing assets.

7 In short, integrated coastal management
8 is a proven approach, and many other communities have done
9 it.

10 So given all this, we feel that a quarry
11 in Digby Neck without a coastal policy does pose
12 unacceptable ecological, economic, and social consequences.
13 We feel that it precludes other, more sustainable options,
14 and it's a deterrent for coastal planning.

15 To explain that a little more, based on
16 the many existing traditional values, and the visions for
17 the future, which include eco-tourism, quality of life,
18 ongoing traditional fishery, we think the quarry is an
19 incompatible use. But we also worry that allowing this
20 precedent-setting decision to go forward, to allow a quarry
21 to go, will make it more difficult to incorporate future
22 coastal planning and policies and may tie our province into
23 continuing to approve such large-scale resource extraction
24 projects, and not having the tools to prevent them. In
25 fact, it would be a deterrent to future coastal planning.

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1 And I want to reiterate that this
2 particular quarry is contrary to many of the existing
3 visions for the future that have been so well articulated by
4 many local community members.

5 So given this, we recommend that the
6 Panel reject the White Point Quarry proposal, and we
7 recommend that you use this opportunity to recommend that
8 the Provincial Government move I would say with due haste to
9 work with key stakeholders to develop provincial coastal
10 strategy that looks at integrated coastal management and
11 involves full community participation, and in the meantime
12 that you recommend a freeze on large-scale industrial
13 extraction projects on the coast until such a policy is
14 developed.

15 I want to close with a little bit from a
16 press release that was issued by Friends of the Earth on
17 April the 2nd, 2004.

18 This was announcing the end of their
19 longest-ever campaign, which was when the Lafarge Concrete
20 company withdrew its quarry plans for a Lingerbay on the
21 Isle of Harris. They say that the decision to withdraw...
22 Friends of the Earth says that this decision is a great
23 decision for the people and the environment of Harris and
24 Lafarge's decision is, without doubt, the only responsible
25 and ethical decision that could have been taken.

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1 And then following that press release,
2 Lafarge themselves made a statement, and they say that they
3 are withdrawing their proposed coastal quarry proposal, but
4 they say

5 "The issue of sourcing for the medium
6 and long-term supplies of mineral in the
7 U.K. remains unresolved."

8 And they call for a serious public
9 debate about where the building material for the future will
10 come from.

11 Never thought I'd find myself actually
12 agreeing with the world's largest aggregate company, but I
13 think their thoughts at the end of the 2004 process are
14 relevant because we do need a serious public debate in Nova
15 Scotia. We need a serious public debate about the future we
16 want for our coast and the kind of developments we want to
17 allow there.

18 And in conclusion...

19 Ms. GRETCHEN FITZGERALD: All of the
20 proposed mitigation measures that I have suggested for
21 ballast water and preventing the introduction of invasive
22 species on ships coming to the quarry are based on the
23 premise that we have a strategic and democratic coastal
24 plan.

25 With no plan, there should be no quarry.

1 Ms. JENNIFER GRAHAM: And I say no
2 quarry, then how about a plan.

3 Ms. GRETCHEN FITZGERALD: Thank you very
4 much. We also have questions for the Panel.

5 **PRESENTATION BY ECOLOGY ACTION CENTRE - QUESTIONS FROM THE**
6 **PANEL**

7 Dr. JILL GRANT: I have a question for
8 Ms. Fitzgerald about monitoring the potential risk of
9 invasive species and the different mitigation strategies
10 that you discussed.

11 And my question is around monitoring,
12 because as one of the scientists who was here this week said
13 to us, it's important to detect these things very early if
14 you have any hope of stopping them.

15 So when you're reading about invasive
16 species, what frequency of monitoring is necessary to
17 identify these things early and be able to take preventive
18 action?

19 Ms. GRETCHEN FITZGERALD: That's an
20 excellent question, and I would refer the Panel probably to
21 Australia, which has some of the most stringent regulations
22 in monitoring in place for things like invasive species.

23 So for the quarry, I wouldn't, off the
24 top of my head, want to say, but I think if a ship is coming
25 in once a week, then they should be sampling that ballast

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1 water once a week. I mean, it should be treated, because of
2 the implications of introducing ballast water, it should be
3 treated like a pollutant, in my view, because it's forever.

