

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

SCOPING MEETING #1

HEARD BEFORE: Dr. Robert Fournier, Chairperson
Dr. Jill Grant, Member
Dr. Gunter Muecke, Member

PLACE HEARD: Sandy Cove, Nova Scotia

DATE HEARD: Thursday, January 6, 2005

SECRETARIAT: Mr. Stephen Chapman, CEAA
Ms. Lucille Jamault, CEAA
Mr. Peter Geddes, NSEL

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Per: Mark Aurini, Commissioner of Oaths

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1 Sandy Cove, Digby Neck, Nova Scotia
2 --- Upon commencing on Thursday, January 6, 2005,
3 at 7:02 p.m.

4 THE CHAIRPERSON - OPENING REMARKS:

5 Good evening to you all. Thank
6 you for coming to this particular meeting. My name
7 is Robert Fournier, and I'm the Chairman of the
8 Joint Panel. On my left hand is Gunter Muecke.
9 He's an earth scientist. On my right is Jill
10 Grant. She's a planner. And my discipline is
11 oceanographer.

12 Also, I'd like to point out that
13 there is a secretariat that has been established to
14 support this panel. And over there we have Peter
15 Geddes from the Department of Environment and
16 Labour from the Provincial Government, and then
17 Steve Chapman in the blue shirt, who is with the
18 Department of the Environment federally, and with
19 the organization known as the Canadian
20 Environmental Assessment Agency or CEAA. And
21 there's also a third person, Lucille Jamault, who's
22 over there standing up. And so they represent the
23 secretariat for the moment. They're the support
24 people that regulate the paper and allow us to
25 function properly.

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1 Well, let me just start by saying
2 who we are. We're a joint panel, and what the
3 word, "joint," in this case means is it's a panel
4 that's been assembled that is partially federal,
5 Department of the Environment of the Federal
6 Government, and partially provincial from the
7 Department of the Environment and Labour. So
8 "joint" means federal/provincial grouping.

9 What do we do? The question you
10 may ask is "What do we do?" We have been created
11 by an agreement between the Federal and Provincial
12 Governments, and that agreement establishes the
13 panel. The panel has been given terms of reference
14 to work within, and those terms of reference are to
15 ask us to try and review the particular proposal
16 that is before you to make an impartial review of
17 the environmental effects that have been proposed
18 for the development of a basalt quarry here on
19 Digby Neck, and a marine terminal, specifically at
20 Whites Point, as you all know. And the Proponent
21 involved in all of this is Bilcon of Nova Scotia.
22 Okay?

23 Now, this is intended to be a
24 public process, a very public process. All the
25 documentation that passes before the panel is made
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1 available to you, the public. It's all present in
2 the Isaiah Wilson Library in Digby and can be
3 accessed on line for those of you who have computer
4 facilities as well. So every single document that
5 we see is available to the public to be seen as
6 well.

7 The Secretariat is the
8 intermediary. They allow -- they process the
9 paper, but in the end, as I said, once more, to
10 make it absolutely certain, is that nothing we will
11 see you won't see as well.

12 In addition, the public process
13 involves two public -- two sets of public meetings.
14 Tonight is the first in the first set. As you all
15 know, there will be four meetings held over the
16 next four days. One here, one in Digby tomorrow,
17 one in Wolfville on Saturday, and then one finally
18 in Meteghan on Sunday. And the plan is to cover
19 the area that will be affected or influence by this
20 particular proposal. These are referred to as
21 scoping meetings, and I'll come back to that in
22 just a minute and give you a bit more information.

23 There is a second set of public
24 meetings planned as well. After the Proponent,

25 Bilcon, puts together an environmental impact

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1 statement, a statement as to how they see their
2 proposal impacting on the environment, there will
3 be a set of public meetings in which the public
4 will be asked to comment on that particular
5 document.

6 So we have meetings here before
7 the document is written, and there'll be meetings
8 after the document is written. Both of these
9 meetings, the scoping meetings and the subsequent
10 meetings, are put together to assist us, the panel,
11 to help us reach conclusions. And it's very clear
12 or should be clear to you that the panel needs the
13 input from the public at every step of the way. In
14 other words, your input will have an impact on us
15 as we draw our conclusions and eventually write a
16 report that will go to two ministers, a provincial
17 minister and a federal minister.

18 Now, let's come back to the
19 scoping meetings, tonight's meetings. The focus of
20 this particular meeting tonight is to get your
21 input on this document. This is the Draft EIS
22 Guideline. This is the document that -- well,
23 first of all, let me just say, EIS means
24 Environmental Impact Statement, and eventually

25 Bilcon will be asked to produce an Environmental

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1 Impact Statement defining their view as to what the
2 environmental impact will be. These are
3 guidelines, which means these are instructions
4 given to the Proponent, to Bilcon, to tell them how
5 to put together their Environmental Impact
6 Statement.

7 And then finally, this is a draft.
8 It's not complete. It hasn't been finished. So
9 the reason we are coming to you is to ask you for
10 your input to help us refine this draft which
11 eventually will be given to the Proponent.

12 It's important for you to know
13 that this document was not drawn up by the three of
14 us. It was drawn up by both branches of the
15 government, federal and provincial. It was put
16 together by a variety of individuals and
17 specialists who said, based on their experience,
18 this is what we think you need. But now is the
19 time for the public to have its input into this,
20 and then after we have received your input, we will
21 take the original document and the public input and
22 fashion a final document which will then go forward
23 to the Proponent. Okay? This is to allow you to
24 have a say in the process.

25 Now, we're seeking your input. We
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1 recognize there are some people in the community
2 who are positive, who believe that this is a good
3 thing. We understand that there are people in the
4 community who believe that this is negative and not
5 good for the community. We're interested in both
6 sides. This is not just one side. It's both
7 sides. We're looking for your help to assist us in
8 environmental issues and issues related to the
9 project in general. Another way of saying that
10 would be we're interested in what you have to say
11 to help us to refine this document.

12 The panel will receive the input
13 from four scoping meetings, and here tonight, your
14 input will be verbal, oral. But if any of you
15 prefer -- don't like speaking in public and prefer
16 to write to us, do it. Send us something written.
17 The fact that it's presented in person or the fact
18 that it's presented in writing makes no difference,
19 equal way. It's the information we want. It's not
20 the mechanism by which it's been given to us.

21 And if it's been presented to us
22 verbally, it'll be transcribed and made public for
23 everyone to see. If it's sent to us in writing,
24 it'll be put on the registry for everyone to see,
25 either way. And in either case, if it's useful

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1 information that helps us, it'll be included in the
2 Guidelines. And the Guidelines, once they're
3 finished, will be made available for you to see as
4 well.

5 Okay. Now, there are procedures
6 that we're going to follow tonight as we've set
7 aside three hours, from 7:00 to 10:00. And not
8 only that, it's very tightly scripted. A variety
9 of people have responded to a request and indicated
10 that they wanted to speak, and so every minute is
11 allotted, and we're going to try and keep you to
12 the schedule. It's not that we want to move you
13 through and not hear what you have to say. It's
14 that we'd like to get everything in.

15 If, by chance, we don't, there are
16 two possibilities. We could keep this meeting
17 running longer or we could ask some of you, if
18 you're interested, to appear at a meeting tomorrow
19 night in Digby and make a presentation there.
20 There's no preference one way or the other. I
21 mean, it's really up to what you would like to do.
22 There is one advantage for the overflow to go to
23 Digby, is there'd be more time, more time for
24 interaction, and you might be able to explain your
25 concerns greater. It's up to you. We'll respond

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1 to what you think.

2 There are several categories of
3 presenters tonight. This list is made up of people
4 who registered ahead of time, who wrote into the
5 secretariat and said they wanted to make a
6 presentation. Some of them are individuals and
7 some of them represent organizations. The
8 difference is, if it's an individual, we've asked
9 them to keep their remarks to 10 minutes. People
10 representing organizations, we've asked them to
11 keep their remarks to 15 minutes. That's the only
12 distinction, simply assuming that somebody
13 representing an organization might have more to
14 say.

15 Also, people could have registered
16 at the door. They could have registered with
17 Lucille, and she could have written it down and we
18 could try to fit you in. If there are people of
19 that sort, we might try and tack them on at the
20 end. But as I said, the evening could become
21 extremely long. And then finally, somebody might
22 wish to make a comment from the floor. Again,
23 that's possible too if there's time.

24 So all we've done is to give
25 preference or priority to those individuals who
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1 registered ahead, and after that, there's a
2 sequence that we'll follow. Oh, and the list, by
3 the way, is a first come, first serve list.
4 They're going to assign the space on the list based
5 on first come, first serve.

6 Okay. Everyone's aware -- we
7 certainly are aware that there are high emotions
8 around this particular issue. Consequently, the
9 reason for the panel being called into place. We
10 would ask you to try and make your comments through
11 the chair, through the panel, rather than across
12 the room. There's nothing to be gained by one
13 individual here with one viewpoint and an
14 individual over there with another viewpoint and
15 this kind of interaction. The reason for saying
16 that is that the purpose of this meeting is to
17 inform us. We need your input in order to take the
18 next step. So the information should flow this way
19 if at all possible, and so we just urge you to keep
20 that in mind. I'm sure that the community has
21 debated many of these issues many times, but this
22 particular meeting is directed at us.