4 It's not just an, well, an oil spill is bad, but invasion
5 can actually be worse in terms of impacts because it never
6 goes away.

7 So I would like to see every ship coming
8 in be sampled, and I would like them to be monitoring the
9 marine environment around the quarry, of course in the
10 context of a coastal plan, on a regular basis. So I would
11 say monitoring the marine environment, I would recommend at
12 least monthly surveys that are thorough and done by an
13 independent scientist, paid indirectly through Environment
14 Canada, where Bilcon gives the money to Environment Canada
15 and they commission it out. Everything would have to be
16 done at arm's length. And then every single ship coming in
17 should be monitored.

18 Dr. GUNTER MUECKE: Yes, I have a
19 question about invasive species, too. I mean, there are
20 ships that are coming in regularly into the Bay of Fundy
21 right now, exchanging ballast water in the zone that was
22 indicated on the map.

23 Have you got any... And Bilcon is
24 proposing one ship per week. Have you got any figures or
25 opinions about what proportion or how much that one ship per

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1 week would increase the amount of ballast water released in
2 that region?

3 Ms. GRETCHEN FITZGERALD: I believe
4 Bilcon presents those numbers, and it does seem quite low,
5 because they look entirely at all the ships coming into the
6 region.

7 But in my paper presentation, our
8 submission earlier, I made the argument that because Digby
9 Neck is such an ecologically significant area, I think this
10 area should be treated differently. I think the volumes are
11 substantial, because there is no ballast water coming in
12 here right now. So it would be a, you know, a 100 percent
13 increase for Digby.

14 And I think a lot of the other projects,
15 actually, that are in place in the Bay of Fundy actually
16 were established before CEAA came into force, or did not
17 trigger the environmental assessment that's going on right
18 here.

19 So I think pointing to other projects is
20 a bit of a red herring. I think, had they undergone this
21 thorough process, they would be doing the right thing. I
22 have a couple other arguments on that front, I think. Hold
23 on a sec.

24 I don't believe CEAA actually upholds
25 the idea of relative risk, and I think the Panel's

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1 instructions to the Proponent included how to ask the
2 Proponent to deal with this risk, and I would like them to
3 be taken to task on this.

4 Dr. GUNTER MUECKE: Going back to your
5 answer, you seem to allude that ballast water would be
6 discharged outside the zone, in the area that has been
7 specified. You're saying that it would increase the risk in
8 terms of Digby, the Digby County coast. Could you just
9 qualify that?

10 Ms. GRETCHEN FITZGERALD: Certainly. In
11 some cases, ballast water exchange is impossible, if that
12 is, indeed, the mitigation measure that the Proponent is
13 proposing, because it's not safe, or the vessel doesn't have
14 time to perform a complete exchange.

15 And also, in the study that I showed
16 you, and actually we'll be submitting hard copies of some of
17 the documents we've alluded to today, they actually had
18 performed exchange, but exchange isn't good enough to stop
19 to reduce the risk.

20 I mean, all the ships going into the
21 Great Lakes after 1993 had performed an open ocean exchange,
22 never mind a coastal exchange, and invasions still go up.

23 So yeah, they're going to be discharging
24 ballast here on Digby Neck, and it may been exchanged in the
25 coastal exchange zone, but it will still probably contain

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1 invasive species.

2 So I think, yeah, and in some cases
3 where safety is a factor, it will be unexchanged ballast,
4 it'll be pure New Jersey water.

5 THE CHAIRPERSON: Mr. Buxton?

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

8 THE CHAIRPERSON: Questions from the
9 floor?

10 **PRESENTATION BY ECOLOGY ACTION CENTRE - QUESTIONS FROM THE**
11 **PUBLIC**

12 THE CHAIRPERSON: Mr. Ackerman? Sister
13 Barbara? Anyone else? Please move over there so we can get
14 an assessment.

15 Mr. JERRY ACKERMAN: Thank you. Jerry
16 Ackerman is my name.

17 I want to ask about disinfection as a
18 mitigation of the invasive species. I have a relative who
19 is a biochemist, and when I ask him about chlorine as a
20 disinfectant he turns me on to ultraviolet, and he
21 emphasizes that it is cleaner and clearer, and things like
22 cholera sporidium and so on are destroyed.