23 With regard to questions, if
24 there's enough time -- if somebody makes a
25 presentation and we think that there's enough time,

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1 then we might wish to question or we might allow
2 questions from the floor, which should be directed
3 through us. The order of the questioning would be
4 for the panel first, since that's the primary
5 motive for this particular meeting, and then we
6 would then defer to others. And as I said, bring
7 the questions through me.

8 One final thing, I suppose, or one
9 almost final thing is that the panel reserves the
10 right to strongly intervene to keep the meeting on
11 track. Okay? And by that, I mean is that -- is
12 that we are here for one specific reason, which is
13 to get your input to help us to refine this
14 document, rather than to hear a broadly inclusive
15 view of the issues which are at hand. So that if
16 we think somebody is rambling or the subject is a
17 little irrelevant, we might try and nudge you to
18 bring you more on line. Again, that should not be
19 interpreted as an attempt to reduce or stifle or in
20 any way inhibit the input. Remember, there are two
21 sets of public meetings. We do want to hear. But
22 tonight we have a specific purpose that we're going
23 to try and pursue.

24 Finally -- we're almost to the end
25 of these opening remarks -- if anybody makes a
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1 presentation tonight or if they feel that in
2 addition, they would -- if they don't make a
3 presentation but they feel there's something that
4 they want to pass on to the committee, a map, a
5 document, or they want to go and write something
6 after the fact, please bring it to us. Not to me
7 directly. Bring it over to Steve over here, and he
8 will make sure it's recorded. He'll put a stamp on
9 it. It'll end up in the public registry. So
10 written things to accompany a presentation are
11 welcome as well. If you have it, pass it to us.
12 If it's important to you, we'll copy it and return
13 it to you. But nevertheless, we'd like to have it.

14 Then finally, a couple of
15 logistical things. I understand there's coffee and
16 tea over there. We're going to take a break around
17 8:30 as the schedule unfolds. Anybody wants a cup
18 of coffee in the meantime, just wander over there.
19 It's fine. You don't have to wait till the break
20 if you can't wait for your cup of coffee. Just try
21 and toddle over.

22 I want to remind you of something,
23 and that is that there are recordings under way.

24 We're recording this whole process. It will be
25 transcribed and available to you. There's also a

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1 Court Reporter here as well who is transcribing it
2 in a second version. So there are two versions
3 under way.

4 Anybody here from the media who
5 wants to take pictures or to do interviews and so
6 forth, we strongly discourage that from happening
7 while the meeting is under way. You just saw a
8 picture taken. That was just prior to the meeting.
9 Please hold any -- any other intervention of that
10 sort, please wait until the meetings are over.

11 And then finally the last comment
12 before we turn it over to the first individual is
13 to say that when you stand up to make a
14 presentation, please identify yourself, your name,
15 and where you're from so the Court Reporter and the
16 transcript can very clearly identify who is making
17 that particular remark at that particular time.
18 Okay?

19 I think that's all I have to say.
20 I think that covers all the bits and pieces, and I
21 think we're right on schedule now. It is now 7:15,
22 and according to this list which has been drawn up
23 by the secretariat, Mr. Tony Kelly from the Little
24 River Citizens Committee is going to make the first
25 intervention. Mr. Kelly.

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1 MR. TONY KELLY - SUBMISSIONS:

2 Good evening. Thank you for such
3 a clear introduction. And I'm also -- I wear
4 several hats, I guess, so as the principal of the
5 school, before I make any other interventions, I'd
6 just like to welcome people. It's a fine thing to
7 see a building like this used in a way that
8 promotes at least a discussion and airing of
9 understandings across all sectors of the community.
10 So I'm just saying that as the administrator of the
11 school.

12 Take that hat off and throw it
13 away, I'm really here tonight as the spokesperson
14 for the residents group in Little River, and my
15 name is Tony Nelson Kelly, and I've lived in Little
16 River all my life with the exception of some small
17 trips away for purposes of study largely. And as
18 I've said elsewhere at various times, I'm probably
19 a five/sixth generation member of the community of
20 Little River. So my family's memories certainly go
21 a long way back, and we have every intention of
22 ensuring that they move well into the future.

23 I'm speaking tonight on the Draft
24 Guidelines. As much as it's possible to speak on
25 the Guidelines specifically, I will try and do

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1 that, but at the same time, there are these larger
2 issues that have been floating in the community for
3 at least two or more years, so it's difficult to
4 sometimes separate these things out, and I'm sure
5 the Chair will draw those things to my attention if
6 we wander too far.

7 So I'm basically making six points
8 around those Guidelines, and the first of them is
9 that the issues arising from the Guidelines very
10 much resonate with those contained in our September
11 2003 response to the draft agreement. That's a
12 different document and I'm not going to go through
13 that agreement tonight -- that document tonight,
14 but it was submitted in writing and it did find its
15 way somewhere to Ottawa or Halifax and thereabouts,
16 and it's probably in those document boxes in Digby.

17 But there is one point that I do
18 want to draw specifically to your attention
19 tonight, and that's under the section called
20 "Mitigation" from that earlier submission on the
21 draft agreement.

22 Under that, at that time -- and
23 we're still saying the same thing -- this question
24 of mitigation of what to do after the fact or in
25 the event of problems with this enterprise, we want
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1 to remind the panel as well as citizens that we're
2 dealing with something that's essentially a non-
3 renewable resource, and so when we start to think
4 about mitigation in terms of what it might mean to
5 remove something and to remove something forever,
6 it becomes almost an oxymoron to talk about
7 mitigation in these circumstances.

8 Certainly aspects of certain
9 effects of the operation of the project may be
10 mitigated through such restrictions as hours of
11 operation, noise and dust controls and so on, but
12 the fact remains that the removal of the rock is
13 forever. And as part of that process, we would
14 expect, and indeed as part of the Environmental
15 Impact Statement, that we start to see mechanisms
16 that would show us what is the level of mediation
17 when it comes to compensation for those things
18 which we might lose as a result of this process.
19 And as that kind of thing emerges in the
20 Environmental Impact Statement, we might at least
21 expect that the community has the means of
22 protecting itself from further exploitation in
23 these circumstances.

24 So that's a point that we're
25 bringing forward that's from the earlier document,
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1 but we're also going to resubmit in writing that
2 entire document for consideration by the panel.

3 The second point I'd like to make
4 has to do with the ongoing difficulty in naming the
5 corporate entity proposing the quarry in terms of
6 understanding who this is. The residents of the
7 village do have some difficulty with that. Bilcon
8 of Nova Scotia has no corporate history here, and
9 therefore, it is impossible to conduct proper what
10 we would call social audit of the known effects of
11 its activities on local communities.

12 However, we do know or have reason
13 to believe that Bilcon is the creation of a New
14 Jersey-based company which does of course have a
15 corporate track record and history. We believe
16 that the New Jersey-based company should be
17 required as part of the Environmental Impact
18 Statement to produce a full social audit of its
19 business practices in relation to local
20 communities.

21 By social audit, we are especially
22 concerned that the company be required to
23 demonstrate how its practices have contributed --
24 have contributed to sustainable local economy, how
25 its practices have impacted on successful

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MR. KELLY - SUBMISSIONS

1 traditional economies and ways of living in
2 communities, which as in this case, are well over
3 200 years old.

4 We expect that the Proponent
5 should provide as part of the Environmental Impact
6 Statement a complete list of the locations in North
7 and South America where equivalent size quarries
8 have been operational and where the proximity of
9 such operations is less than one kilometre to the
10 nearest residence.

11 This expectation should be
12 included in the Guidelines in order that the
13 community, especially the residents of Little
14 River, have a wider basis upon which to judge the
15 integrity of the process in regards to this
16 undertaking.

17 The third point I'd like to make
18 this evening is that the time lines for all phases
19 of the project need greater and more precise
20 clarification. On the surface, it appears that the
21 quarry would be nearing its end in maybe 30 years,
22 but that assumes that activity is limited to the
23 four hectares per year as opposed to an additional
24 four hectares per year. Clearly the time frame
25 could be longer. Time is a measure of the

MR. KELLY - SUBMISSIONS

1 intensity of the problems posed by this project for
2 the residents in the sense that a big bang once in
3 a lifetime could be seen to be a thrill, but daily
4 for other 30 years and we have something much
5 larger than a headache.

6 In this regard, Quarry Creek --
7 this notion that this phenomena in Whites Cove may
8 well move along the edge of the bay remains an
9 outstanding source of worry for the residents of
10 Little River. We expect that guidelines should
11 become much more stringent in terms of expecting
12 transparency from the Proponent regarding the time
13 frames for this undertaking.

14 The fourth point we'd like to make
15 tonight is regarding the valued environmental
16 components. And I have to keep saying that because
17 the VEC thing doesn't ring well in my own
18 repertoire of acronyms, I guess.