23 And is this being used?

24 Ms. GRETCHEN FITZGERALD: Actually, there
25 are ships out there that are using technologies to treat

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1 their ballast. A lot of it is done on a trial basis right
2 now, but there is technology being developed, and I think a
3 lot of it, as in most industries, it has to do with the will
4 of the regulators and people such as the Panel requiring
5 industry to take steps.

6 But there are technologies, including
7 the U.V. to which you refer, which is a, I think it's one
8 of the most hopeful ones; U.V. combined with filtration for
9 ship-board treatment, and then don't neglect the idea of
10 shore-based treatment. That's also another idea that could
11 be possible.

12 SISTER BARBARA: Thank you, Mr. Chair.
13 I'm Sister Barbara from Rossway, and thank you for your
14 presentation.

15 In your presentation, you mentioned
16 super-quarries. Now, in the Whites Point Quarry update this
17 week from the Proponents it says:

18 "Point two: The Whites Point Quarry is
19 not a mega-quarry, but is in fact a
20 fairly average-sized quarry provincially
21 and nationally."

22 Would you say it is a super-quarry or a
23 mega-quarry?

24 Ms. JENNIFER GRAHAM: I looked at the
25 definition that they were using for this, for their super-

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1 quarries in the Scottish NPPG... Let me get that right. In
2 the Scottish NPPG-4 Land for Mineral Working paper, and
3 you're right that they define a super-quarry as five million
4 tonnes or more of crushed aggregate per annum, which is
5 larger than this proposed quarry. And those were the size
6 of quarry for which these specific guidelines were
7 developed.

8 They do note that quarries of two
9 million tonnes of crushed aggregate per annum, which is, I
10 believe, the approximate estimate for this quarry, merited
11 special concern, should not be approved by local planning
12 authorities without prior notification at the national level
13 and could be subjected to comprehensive environmental
14 assessments as well to ensure that they did not exacerbate
15 the risks of damage to the marine and coastal environment,
16 et cetera, that were associated with the larger quarries.

17 So I'm not going to hazard a definition
18 as to whether this one is a super-quarry or not, but I am
19 going to say that, in the Scottish experience, coastal
20 quarries of this size merited special consideration in
21 planning and approval.

22 SISTER BARBARA: Thank you very much.

23 THE CHAIRPERSON: Mr. Mullin?

24 Mr. DON MULLIN: Yes, Don Mullin. Just a
25 quick question.

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1 You said there were 21 of these invasive
2 species found in the water off the water area near New
3 Jersey. And do we know what the known or estimated
4 survivability of those 21 beasties are?

5 Ms. GRETCHEN FITZGERALD: Carver and
6 Mallet were actually pretty thorough in screening out the
7 ones that they thought would not survive off of here, so
8 those 21 are the ones that they felt were likely to survive,
9 given the conditions off Digby Neck.

10 So those are the usual suspects, as they
11 would say.

12 Dr. GUNTER MUECKE: Could I just ask you
13 about a statement you made that you believe that coastal
14 zone management or strategies for Nova Scotia would be
15 inhibited by the approval of the quarry?

16 Now, you alluded to NAFTA, and we've had
17 expert opinion given to us, Department of Foreign Affairs,
18 that environmental laws or regulations will not be
19 inhibited, that the jurisdictions are free to implement them
20 without any NAFTA implications.

21 So my question is, other than NAFTA, how
22 would coastal zone management in Nova Scotia be inhibited by
23 an approval of the quarry?

24 Ms. JENNIFER GRAHAM: I'm happy to hear
25 that the clarification of environmental jurisdiction under

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1 NAFTA allows Nova Scotia to continue to improve our
2 environmental performance. That's very reassuring.

3 In my opinion, much of what we've been
4 hearing over the last few days about the value and
5 significance of this area hinges upon these fully
6 functioning ecosystems that support a variety of marine life
7 and a variety of traditional occupations.

8 It offers us a full range of
9 opportunities for a range of sustainable development
10 activities, and this includes protecting and conserving
11 certain of these areas and their ecological processes and
12 values.

13 Once we start permitting uses that are
14 going to change these systems or decrease their value, both
15 economically and ecologically, we are closing the door on
16 other possible options and narrowing the ranges of choices
17 we have when we're assessing in our planning processes.