19 But regarding valued environmental
20 components, throughout the Guidelines, there is
21 mention of culture and socioeconomic factors, but
22 there is no mention of the historical cultural
23 flows which inform and sustain the local
24 communities as part of a local and broader
25 ecosystem.

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1 The word, "spiritual," for
2 instance, is appropriately used in relation to
3 aboriginal values and traditional land use, and yet
4 no word or mention is made of the notion of spirit
5 in relation to the local residents' spiritual sense
6 of connection to place.

7 Elsewhere this is well documented.
8 For instance, Shamus Heaney has done it in
9 Scotland. It's been done throughout the Hebrides.
10 It's done by natives the world over. But when it
11 comes to the residents of Little River, there is no
12 reference to the residents' spiritual connection to
13 place, and we think that has a place. We think it
14 should have a prominent place in terms of the
15 Guidelines for this impact statement.

16 Further, the notion of the commons
17 and the attendant boundaries the residents' sense
18 of place imposes on appropriate use of land
19 receives no mention. As I said the other night,
20 you know, it's appropriate for me to fence my pony
21 in so it doesn't destroy someone else's back yard,
22 but in Little River it's not appropriate for me to
23 fence the berry picker out. That's not the way we
24 use land.

25 We expect that local history and

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1 culture as well as the residents' sense of place
2 and spiritual values will be included in the
3 Revised Guidelines for the assessment of the
4 impacts of this project in these factors.

5 The fifth point, regarding the
6 sections dealing with human health, human health,
7 issues to do with mental health appear to be
8 understated. It does not need to be said, but this
9 project has already had impacts on the wellbeing of
10 the residents of Little River. Specialists in the
11 area of community mental health should be broadly
12 consulted in order to ensure residents that
13 possible additional impacts will in fact be
14 inventoried and accounted for within the
15 Environmental Impact Statement.

16 The sixth point, which is the
17 final of the six points I'd like to make tonight,
18 without question Little River is an extraordinary
19 example of successful local economies. Certainly
20 there are those of us in Little River who feel at
21 times we should be punished for that. But without
22 question Little River is an extraordinary example
23 of successful local economy.

24 Those who are not directly engaged
25 in the various economic enterprises in the village

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1 are often the parents and grandparents of younger
2 generations. The seniors who live in Little River,
3 they do so enjoying a quality of life which in many
4 ways is the envy of much more heavily populated
5 areas. They are themselves engaged members of the
6 community. A good many of them are with us
7 tonight.

8 The Proponent has an obligation,
9 an absolute obligation to inventory as part of the
10 Environmental Impact Statement the particular
11 benefits, the particular benefits a quarry of the
12 proposed scale will have on the quality of life
13 presently enjoyed by the more senior members of the
14 village.

15 In closing, we should note that in
16 the 1830s, a prudent man did not know that tobacco
17 kills, and he thought that waste had somewhere to
18 go. Today we know that tobacco kills, we know that
19 waste has nowhere to go. We also know, and
20 especially in this hour we know that we did not
21 create the world and we cannot control it. We must
22 not allow our activity in this little piece of the
23 planet to contribute to the destruction of the
24 world. We know that unsustainable activity of the
25 kind proposed by Bilcon and the American parent

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MR. KELLY - SUBMISSIONS

1 company lacks prudence, and we are a prudent
2 people.

3 Thank you for your time and we'll
4 follow up with a complete written submission.

5 THE CHAIRPERSON: Thank you very
6 much, Mr. Kelly. That was very clear and succinct
7 and it was very helpful to us. Could I ask you one
8 question?

9 MR. KELLY: Sure.

10 THE CHAIRPERSON: In your first
11 point, you talked about mitigation and then you
12 talked about the utilization of a nonrenewable
13 resource, the basalt. And then you used the word,
14 "compensation," but you used it only once. And I
15 was wondering, were you in fact saying that were
16 this to go forward and the resource were to be
17 removed, that compensation is an issue to the
18 community? Is that what you were saying?

19 MR. KELLY: I think compensation
20 may be an issue as we speak and it may be an issue
21 as the project -- if the project goes forward. For
22 instance, we've already experienced a great deal of
23 anguish and mental stress around this project for
24 which no resident has received compensation at any
25 point. And we certainly believe that a company

MR. KELLY - SUBMISSIONS

1 with integrity would be willing to come forward
2 with a process that would guarantee compensation in
3 all events whether or not this project does go
4 forward.

5 THE CHAIRPERSON: Thank you. I
6 don't know if my colleagues -- do you have any
7 questions? No? Well, okay. Any other questions?
8 Remember I said that questioning would come through
9 me, and I said that questions would come by the
10 panel first, but there may be a question from the
11 floor that could be directed to Mr. Kelly through
12 me. Are there any questions that anyone wanted to
13 ask based on that? If not -- no? Thank you very
14 much, Mr. Kelly. That was very very useful.

15 MR. KELLY: Thank you.

16 THE CHAIRPERSON: The next --
17 sorry?

18 MR. KELLY: Well, I think the next
19 ---

20 DR. GRANT: It's him again.

21 THE CHAIRPERSON: Oh, yes.
22 There's a second Tony Kelly here, but he's -- but
23 it says here, "Mr. Tony Kelly for Ms. Mary Lynyak."

24 MR. KELLY: Yes.

25 THE CHAIRPERSON: So you're

1 speaking on Ms. Lynyak's behalf.

2 MR. TONY KELLY (FOR MARY LYNYAK) - SUBMISSIONS:

3 Yes. And I want to thank the
4 panel for permitting me to speak on behalf of Mary
5 Lynyak. I'm literally speaking Mary Lynyak's
6 words, so I'm not trying to -- I'm not ad-libbing
7 this. I'm not trying to insert anything into her
8 words. She spent a considerable bit of time
9 writing it, and I appreciate the patience of the
10 panel in at least hearing her out. And it's a
11 fairly short presentation.

12 Mrs. Lynyak was not able to be
13 with us tonight. Mary, by any stretch, is what you
14 would -- who you would identify as an elder in a
15 community. Mary is almost 90 years old. She has
16 been living in Little River for many many years and
17 has a strong love and connection and conviction
18 regarding Little River and certainly in terms of
19 its future. Her wisdom is something we ought, I
20 think, seriously to pay attention to. Having said
21 that, I am twice as tall and half as old.

22 "I am Mary Lynyak, a member of the
23 Little River residents group. I have previously
24 studied the possibility of a mammoth quarry plus
25 wharf or terminal in this area. I am aware of two

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1 special qualities of this area. It is a place of
2 great natural beauty, undiminished over time. It's
3 a place of comfortable happy homes, the residents
4 of which had a presence here for over 250 years.

5 There is no question in my view
6 that a quarry in the area will affect both the
7 beauty and the homes. The damaging factors include
8 noise, dust, pollution, lack of peace and quiet,
9 sleep deprivation, all of which are dangerous to
10 one's mental and physical health.

11 I have know existing quarries in
12 Quebec and in Duluth, Minnesota. I've driven
13 through the miles of shacks in the Teconic Quarry
14 area just west of Duluth. Eerie and lonesome,
15 creepy even, is how I would describe the decay
16 which has set into this part of the USA. For years
17 I passed by the stone crushers and quarries at
18 Compton Lake in New Jersey.

19 I've seen the problems that grow
20 out of such developments. I attended meetings of
21 community liaison committee regarding the quarry.
22 My sister, Marcella Toll, expressed her concerns
23 regarding forest fire possibilities in the area of
24 the quarry, only to be given flip responses by
25 those present. "What's to burn? What's to burn?"

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MR. KELLY - SUBMISSIONS FOR MS. LYNIAK

1 was the reply. And this is not recorded in the
2 record of the October meeting, but I was there. I
3 heard those words, "What's to burn?"

4 Newspaper articles have quoted
5 quarry representatives suggesting the residents of
6 Little River are stupid, undereducated and old. Of
7 course as the world's population ages, we do too.
8 I'd rather -- it's rather a compliment to our way
9 of life that we often achieve a very old age. As
10 for stupid, we're not. I have for many years had
11 experience as an educator. I am in a position to
12 state that the residents of Little River have
13 achieved a relatively high level of both formal and
14 informal education. Stupid, we're not.

15 I have questions. Why would a
16 reputable company employ people to suggest we're
17 stupid? Why would the owners tolerate such a
18 thing? Do they really think we're incapable of
19 reading those things in the press?

20 Some of us are old. On a good
21 day, I'm nearly 90 years young. But some of us are
22 much younger. One family has just given birth to
23 their third child, a member of a sixth or seventh
24 generation of that family. The fact that our
25 residents can count the generations in such numbers

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1 is to be honoured, not scorned.

2 Do the quarry owners approve of
3 such scorn, and should the anguish that such scorn
4 brings to the residents not be considered an impact
5 of this project?

6 I have many questions about the
7 ownership and financial interest driving this
8 project. Will the panel review and bring
9 transparency to this problem? Why have the owners
10 not made a serious attempt to talk actively and
11 directly with the residents of the village, or do
12 they not realize that Little River is the village
13 that contains Whites Cove?

14 We have all kinds of questions,
15 but so far we have no answers, at least not answers
16 from the company itself. This is a business
17 situation. We have to ask questions. We have to
18 get answers, and I hope this review process will
19 begin to bring clear answers.

20 In closing, I should like to speak
21 to one thing we have to be grateful for if it's
22 true. It seems that Monsieur Dion, the Federal
23 Environment Minister, has said that this
24 investigation is about the effects of the quarry on
25 the environment and the community. This is a plus.

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MR. KELLY - SUBMISSIONS FOR MS. LYNYAK

1 Common law, natural law, does exist in Canada and
2 in Nova Scotia and in Little River. Under such
3 laws, when anyone buys a piece of property, he
4 cannot fundamentally change a way of life in the
5 surrounding community. If this is so -- and it is
6 a big "if" -- the law, the natural law, is on our
7 side.

8 In closing, some years ago when we
9 were battling another American quarry initiative,
10 one of the property owners in Little River made a
11 poster. The poster visually expresses our way of
12 life. The man who had the poster made is a son of
13 another property owner and long-time resident of
14 Little River, Marcella and Dick Toll. The poster
15 shows Little River and its surroundings as it was,
16 as it is, and as it will continue to be. Michael,
17 the man who brought us the poster, is my nephew.
18 His mother, my sister, died yesterday, and Marcella
19 was an active member of our community. Marcella
20 knew, as we all know, that Little River is a very
21 special place, and she felt very strongly that we
22 should care for our home.

23 Thank you for allowing this
24 submission. Mary Lynyak."

25 Thank you.

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MR. KELLY - SUBMISSIONS FOR MS. LYNYAK

1 THE CHAIRPERSON: Thank you a
2 second time, Mr. Kelly. Don't go. Remember my
3 comments at the beginning. The document we're
4 trying to revise -- now, those comments were useful
5 and very insightful. Is there anything in those
6 comments that you would understand that we should
7 accept as input -- let me put it in a slightly
8 different way.

9 Based on what you just read and
10 your understanding of Ms. Lynyak's viewpoint, is
11 there anything that we should modify or adjust this
12 document so as to ask Bilcon when they produce
13 their Final Environmental Impact Statement that
14 would reflect the concerns or interests in those
15 comments?

16 MR. KELLY: I think ---

17 THE CHAIRPERSON: In other words
18 -- one further thing is that I interpreted what she
19 said as a quality of environment comment. "I've
20 lived here. I understand it." It's a very warm
21 and special place for her. But how would -- how
22 would we take that information, transfer it to
23 Bilcon, so that they can reflect that and -- is
24 there any way?

25 MR. KELLY: I think there are ways

MR. KELLY - SUBMISSIONS FOR MS. LYNYAK

1 that it would reflect back, and I think a fair bit
2 of what Mary's saying there -- and I'm not going to
3 speak for Mary. Mary is a very independent and
4 able person who will speak, of course, in writing
5 to the panel herself.

6 But the overlap between her
7 position on having lived there and having lived of
8 course throughout New England and having observed
9 her surroundings is quite tight in terms of the
10 village presentation, the residents group
11 presentation where we're asking for greater clarity
12 around a number of issues. One of them is the
13 corporate entity issue.

14 THE CHAIRPERSON: Yes, I have been
15 made ---

16 MR. KELLY: Mary has alluded to
17 that. The issues to do with human health are also
18 -- can be extracted from Mary's presentation. And
19 I think also the notion which you sense very
20 strongly in Mary's words, that even for a person --
21 I think that Mary's probably lived there 30 years
22 or more -- that there is a kind of spiritual
23 connection to place that deserves front and center
24 considerations as the panel goes through its
25 deliberations.

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1 THE CHAIRPERSON: Okay.

2 MR. KELLY: That's how I would
3 link those things if I were making those decisions.

4 THE CHAIRPERSON: No, that's
5 helpful. Well let me -- any comment from my
6 colleagues?

7 DR. GRANT: I just wondered
8 whether you were also suggesting that maybe she was
9 asking that there be more consultation of the local
10 community as a part of the process.

11 MR. KELLY: I think more
12 transparency in terms of who the community is
13 actually dealing with, that there be more full
14 frontal presentation by the corporate entity in
15 Lakewood, New Jersey, rather than spokespeople on
16 the ground in Digby, Annapolis.

17 DR. MUECKE: And she refers to
18 unanswered questions.

19 MR. KELLY: Yes.

20 DR. MUECKE: Could you -- I mean,
21 corporate transparency was one of them obviously.
22 Are there others which we should know about that
23 she is particularly concerned about?

24 MR. KELLY: I think she may -- in
25 terms of corporate transparency, that is, the
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MR. KELLY - SUBMISSIONS FOR MS. LYNYAK

1 identification, the naming, the clear naming of the
2 Proponent is one issue. And beyond that, the track
3 record, the history that comes with businesses that
4 we may or may not want to associate with in the
5 long term. Everyone has a history.

6 THE CHAIRPERSON: Mr. Thibault?

7 MR. THIBAULT: [inaudible].

8 THE CHAIRPERSON: Yes. We
9 received from both presentations, yours, Mr. Kelly,
10 and Ms. Lynyak's, that -- I mean, yours you
11 mentioned things like cultural flow and the
12 spirituality and -- which again are very non-
13 quantitative and very culturally related -- so
14 we've received that information very clearly. Is
15 there anything -- any other further comment?
16 There's one here, yes.

17 MR. HAYNES-PATAN: Yes. In the
18 document, she raised the issue of common law or
19 natural law, and I would wonder if she's not asking
20 that the Guideline ---

21 THE CHAIRPERSON: Could you
22 identify yourself, please?

23 MR. HAYNES-PATAN: I'm Tom Haynes-
24 Patan. I'm wondering if she is emphasizing the
25 importance of that, and I'm wondering if she's not

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MR. KELLY - SUBMISSIONS FOR MS. LYNIAK

1 asking that in the Guidelines the Proponents
2 acknowledge the importance of common law and
3 natural law in addition to what we would call legal
4 law in deciding what is legal and what is not.

5 THE CHAIRPERSON: All right.
6 Thank you. That's very useful, yes. Anyone else?
7 Well it looks like we're right on time then. Thank
8 you, Mr. Kelly. That was very useful. Both your
9 presentations were.

10 MR. KELLY: Thank you.

11 THE CHAIRPERSON: Okay. That
12 brings us now -- 7:40. It brings us to Lisa
13 Mitchell, the Partnership for Sustainable
14 Development of Digby. Ms. Mitchell? Ah. Yes.

15 And Mr. Kelly -- I understand Mr.
16 Kelly is going to provide us with a written
17 summary, I believe, at some point. Are you or ---

18 MR. KELLY: By the deadline.

19 THE CHAIRPERSON: Good. Thank you
20 very much.

21 MR. ANDY SHARPE - SUBMISSIONS:

22 Good evening. I'm Andy Sharpe.
23 I'm speaking tonight on behalf of the Partnership
24 for Sustainable Development of Digby Neck & Islands
25 Society.

MR. SHARPE - SUBMISSIONS

1 My comments tonight are based on
2 the views of a number of experts that the Society
3 has brought together to review the Draft
4 Environmental Impact Statement Guidelines. I've
5 provided you a one-page summary of my presentation
6 for this evening. We'll be following my comments
7 tonight with a more detailed written submission in
8 the weeks to come.

9 Before launching into the
10 presentation, I just wanted to take the opportunity
11 to thank you for coming here, thank you for coming
12 and taking the time to listen to the community and
13 their views tonight and subsequent nights.

14 I think it's important to start
15 off with a brief introduction to the Partnership
16 for Sustainable Development of Digby Neck & Islands
17 Society. At its core, the Society seeks to enhance
18 and promote the sustainable development and the
19 quality of life of the Digby Neck & Islands. The
20 Society has been active for the past two years and
21 has played a central role in bringing together and
22 raising public awareness about the proposed quarry
23 and marine terminal.

24 The Society has also been at the
25 center of a growing coalition of local, provincial
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MR. SHARPE - SUBMISSIONS

1 and national organizations that have concerns with
2 the proposal. One example of this role has been in
3 recent months, the Society has facilitated a
4 dialogue between these organizations in the lead-up
5 to the applications for participant funding. The
6 purpose of this was to ensure that the available
7 funds were used most effectively.

8 With its more than 250 members,
9 the Society brings together a diverse range of
10 views and opinions. This broad membership includes
11 long-time residents of the area that can trace
12 their ancestry back to the original loyalist
13 settlers. It also includes long-time fishers of
14 the coastal waters. The membership also includes
15 school teachers, home makers, shop keepers,
16 business owners, students and many others.

17 The Society is keen to work with
18 the panel through this environmental assessment
19 over the coming months, and it's the intention of
20 the Society's comments to assist the panel in
21 understanding the local context for this
22 environmental assessment and hopefully improve the
23 quality of the Environmental Impact Statement.

24 So our comments tonight. We
25 understand and you mentioned earlier that the Draft
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1 EIS Guidelines represent components drawn together
2 from national guidance, from provincial guidance
3 and materials from previous panel reviews, but we
4 feel there's considerable room for improvement with
5 these Guidelines. From this point forward in the
6 process, we encourage the panel members to take
7 ownership of these Guidelines and revise the
8 Guidelines to reflect their considerable expertise
9 and experience with environmental assessments.