18 And that's my answer kind of specific to
19 the rare opportunity we have here in Digby Neck and the
20 Island.

21 What I do note, and I think this
22 conversation has also been held throughout this hearing, is
23 certain land uses, when they're permitted, do also lower
24 certain values, property values near the blasting, people's
25 willingness to live in an area, people's ability to stay in

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1 an area, the spiritual values and the sense of connection
2 and place.

3 All of these things also make it
4 difficult to develop a municipal plan for Digby Neck, to
5 make by-laws to protect particular water sheds when right
6 next door there is a large quarry affecting another one.

7 I guess, to use the kind of expression
8 my grandmother would use, it sets the tone of the
9 neighbourhood, and I do think that's a way of precluding our
10 options.

11 THE CHAIRPERSON: If there are no further
12 questions, thank you, Ms. Graham, Ms. Fitzgerald.

13 By the way, we didn't receive a copy of
14 your document before. You have left it for the secretariat,
15 have you?

16 Ms. GRETCHEN FITZGERALD: There's an
17 electronic copy on here, and we also have these other,
18 additional documents that we can leave with the secretariat.

19 THE CHAIRPERSON: See that the
20 secretariat gets them, please. Thank you.

21 Ms. GRETCHEN FITZGERALD: Are we
22 permitted to ask questions of the Panel at this point?

23 THE CHAIRPERSON: Not particularly, no.
24 We're not here to answer questions. We're to ask them.

25 Ms. GRETCHEN FITZGERALD: Okay. Thanks.

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1 THE CHAIRPERSON: Okay. That brings us
2 to the last presentation for this evening, and that's Mr.
3 Morsches.

4 --- Pause

5 **PRESENTATION BY Mr. BOB MORSCHEs**

6 Mr. BOB MORSCHEs: It is a great pleasure
7 to address the Panel on the subject of traffic, especially
8 truck traffic, along Highway 217.

9 I am a home owner that sits right in the
10 middle of east Sandy Cove, right by the Bay, approximately
11 30 metres from the centre of the road.

12 I'm a member of the Executive Committee
13 for the partnership, and I'm a retired Naval officer from
14 Naval Intelligence and Naval Operations and Combined
15 Operations. I spent 25 years doing that.

16 Highway 217 is a collector highway, and
17 collector highways are classified as a third C category type
18 road. You have your 100 series, which are the main roads,
19 and you have your Bs, which are your Route 1s, 8s, et
20 cetera.

21 Collector highways are designed to
22 actually be used by communities to go up and down, around
23 various villages and communities and up maybe if you live
24 way south, you go to Digby to do your shopping.

25 It supports schools and churches. Also,

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1 there's local stores and shops and the fishermen that keep
2 going back and forth.

3 Collector roads, and I take this
4 verbatim from the Chief of the Digby Region Transportation
5 and Public Works:

6 "They do not support any heavy
7 industrial mining or quarry activities."

8 This is a diagram of the various kinds
9 of hazards that you would have coming all the way where you
10 see 217 West from Middle Cross Road all the way down to
11 Whites Point.

12 When you travel that road, you are going
13 from one community to the other. You are never in an area
14 which is nothing but fields or woods. There are homes all
15 along it.

16 When you get down in the Sandy Cove
17 area, which is probably the largest village along that road
18 that's so close to it, you have steep hills. You have fog.
19 You have fishermen coming in and out of the piers. You
20 have schools, Digby Neck Consolidated School.

21 You have speed zones, and then, since I
22 live in the base of the thing at the sea level, you have
23 lots of fog, lots of ice, lots of snow.

24 As you pass that, you will pass Mink
25 Cove, which is not that many people live there any more and

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1 then, all of a sudden, you're going into the Little River
2 area before you're down to 50 kilometres an hour to go into
3 Little River.

4 However, in order to get to the site,
5 you go down, and this is the official name of the road, 422.
6 Not Whites Cove Road, which is right in this area here.

7 As you can see by the various symbols
8 there, that doesn't mean that every sign looks like that.
9 That's the kind of activity that you have on that road.

10 The typical traffic hazards that we have
11 on Highway 217 happened in June 2005. We had a truck
12 accident, and this was caused by a senior citizen pulling
13 out of the Quickway store at the bottom of Sandy Cove Road.
14 And it's very heavy truck traffic travelling down that area
15 then. Not now.