10 The Society believes that
11 sustainable development and the fundamental
12 principles of sustainability, particularly the
13 precautionary principle, are missing or absent from
14 the Draft Guidelines at present. Previous panel
15 reviews, particularly the panel review for the
16 Voisey's Bay mine and the panel review for the Red
17 Hill Creek Expressway, have explicitly recognized
18 the importance of sustainable development in the
19 environmental assessment and provided their own
20 interpretation of the role of sustainable
21 development and some of its key principles.

22 The approach that these panel
23 reviews have taken -- has taken have helped provide
24 clear direction to the Proponent on what the panel
25 expected and how the environmental assessment

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1 should be undertaken. I think it's important to
2 note that both the Canadian Environmental
3 Assessment Act and the Nova Scotia Environmental
4 Assessment Regulations include explicit reference
5 to sustainable development, and I think it
6 therefore falls within the remit of this panel to
7 ensure that the Final EIS Guidelines reflect the
8 central nature of sustainable development to this
9 environmental assessment.

10 We'd further ask that the panel
11 consider inclusion of the precautionary principle
12 within the Final Guidelines. The precautionary
13 principle again has been incorporated into previous
14 panel reviews, and we think it provides an
15 important context of how the Proponent should deal
16 with scientific uncertainty.

17 Section 2 of the Draft EIS
18 Guidelines provides a list of information that the
19 Proponent must provide or include in the EIS
20 Guidelines. Item "B" of that list is the need for
21 the project.

22 We have reviewed the guidance, the
23 Canadian Environmental Assessment Agency
24 Operational Policy Statement that addresses the
25 need for the project and found this guidance to be

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1 somewhat vague. The need for the project in this
2 Guideline is defined as the problem or the
3 opportunity that the project is intending to solve
4 or satisfy. It's unclear, though, from this
5 guidance, from this definition, what is the
6 geographic scope that's implied by this definition
7 and also to whom it's referring to.

8 We believe that this issue is
9 crucial and should really be clarified, because
10 from this definition of need for the project also
11 flows the question of the purpose of the project
12 and alternatives to the project. So there's a need
13 up front to clarify this for both the community's
14 behalf and for the Proponent's behalf.

15 We understand that the reason for
16 an environmental assessment is to ensure that the
17 environmental impacts of the project are fully
18 considered before they become irreversible. The
19 panel review is the highest level assessment
20 available, and I think it's recognized by all of us
21 that the only way to have a successful review is to
22 ensure that all of the relevant information is
23 brought forward to the panel. The role of the
24 public and the role of the Proponent are equally
25 important in meeting this goal. The EIS Guidelines

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1 need to provide the Proponent with clear direction
2 on the panel's expectations for public involvement
3 and for the inclusion of community knowledge.

4 Based on an examination of
5 previous panel reviews, members of the public
6 typically have approximately 60 days to review and
7 comment on the Environmental Impact Statement.
8 Given the size and complexity of these documents,
9 we believe that this period is inadequate. We
10 believe it's inadequate for community groups in
11 particular to marshall the necessary experts and to
12 fully consider and adequately comment on this
13 document.

14 Therefore, we think that the only
15 way to ensure that members of the public are
16 adequately prepared to comment on the EIS and to
17 provide the Review Panel with the best possible
18 information is to require the Proponent to prepare
19 an interim report. We are suggesting that this
20 interim report would identify priority valued
21 ecosystem components, the priority effects that the
22 Proponent will be studying, and how they will be
23 studying those -- essentially the methodology that
24 the Proponent intends to use.

25 We feel that this preparation of
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1 such an interim report would not only aid the
2 public to be better prepared for the Final EIS when
3 it is prepared and also the subsequent hearings,
4 but we believe that it would also assist members of
5 the panel to better understand the approach that
6 the Proponent was taking.

7 And a final comment on the
8 transparency of the process. The members of the
9 panel may or may not be aware, but over the life of
10 this project to date, there's been considerable
11 public mistrust of the process. Through the work
12 of Steve Chapman and Peter Geddes with the
13 Department of Environment and Labour, the situation
14 has recently improved somewhat with improved public
15 perception of transparency.

16 We recognize that not every
17 comment made tonight or in subsequent nights or in
18 the written submissions will be incorporated into
19 the Final Guidelines, but we believe that the
20 rationale that the panel uses to decide what is
21 included and what is not included in those Final
22 Guidelines would be very beneficial to improving
23 the transparency of the process.

24 In essence, what we're asking is
25 we're not -- we're not asking the panel to

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1 apologize or justify for its eventual decisions,
2 only to provide a rationale as to how those
3 decisions were made. And we believe this would be
4 a very important step in improving the public trust
5 and the transparency of the process.

6 That concludes my comments for
7 this evening, and as I indicated earlier, we'll be
8 elaborating on these and other issues in a written
9 submission. Thank you very much.

10 THE CHAIRPERSON: Thank you, Mr.
11 Sharpe. Let's see, where are we? Oh, yes. We
12 have a few minutes. I have a question, and it has
13 to do with your suggestion for an interim report.
14 What you're really suggesting is a heads up. Is
15 that what it is?

16 MR. SHARPE: Essentially, yes.

17 THE CHAIRPERSON: You're saying
18 that the final report will emerge, there'll be 60
19 days to deal with it, but you're -- if I gather
20 correctly, what you're saying is before the
21 submission of the final report, or the EIS, there
22 would be a heads up that would say -- dealing with
23 the VECs and perhaps one or two other things that
24 would say, "This is what we're going to do. This
25 is what's important. This is how we'll do it."

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1 And that would get the community up and running, if
2 you will, so that within the 60 days remaining to
3 deal with the report, they would have a heads up.
4 Is that ---

5 MR. SHARPE: Essentially, yes.

6 THE CHAIRPERSON: --- essentially
7 what your thinking is?

8 MR. SHARPE: Yes. There's going
9 to be a window of months or a year between the
10 issuing of the Final EIS Guidelines and ---

11 THE CHAIRPERSON: Yes.

12 MR. SHARPE: --- the preparation
13 publicly of the Final Environmental Impact
14 Statement. Somewhere in that, we'll say, one year,
15 it would be very beneficial maybe in the earlier
16 portion of that year to, yes, for the Proponent to
17 say, "Based on a screening exercise, we think these
18 valued ecosystem components are most important and
19 this is how we're going to investigate them." And
20 then make that a public document for both the panel
21 to understand where the Proponent's going and for
22 members of the public to better able prepare when
23 that eventual document, that EIS gets prepared.

24 THE CHAIRPERSON: I understand
25 now. Thank you very much. Jill? Anything?

MR. SHARPE - SUBMISSIONS

1 DR. GRANT: No, no questions.

2 THE CHAIRPERSON: Gunter?

3 DR. MUECKE: In what form do you
4 envision -- you said you would like to better
5 understand the rationale that the panel is going to
6 use in preparing this document. In what form do
7 you see this explanation? As working together with
8 the panel? A statement from us as to how we
9 approached ---

10 UNIDENTIFIED SPEAKER: It's a
11 little difficult to hear back here.

12 DR. MUECKE: Oh, sorry. Is this
13 better?

14 MR. SHARPE: Yes.

15 DR. MUECKE: Okay.

16 MR. SHARPE: Sorry, I didn't quite
17 catch all the question as well. Would you mind
18 repeating it, please?

19 DR. MUECKE: Okay. I'll try. You
20 asked for the panel to make the process more
21 transparent by explaining the rationale of what is
22 included and what is not included in the
23 Guidelines.

24 MR. SHARPE: Um-hmm.

25 DR. MUECKE: How do you visualize

MR. SHARPE - SUBMISSIONS

1 this process?

2 MR. SHARPE: It could be one small
3 section or an appendix to the Guidelines. It could
4 be a secondary document essentially saying, "We
5 received comments on this range of issues and this
6 is how we chose to accept -- incorporate some and
7 why, and why others were not felt to be reasonable,
8 valid, acceptable."

9 DR. MUECKE: Okay, that makes it
10 clearer. Thanks.

11 THE CHAIRPERSON: Okay. Is there
12 any comment or question from the floor? No? Well,
13 thank you, Mr. Sharpe.

14 MR. SHARPE: Thank you.

15 MR. FARNSWORTH: I have something.

16 THE CHAIRPERSON: Oh, sorry. Yes,
17 please.

18 MR. FARNSWORTH: Do you mean how
19 do we -- what we based our decision upon -- what
20 process we used to make our decision?

21 MR. SHARPE: In relation to the
22 last question, what we're asking is for the panel
23 to tell members of the public how they made their
24 decisions, what was the rationale, what was the
25 basis for deciding what to incorporate to include

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1 in those Final EIS Guidelines.

2 THE CHAIRPERSON: I think what Mr.
3 Sharpe said was that in the interest of public
4 clarity, it's a step in the process that would be
5 done by us in private. And he's saying -- I'll
6 paraphrase -- I think he's saying it would be more
7 useful if the public were fully aware of how the
8 decisions were made which led to the Guidelines
9 which then led to the EIS. So it's a step which is
10 not public, and he's urging us to make it public.
11 That's what he's saying, I think.

12 MR. SHARPE: Or at least a portion
13 of that private process, how it worked.

14 THE CHAIRPERSON: Yes.

15 MR. SHARPE: Thank you.

16 THE CHAIRPERSON: Okay? Good.
17 Okay, that then now takes us to, I think -- we'll
18 see who turns up -- who stands up here -- Ashraf
19 Mahtab? Ashraf Mahtab. Oh, here he is.

20 MR. MAHTAB: I'm sorry I was not
21 ready because I saw the list and my name was after
22 the break, but that's okay.

23 THE CHAIRPERSON: Oh, that must
24 have been an earlier list, I guess. You're
25 scheduled for 7:55 here.

1 MR. ASHRAF MAHTAB - SUBMISSIONS:

2 Members of the panel and ladies
3 and gentlemen attending this session, my name is
4 Ashraf Mahtab. I'm a resident of Sandy Cove. Our
5 home has been in the name of the family for about
6 50 years. It's only about five kilometres from the
7 boundary of the proposed project.

8 I would like to thank the panel
9 for the opportunity to make comments on the EIS
10 Draft Guidelines. I have relied on my professional
11 background as a mining and geological engineer in
12 preparing my oral and written presentations. For
13 each comment, I shall give reference to the
14 specific section of the Draft Guidelines.

15 First, Section 5.2 titled "The
16 Project." The project should contain the entire
17 project proposal that was received by the Federal
18 Department of Fisheries and Oceans on March 24,
19 2003, which triggered this panel review. Reference
20 can then be made to the relevant section of the
21 proposal when discussing a specific element of the
22 project.

23 In Section 5.3, the Proponent
24 needs to introduce its background by giving an
25 account of the relationship between the owners of

MR. MAHTAB - SUBMISSIONS

1 Bilcon of Nova Scotia, Nova Stone Exporters Inc.,
2 and Global Quarry Products, which is agent for both
3 Bilcon and Nova Stone. This will remove the
4 confusion for the community and allow clear
5 references to be made to previous undertakings
6 around Whites Cove.

7 Section 7.2.1, "Purpose and Need
8 for the Project." This should provide the
9 rationale for deciding to quarry the basalt from
10 Whites Cove along North Mountain in Nova Scotia
11 instead of mining it from other potential locations
12 around the globe, for example, in the States of New
13 Jersey, Washington and Hawaii. The rationale
14 should give reference to the following criteria:
15 (1) cost of mining and shipping, (2) severity of
16 the local environmental regulations, (3) royalties
17 imposed by the governments, (4) quality of the
18 basalt, (5) potential for expansion of the project,
19 and (6) net profit per tonne of the aggregate, at
20 least as a percent of the unit cost.

21 In Section 7.2.3, alternative
22 means of carrying out the project should include
23 the following elements: (1) A cost/benefit
24 analysis performed for the options of transporting
25 the aggregate by a combination of a marine

1 terminal, tunnels, conveyor belts and trucks. (2)
2 Results of examination of other potential quarry
3 sites and marine terminal locations along the Bay
4 of Fundy and St. Mary's Bay. (3) Analysis of the
5 economic feasibility of operating a 3.9 hectare
6 quarry without access to a marine terminal. (4)
7 Rationale for the partners of Bilcon of Nova Scotia
8 in applying for a 3.9-hectare project in April
9 2002, and then applying for a 120-hectare project
10 in March 2003. (5) Identification and
11 implementation of a solution for the continuing
12 environmental concerns associated with the
13 abandoned 3.9-hectare project as identified by the
14 community in its application for an investigation
15 regarding Whites Cove quarry site pursuant to
16 Section 115 of the Nova Scotia Environment Act.
17 This application was dated April 20, 2004. (6) The
18 Nova Scotia Department of Environment in its letter
19 of October 26, 2004, confirms the cancellation of
20 the 3.9-hectare project and states that, quote:

21 "Bilcon is assuming ongoing
22 responsibility for on-site
23 maintenance including pollution
24 controls, water management and
25 erosion and siltation controls."

1 The Proponent needs to state its
2 plans for reclamation of the disturbed ground on
3 the site for the proposed project.

4 In Section 8.1.11, "Blasting
5 Design," the Proponent should provide an
6 introductory description of the excavation design
7 of the quarry, including the following components:
8 (1) Blast geometry. (2) Type of explosive. (3)
9 The explosive charge weight per delay. (4)
10 Expected results of blasting in terms of peak
11 particulate velocity, shot pressure in water, and
12 levels of sound loudness in decibels at the project
13 boundaries. (5) Conformance of the expected
14 results of blasting with the regulations for ground
15 vibration and noise resulting from use of
16 explosives.

17 And the last section of my oral
18 presentation, the following aspects need to be
19 included in Section 9.1.3, Ground Water: (1)
20 Quantify the cumulative magnitude of draw-down of
21 water from the neighbouring lands as a result of
22 the sequential excavation of 10-acre quarries over
23 the life of the project. (2) Determine the change
24 in elevation of the water table and extent of the
25 aquifers over the life of the project. (3) Perform

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1 water flow analysis using statistically meaningful
2 input data and employing a well-recognized
3 analytical or numerical solution. (4) Develop and
4 describe a scheme for monitoring the draw down of
5 water. And last, (5) Identify if there are any
6 mitigation measures in reference to the water draw
7 down.

8 I thank you for your attention,
9 members of the panel. I shall hand over to you a
10 copy of my presentations together with the material
11 referenced in my presentation.

12 THE CHAIRPERSON: Before you do
13 that, Mr. Mahtab, the paper document is very
14 important because it is so detailed. We would very
15 much like to get that. But you made a comment
16 right at the beginning which I didn't entirely
17 understand. You said you would like to have as
18 part of the -- I think -- I think what you said
19 was, "I would like to have as part of the EIS the
20 entire proposal that was submitted in March of
21 2003." Is that what you said?

22 MR. MAHTAB: Yes.

23 THE CHAIRPERSON: Could you give
24 me the rationale behind that, why you want that?

25 MR. MAHTAB: Unless there is the

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1 proposal included in the statement, you cannot make
2 reference to one point or the other. Suppose
3 you're talking about blasting, you'll have to say,
4 "Well, in the proposal in Section such and such,
5 blasting is..." Now you can go and proceed and
6 give details. The public will not understand what
7 the Proponent is talking about unless they know
8 what the project is.

9 THE CHAIRPERSON: Oh, I see.
10 You're suggesting that the EIS all by itself is
11 kind of disembodied, and that it refers to
12 something, and you want the something it refers to
13 present with the EIS so they can be linked
14 together.

15 MR. MAHTAB: In that section --
16 say the project.

17 THE CHAIRPERSON: I understand.

18 MR. MAHTAB: And also I am
19 referring to the proposal which was submitted in
20 March 2003 as the one which in fact triggered the
21 panel review.

22 THE CHAIRPERSON: Yes.

23 MR. MAHTAB: So this is the
24 proposal which should be put in in that section.

25 Otherwise, we are not talking about -- we are
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1 talking about something different.

2 THE CHAIRPERSON: That's very
3 clear to me now. Thank you very much. Now, Jill?

4 DR. GRANT: Yeah, I have a couple
5 of questions. At one point, you suggested that
6 there should be cost/benefit analysis of options
7 for transportation, and you said something about a
8 tunnel. Can you please clarify what you meant by
9 the options including the terminal, a tunnel and
10 trucking?

11 MR. MAHTAB: If I am hired as an
12 engineer to work on a project, I would be first
13 doing the feasibility study. In doing the
14 feasibility study of a project, I would do cost/
15 benefit analysis. I would look at all the options,
16 blasting design, transportation, quality, all these
17 things which I mentioned. And without having done
18 this analysis, you cannot arrive at the conclusion
19 that Whites Point is the right spot for mining this
20 basalt and shipping well. You have to consider all
21 the costs involved in the project. If we don't
22 know what the rationale is, we are going to miss
23 out.

24 DR. GRANT: Yes. I understand
25 that. But there was some comment you made about a
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1 tunnel, so I wasn't sure if there was something
2 specific you had in mind.

3 THE CHAIRPERSON: I think what
4 she's saying is that the word, "tunnel," hasn't
5 come up any place in our reading ---

6 DR. GRANT: Yes.

7 THE CHAIRPERSON: --- and all of a
8 sudden the tunnels appeared.

9 MR. MAHTAB: Tunnel hasn't come up
10 in the draft because a tunnel is an option for the
11 Proponent.

12 THE CHAIRPERSON: Oh, I see.

13 MR. MAHTAB: For instance, if I
14 wanted to not disturb the area, I want to make less
15 noise, I will drive a tunnel and then I will put a
16 conveyor belt and I will haul the oar or the rock
17 into the tunnel.