16 It's a steep hill going down there and,
17 as you can see, there's a partial truck. It was the cab
18 only that was coming down.

19 He swerved, and from the road to the
20 fall, which is a bunch of rocks, it's one metre. And we
21 have that type of condition here and there throughout.

22 I don't know if the Panel knows about
23 this, but there's sea wall. Sea wall's a very dangerous
24 area.

25 I didn't get any information about

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1 recent accidents, but there have been all kinds of various
2 things that have been caused by cars, but mainly by large
3 trucks.

4 The gentleman, fortunately, was not
5 killed when he rolled over, but they spent five hours to try
6 to get him out of the cab. They had to get a piece of
7 equipment to saw the cab up in order to get him out. They
8 took the ambulance, and off he went, where they took him by
9 chopper to Halifax. Excuse me, helicopter.

10 The problem is what the Panel issued.
11 The Panel requires a pre-engineering level of detail at this
12 stage of the project planning as opposed to a conceptual
13 information or design.

14 The Panel asked you to quantify the
15 expressed increase in truck traffic along 217 during
16 construction and decommissioning periods and explain how
17 it's possible for the project to effectively eliminate heavy
18 truck traffic.

19 There were 18 other queries about the
20 same subject. I read them all, analysed them all, and they
21 came from the government, from various organizations that
22 were looking about this, Sierra Club and et cetera.

23 Of the 18, the comments that were put
24 back in the revised EIS was "noted". I looked up the word
25 "noted", and it means that you heard it. It doesn't mean

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1 you agree or disagree with it. So we're still in a quandary
2 about the details of this truck traffic.

3 Bilcon's response to the Panel was that
4 using 217 in the area of the proposed quarry is not
5 available.

6 Well, I sort of questioned that because
7 I know there's stuff available. I've seen it.

8 And I brought with me a book that was
9 sent to me from Halifax in overnight express mail when I
10 asked for it by Mr. Lester, who's a part of the Nova Scotia
11 Transportation and Public Works. And it was published in
12 2006.

13 And the details of all the traffic. It
14 didn't differentiate trucks in our area, which is 217,
15 Segment 030. But it is something different than what Bilcon
16 put in their revised EIS.

17 I took my own survey. I have a
18 measuring device which I brought with me, a GPS and
19 everything. And I counted every home and structure that I
20 could see from the road as I drove from Middle Cross Road
21 all the way down to Whites Point.

22 I don't know if you can see this or not.
23 Maybe the view of it is not too good, but there was 178
24 structures that was within 18.2 kilometres.

25 The residents that I've talked to and

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1 myself, and others on the committee, the partnership, we
2 feel that it was very non-responsive.

3 You list the total number of trucks for
4 transportation of supplies and equipment, but there's no
5 planning about the kind of trucks that you require as
6 required by the Nova Scotia Transportation and Public Works.

7 You did not classify the type of truck
8 by category, yet you know exactly what kind of equipment
9 you're going to take. You specify in one of your diagrams
10 in the revised EIS that you're going to have a D2 CAT.

11 Well, all you have to do is call up CAT
12 and ask them what is the size, shape and weight of that D2
13 CAT.

14 The Nova Scotia Transportation people
15 have 10 categories of trucks, starting out with what we call
16 a straight truck, which is strictly a cab and attached
17 container on it which has either two or three axles.

18 You did not determine the weight or
19 dimensions of each type of quarry supply that you needed,
20 and yet when you look at the Caterpillar list, you can say a
21 D2 weighs this, its length and its width is this.

22 Now, I don't understand why you can't do
23 this kind of work. It took me about two days to find it
24 out.

25 You did not address the required driver

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1 training requirements. I talked to some Transportation
2 people, and they said it depends on the truck, but you must
3 be registered and certified.

4 It takes up to one year, sometimes, to
5 have an individual be trained to drive, let's say, a truck
6 pony trailer, which is a very large type of trailer, goes up
7 to, I think, close to 65 feet.

8 You did not describe the procedures for
9 certifying vehicle compliance, which every time you drive a
10 truck of one of these categories with a big payload, you
11 must have it certified and it must be inspected.