18 DR. GRANT: To some kind of a
19 delivery outside.

20 MR. MAHTAB: To some terminal, to
21 some place from where it can be trucked.

22 DR. GRANT: Okay. Thank you.
23 Thank you for that. And the other question was
24 about you said something about you wanted to have
25 the Guidelines require some rationale about the

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1 switch from April 2002 for a 3.9-hectare quarry to
2 March 2003 to a ---

3 MR. MAHTAB: Yes. Well, this is a
4 very simple-minded question, but it's very clear
5 that if I'm the Proponent and I want to mine
6 something, why should I apply for a 3.9-hectare
7 project when I really want to have a 50-year
8 project and when I want to have a marine terminal?
9 Why should I apply for a small project? I must
10 apply for the large one. This is my real design to
11 have a mega quarry. It doesn't make sense to apply
12 for a small project first.

13 The only reason -- this is off my
14 submission -- is that for a 3.9-hectare quarry,
15 there is no requirement by the Province for an
16 environmental assessment. Therefore, if I want to
17 try and put a door, then I can do that.

18 THE CHAIRPERSON: Okay. Thank
19 you.

20 DR. GRANT: Thanks.

21 THE CHAIRPERSON: Okay. Any other
22 comment or question? Okay. Thank you. We went
23 over a little bit, but thank you for that detail.
24 And you will provide us with a copy of that. Yes?

25 The next speaker is Marilyn Stanton. Ms. Stanton?

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1 MS. MARILYN STANTON - SUBMISSIONS:

2 My name is Marilyn Stanton and I'm
3 a resident of Sandy Cove, and I wanted to point out
4 that I am speaking as an individual and the views
5 are my own and not necessarily representative of
6 any group to which I belong. And then I find that
7 that really wasn't so because the first half of my
8 speech has been more than adequately covered by
9 Andy Sharpe when he talked about the panel and the
10 terms of reference and some of the build-up to why
11 there is lack of trust. So what I'd like to do is
12 just read one sentence out of my first half, and
13 then I will pass this in after I'm through. Okay?

14 THE CHAIRPERSON: Okay. Thank
15 you.

16 MS. STANTON: I say in the middle
17 of this first point, although I accept that the
18 panel has expertise with environmental reviews and
19 could well have very specific and valid rationale
20 for rejecting any request for change in these
21 Guidelines by a member of the public, I would feel
22 much more secure if there was a process of overview
23 and identification of these requests and their
24 acceptance and/or incorporation into the eventual
25 EIS Guidelines or the rationale for rejection.

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1 Some type of transparency would be required to
2 generate the level of public trust that will make
3 this panel review a success and a process in which
4 we can all believe.

5 Then I'd like to go to my second
6 point. My second major area of concern lays in the
7 fact that the Draft EIS Guidelines in Section 4.2,
8 "Study Strategy and Methodology," and again in
9 Section 8.0, "Existing Environment," the Proponent
10 is directed to identify VECs or valued
11 environmental components and describe the methods
12 used to predict and assess the environmental
13 effects of the project on these components. In
14 Section 9.0, "Effects Prediction, Mitigation
15 Measures and Significance of Residual Effects," it
16 states the Proponent must explain how valued
17 environmental components or VECs were chosen.

18 I believe there is an inherent
19 conflict of interest in allowing the Proponent the
20 scope of setting the standards for the Guidelines
21 and then meeting them. This is akin to having the
22 bookkeeper audit the books. This is not acceptable
23 in accounting practices for very good and easily
24 understood reasons which would apply in this case
25 as well.

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1 I strongly feel that the public
2 should have a role in preparing and finalizing the
3 list of valued environmental components to be
4 addressed in the Environmental Impact Statement.
5 Otherwise, it appears to be a flawed process as any
6 proponent could exclude or simply not recognize a
7 valued environmental component that is inherent in
8 the culture and way of life of the area. For
9 instance, the Proponent could hardly recognize or
10 appreciate the value to the communities to be able
11 to promote a non-industrialized area.

12 Nobody is naive enough surely to
13 believe that we are not establishing the path for
14 the future of this area and many areas along the
15 North Mountain, and reportedly even under the Bay
16 of Fundy. Already we hear reports of industry
17 awaiting the outcome of this project to ascertain
18 whether the area and/or the governments are
19 receptive to further development and resource
20 extraction.

21 To many community members,
22 industry's impact and subsequent changes would be
23 an intangible valued environmental component that
24 must be addressed during the process but probably
25 could not be recognized by any Proponent as a

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1 significant and high priority VEC or value
2 environmental component if they could recognize it
3 at all. Most industrial proponents would feel that
4 as long as the operation was not visible to
5 tourists travelling route 217, there should be not
6 a real problem on the part of reasonable people
7 with accepting the project.

8 I would like to remind panel
9 members that local residents consider the Bay of
10 Fundy to be a highway as well, one that is used
11 more by some members of our community than Highway
12 217.

13 I trust these two points will be
14 accepted in the spirit in which they are presented,
15 not specific to any members of the panel or the
16 Proponent, but a desire to be engaged in a process
17 in which we can all believe with a feeling that
18 democracy is at work. I am sorry to state that the
19 government to this point has not generated this
20 feeling.

21 Thank you for the opportunity to
22 be heard.

23 THE CHAIRPERSON: Thank you, Mrs.
24 Stanton. I'm puzzled a little bit by your comment
25 about the valued environmental components because

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1 what this meeting is doing is saying if there are
2 valued environmental components that you think are
3 critical and you wanted to provide us with a list,
4 please do.

5 In other words, this is a public
6 input session to help us drive this process, so
7 that between now and the cutoff date that we've set
8 for ourselves, the 21st of January, if you and your
9 colleagues wanted to provide some of those things
10 which you believed were the valued environmental
11 components, feel free to do so. Provide us with a
12 list.

13 I mean, if there was a community
14 consensus that the right whale or certain seals or
15 environmental intertidal organisms or land --
16 whatever -- whatever it happened to be -- please
17 feel free to do that before that closure date.
18 You're not being -- you haven't been excluded from
19 doing that.

20 I mean, I -- what I think I read
21 in that was somehow it wasn't an option for you.
22 It is an option for you.

23 MS. STANTON: I just didn't get
24 the assurance in reading the documents that that
25 was part of our role ---

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1 THE CHAIRPERSON: Oh, yes.

2 MS. STANTON: --- that they really
3 would be included.

4 THE CHAIRPERSON: We want public
5 input, and if you think that that's important
6 public input from your standpoint, by all means,
7 bring it forward to us.

8 MS. STANTON: Wonderful.

9 THE CHAIRPERSON: Try and keep it
10 within that 21st because we're on a tight schedule.

11 MS. STANTON: I understand.

12 THE CHAIRPERSON: But that gives
13 you two and a half weeks, I think, something like
14 that.

15 MS. STANTON: Yes. Thank you.

16 THE CHAIRPERSON: Okay.

17 DR. MUECKE: I would sort of
18 comment along those same lines, because if I
19 understood you right, you were saying the
20 Proponents set the standard for the Guidelines. I
21 think we as a panel feel, with your input, we set
22 the standard for the Guidelines.

23 MS. STANTON: Good.

24 DR. MUECKE: Not the Proponent.

25 MS. STANTON: Wonderful.

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1 THE CHAIRPERSON: Yes. Jill?
2 Anything?

3 DR. GRANT: I just wanted to
4 follow up a little bit on your comment about seeing
5 the Bay of Fundy as a highway. Did you want to
6 elaborate a little bit on that, whether there's
7 anything in the Guidelines that -- anything that
8 needs to be in the Guidelines to recognize that
9 that needs to be evaluated in some way?

10 MS. STANTON: I hadn't thought of
11 it in those terms. I had only thought of it in
12 terms of the fact that the fishermen are up and
13 down that area all the time. Many of us, it's just
14 a delight to -- you know, any opportunity we get to
15 go in a boat and enjoy the shoreline and be taken
16 up and down. Tourists love it. I mean, it's just
17 -- we have been reassured so many times about you
18 won't see this quarry from 217. And I guess that's
19 what was in my mind, and never any mention that,
20 hey, all this other activity that goes on, it's
21 going to be like a scar -- you know, well ---

22 DR. GRANT: Thank you.

23 THE CHAIRPERSON: Okay. Yes?

24 MS. THIBAUT: The list that was
25 submitted by individuals or groups, would that

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1 automatically mean that it would be included in the
2 Guidelines?

3 THE CHAIRPERSON: No. What it
4 means is that you would be submitting it to us and
5 the final decision as to the finalization of those
6 Guidelines will be done by this panel. The earlier
7 comment made by Mr. Sharpe and reinforced by Mrs.
8 Stanton, if I understood them correctly, was if
9 you're going to do that, to make a judgement about
10 something you've been given, we think that you
11 ought to make it public in order to increase the
12 public clarity of this whole process. So that's
13 their suggestion.

14 So in a sense, there is a certain
15 amount of responsibility that resides in the panel
16 as impartial observers trying to bring this all to
17 a fair and just conclusion. So on the one hand,
18 you could say the panel's been chosen, they make
19 that decision and that's it. These other -- these
20 last two speakers have essentially said you could
21 improve the clarity by making the process by which
22 you do this open.

23 Having said all of that, we still
24 think that if the valued environmental component
25 list is important to you, bring it to us.