12 Now, you're going to bring these trucks,
13 most of them, from Halifax, and then you're coming down 101
14 and then you're going to cross over Middle Cross Road in
15 order to avoid the Digby area.

16 It seems to me that you have a big job
17 about describing exactly how much you're going to have,
18 where you're going to go, and none of this was even
19 mentioned in the revised EIS or the EIS.

20 Furthermore, you did not address the
21 dangers and the hazards of using 217. I specifically went
22 over there, I do believe, it was on Monday and talked to the
23 District Manager, Mr. Roger Foote, F-o-o-t-e. And he told
24 me that you bring down anything that's ANFO, even though
25 it's not put together yet, you have a problem.

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1 They've never carried explosives down
2 that road, and he doesn't think that they will allow it. He
3 is the District Director of the Digby area.

4 On the average last 10 years, and I did
5 this myself, took it out of this book. I then spent several
6 days at the ferry, at Middle Cross Road, and I counted the
7 number of trucks. I even interviewed Kenny, which is way
8 down in Brier Island, who takes fish and fish products from
9 Brier Island to Boston and Rhode Island.

10 I interviewed Mr. d'Eon (ph), who has
11 lobster products. I also talked to a gentleman from
12 Tiverton, who has a state truck oil truck where he comes
13 around and he refuels the various lobster boats.

14 So it was easy information to obtain,
15 but it was never presented. It did not take me but about
16 three weeks to get all this data together.

17 I'm down at this area here now. You
18 talked about having 848 truckloads during the construction
19 phase. A truckload goes down there, he's got to get back.

20 Empty or not, large trucks are dangerous
21 on 217 per Roger Foote. Also, you said there would be 247
22 truckloads per year during the 50-year operations phase.

23 That's 494 trips or, if you really want
24 to take a look at it closely, that's 24,700 trips over a 50-
25 year period bringing mainly explosives.

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1 Now, I know you don't think that
2 ammonium nitrate, when it's not connected to oil, would be
3 doing anything. If anybody's ever read anything about the
4 government building at Oklahoma City that was blown up in
5 1995, I'm sorry to say that you can do major damage by
6 having a wreck.

7 The way they did that, they took the
8 truck. They had two bags of the AN part of it, and they had
9 a gas tank and an oil piece back in their back. It was
10 hooked up electrically. They crashed it, and off it went.

11 It destroyed an eight storey building.
12 It killed 197 people, and it blew houses and all kinds of
13 items within 300 metres of the building. That is dangerous.

14 In the decommissioning period, I show
15 there's 650 trips vice your 329.

16 I did the calculations based on all the
17 data that I collected, and you will have an increase of
18 traffic by trucks by 652 percent during the construction
19 period.

20 Bilcon will increase it by 190 percent a
21 year during the operations phase, and 253 during the
22 deconstruction phase.

23 In conclusion, it is proposed that 217
24 be a collateral highway, and Mr. Foote said the same thing.
25 It's a huge demand and increase in dangerous trucks.

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1 It is therefore recommended that Bilcon
2 be denied the use of this road and every other aspect of the
3 proposed quarry. Mr. Foote said he cannot see any trucks
4 like that coming down the road.

5 He will not have that road paved
6 completely for the next 10 years, and he said the way
7 they're going now, it would be 15 years before they would do
8 it. And he will not permit trucks to go down that road.

9 If you've ever been down there, you know
10 there's potholes all over it. That's dangerous for
11 trucking.

12 Thank you very much, Doctor.

13 THE CHAIRPERSON: Thank you, Mr.
14 Morsches. Gunter?

15 **PRESENTATION BY Mr. BOB MORSCHEs - QUESTIONS FROM THE PANEL**

16 Dr. JILL GRANT: I have a question.

17 Mr. Morsches, do you have any
18 information on accidents on that road? You showed us one
19 accident, but are there any kind of data available generally
20 on the number of accidents on 217 above Little River?

21 Mr. BOB MORSCHEs: Dr. Grant, I went to
22 the police station and they never kept any records outside
23 of the Rocksville area, which goes down by Middle Cross,
24 back into Digby.

25 And I went down there several times and,

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1 I'm sorry, I couldn't get it. I was after the same thing
2 you were, ma'am.

3 Dr. GUNTER MUECKE: You alluded to the
4 Oklahoma disaster, the bomb that was set off.

5 I'm a bit puzzled how you relate that to
6 truck traffic because in one case you're dealing with a
7 configuration of both the fuel and the ammonium nitrate and
8 diesel fuel which is, in the case of the Proponent, doesn't
9 come together as a unit until it is on site.

10 So could you just explain to me?

11 Mr. BOB MORSCHEs: Yes, Doctor. I talked
12 to some people and, also, there's an article which I'd be
13 glad to furnish the Panel from the FBI that did the
14 investigation, and they had a scenario where they actually
15 did this, taking a truck and ramming it with just the
16 ammonium nitrate in it. And the thing sparked, and the
17 gasoline went off and, bingo.

18 They didn't indicate how much
19 destruction it did, but there was a problem.

20 So if a truck turns over, you have a
21 possibility, I'm not saying it's a probability, of having
22 the same event happen.

23 Dr. GUNTER MUECKE: Well, if you have
24 documentation on that, I certainly would be interested in
25 seeing it.

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1 Mr. BOB MORSCHEs: Sir, I have
2 documentation for everything I said, and I'd be glad to...
3 I don't have that documentation in my references which I
4 gave the Panel, but I will be glad to give it to you, and if
5 it's okay I would give it to you tomorrow night or on the
6 29th.

7 Dr. GUNTER MUECKE: Thank you.

8 THE CHAIRPERSON: Mr. Buxton?

9 **PRESENTATION BY Mr. BOB MORSCHEs - QUESTIONS BY THE**
10 **PROponent**

11 Mr. PAUL BUXTON: I don't have any
12 specific question. I'll be very brief, Mr. Chair, that I
13 think our statement that the statistics on truck traffic is
14 not available is correct. There are statistics on total
15 traffic that are done by the strips across the road, and
16 they count axles, so you don't know whether it's a car or a
17 truck.

18 Secondly, blasting explosives are
19 carried down the Neck on a regular basis. The Tiverton
20 Quarry was blasted. They were taken down there by road.

21 And just a final point. All truck
22 traffic which goes on highways has to comply with weight
23 restrictions, width restrictions, and so on, and certainly
24 the people who would be trucking this equipment in for us
25 would have to comply with all those regulations.

1 Thank you very much.

2 THE CHAIRPERSON: Mr. Buxton, I have a
3 question. One of the things that Mr. Morsches said which
4 took me by surprise was his suggestion that truckloads of
5 ANFO would not be allowed down that road.

6 Have you any, can you bring anything to
7 bear on that? I mean, have you, in fact, inquired whether
8 that would be the case, or are explosives regularly brought
9 down that road for other purposes?

10 I mean, it seems like an odd situation.

11 Mr. PAUL BUXTON: I wouldn't say
12 regularly, but blasting is carried out down there, there's
13 an operating quarry on Digby Neck. Certainly when the
14 Tiverton Quarry was in use, they used blasting compounds.

15 It is, it's regulated in the sense that
16 the vehicle has to be a very specific vehicle, it has to
17 comply with all kinds of regulations, but as to being banned
18 from a road, no, I would say that that's incorrect
19 information.

20 THE CHAIRPERSON: Does one truck carry 15
21 to 20 tonnes of ANFO?

22 Mr. PAUL BUXTON: I couldn't tell you
23 offhand. I'd have to get that information for you.

24 Mr. BOB MORSCHEs: Doctor, I just have a
25 comment about what Mr. Buxton said. I don't know if he's

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1 ever seen this, but this is an application that I obtained
2 from Digby for registered way of commercial vehicles, and it
3 specifically says what is the limit by truck type of what
4 you can carry.

5 In 2008, it's going to decrease on
6 collateral roads, and it may increase on, let's say, Highway
7 101 once it's been all fixed up.

8 THE CHAIRPERSON: Thank you. Any
9 questions from the audience for Mr. Morsches? No? Okay,
10 then.

11 Thank you very much. Thank you Mr.
12 Morsches, and we're adjourning for the evening. We'll be
13 here at 1:00 tomorrow afternoon.

14 --- Whereupon the matter was adjourned at 9:34 p.m. to
15 resume on Monday, June 28, 2007, at 1:00 p.m.