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1 MS. THIBAULT: Okay. Thank you.

2 THE CHAIRPERSON: Okay. Yes.

3 First and then second. Yes.

4 MR. THIBAULT: [inaudible]. It's
5 my understanding that when an environmental
6 assessment of this type is undertaken, that the
7 Proponents -- the onus is on the Proponent to
8 provide that list. If any of those valued
9 environmental components are missed, then that will
10 be critiqued and that could be a reason why it's
11 delayed or they have to answer in the future.

12 THE CHAIRPERSON: Yes.

13 MR. THIBAULT: But it's not
14 because one is missing off that list that they
15 don't have to answer to it. You know, the
16 Guidelines don't have to list each and every
17 barnacle and each and every environmentally
18 sensitive component. The onus is on the Proponent.

19 THE CHAIRPERSON: Yes, you're
20 quite correct. I think -- what I interpreted the
21 speaker as saying is that there is something -- we
22 want to be assured that at a very minimum, these
23 things would be in that list. Over and above that,
24 there are other things that can be added to it,
25 yes, certainly. And there was a question here, I

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1 believe.

2 MS. PICTOU: Sherry Pictou, Bear
3 River First Nation, on behalf of Chief Frank Muise
4 and the Bear River First Nation community. We've
5 been excluded from this process from day one, and I
6 don't know if we'll have an opportunity to address
7 some of the issues, and particularly with the
8 Guidelines.

9 But having said that, I was just
10 wondering what would be the criteria or the basis
11 for the panel to decide what some of those valued
12 environmental components would be or would not be,
13 and would there be a rationale. If we submitted --
14 I guess what I'm saying, if we submitted a list,
15 would there be some transparency to why that list
16 was excluded and to the reasons why or even better
17 yet why were they included. Like, what would be
18 the criteria or the reference point of including or
19 excluding those valued environmental components?

20 THE CHAIRPERSON: I honestly don't
21 think I can answer that question right now because
22 you're asking me to project myself three weeks or a
23 month ahead into a time when having had all the
24 public meetings and all the data in front of us,
25 we're going to sit down and revise the Draft

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1 Guidelines. I don't know what the process will --
2 like any of these processes, it's a give and take
3 interactive thing, but as I said to Mr. Thibault
4 over here, I said, look, if organisms were
5 presented by the community as valued ecological
6 components, then my sense is that they would be
7 offered to us because the community would want some
8 assurance that at the very least, those things
9 would be considered. You see?

10 In other words, it's a bottom line
11 from which you go up from. You just want to be
12 sure they're there to begin with. You're not --
13 we're not trying to be definitive. We're just
14 trying to ensure that the instructions given to the
15 Proponent are as clear as possible and reflect your
16 interests and everyone else's interests to make
17 sure that the document when it's produced ---

18 But keep in mind, too, when the
19 document has finally been produced, there's
20 probably going to be a list of things that we're
21 going to go back to them and say, "Clarify this and
22 modify that," and so that process kind of goes in
23 an iterative fashion like that. You see? And when
24 the document comes forward, as I said at the
25 beginning, you will still have a chance in a public

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1 meeting to say, "They missed this and they missed
2 this and we want this added," and we can go back to
3 them again.

4 See, that's the public process is
5 to make sure that the public's say is front and
6 center. Okay? Thank you, Mrs. Stanton.

7 MRS. STANTON: Thank you.

8 THE CHAIRPERSON: Okay. That
9 takes us now to Don Mullin. Thank you very much.

10 MR. DON MULLIN - SUBMISSIONS:

11 Good evening, Chair and other
12 members of the panel, and welcome to the beautiful
13 area of Digby Neck & Islands. I'm Don Mullin of
14 Freeport on Long Island. The focus of my
15 presentation this evening is on the socioeconomic
16 aspects of environmental effects.

17 I would like to begin my
18 presentation with a general discussion of
19 socioeconomic effects before I proceed to concerns
20 with the Draft EIS Guidelines.

21 Socioeconomic is a term coined by
22 Sociology to capture a person's standing in a
23 community -- as in socioeconomic status. Such
24 status is determined by one or more of a host of
25 factors such as education, occupation or

1 profession, position or income, to name some.

2 In this sense, the term,
3 socioeconomic, is a sociological construct and a
4 useful one in studying social phenomena such as
5 inter-generational occupational mobility, health,
6 educational aspirations, smoking, gambling, crime,
7 and a wide variety of behaviours of societal
8 importance.

9 However, socioeconomic effects, as
10 presently interpreted in federal and provincial
11 legislation, is inappropriate to an environmental
12 assessment. In the context of an environmental
13 assessment, socioeconomic is merely a contraction
14 of social and economic effects. An examination of
15 the Draft Guidelines reveals that while they do a
16 reasonable job of capturing economic effects such
17 as employment rates, property taxes and values,
18 potential loss of fishing grounds and gear or
19 vessels, the Guidelines do a completely inadequate
20 job of requiring an examination of social effects
21 or impacts.

22 To illustrate this point, let's
23 consider the construction of the 100 series of
24 highways across Nova Scotia. If we focused
25 strictly on the economic effects, we would examine

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1 such things as lost employment in bypassed towns
2 and villages, changes in property values, impacts
3 on community infrastructure and so forth. If we
4 looked at social effects, however, a very different
5 set of variables would be examined. For example,
6 we'd look at the impact of commuting time on time
7 available to families, increased access to
8 recreation or social opportunities, reduced time to
9 obtain health or emergency services, increased
10 safety due to reduced vehicular traffic, improved
11 quality of life due to reduced noise and vehicle
12 emissions.

13 We might also look at altered
14 family relationships due to changed transportation
15 patterns, changes in crime rates, opportunities for
16 religious worship and innumerable other changes
17 that might occur. Even these, however, in the
18 language of science, remain independent variables
19 in terms of social effects.

20 Social impacts include such things
21 as norms and values held by a community. It
22 includes mores, traditions, relationships, and in
23 the broadest sense, a way of life.

24 If you have any doubts that
25 development can have a profound impact on way of
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1 life, ask cod fishers in Newfoundland, coal miners
2 in Cape Breton, or residents in small communities
3 such as Wentworth that is now bypassed by the
4 Cobequid Pass.

5 As reinforcement of this point, on
6 Tuesday of this week, CBC Radio aired an interview
7 with Anita Price of the Dartmouth Heritage Museum.
8 Ms. Price stated that the construction of the Sir
9 John A. MacDonald Bridge from Dartmouth to Halifax
10 had a profound effect on Dartmouth. From a close-
11 knit community with a substantial agricultural
12 presence, it has been transformed into a largely
13 commuter community with a significant industrial
14 presence. All this in roughly the same time period
15 the proposed quarry would operate in this
16 community.

17 Now for the slide. While a
18 comparison of federal legislation and provincial
19 legislation reveals few differences, there have
20 been differences in interpretation and application.
21 Historically, environmental -- I'm not going to the
22 slide just yet. Historically, environmental
23 assessments carried out under federal legislation
24 have examined only socioeconomic impacts that are
25 the direct result of a biophysical change.

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1 However, under Nova Scotia's provincial
2 legislation, the interpretation has been less
3 restrictive in allowing the examination of indirect
4 effects.

5 To illustrate, adverse impacts on
6 tourism would only be considered under federal
7 legislation if a cause and effect link between the
8 project's effect on, say, whale watching could be
9 proven to be caused by the sound or some other
10 effect created by project activities. Under
11 provincial legislation, examination could be
12 extended to impacts on tourism due to changes in
13 the perception of the location as a tourist
14 destination as a consequence of industrial
15 development.

16 And this slide. Additionally, the
17 Nova Scotia Environment Act includes a provision
18 for the reasonable enjoyment of life or property.

19 Part I, 3(s) of the act defines an
20 environmental assessment as a process by which the
21 environmental effects of an undertaking are
22 predicted and evaluated and a subsequent decision
23 is made on the acceptability of the undertaking.

24 An undertaking, according to para
25 (az) of the same section states, in part, that it
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1 is an enterprise, activity, structure, work or
2 proposal...that has an adverse effect or an
3 environmental effect.

4 Adverse effect is defined as an
5 effect that impairs or damages the environment,
6 including an adverse effect respecting the health
7 of humans or, underlined, the reasonable enjoyment
8 of life or property.

9 While the reasonable enjoyment of
10 life or property is only one element of social
11 wellbeing, it is at least a recognition of social
12 effects outside the economic perspective. An
13 examination of the Draft Guidelines (Sections 8.2
14 and 9.2) indicates a strong emphasis on economic
15 impacts with virtually no attention to social
16 effects. Even recreation is described in terms of
17 its economic value, and cultural effects are
18 subsumed under human health considerations. No
19 mention whatever is made of quality of life
20 considerations or enjoyment of life or property.

21 No definitions have been provided
22 in the Draft EIS Guidelines. It is impossible,
23 therefore, to determine whether the provincial or
24 federal definitions and interpretations of
25 socioeconomic effects will be used by the panel.

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1 Without an explicit definition, it appears possible
2 that the environmental effects of the project (vis-
3 a-vis socioeconomic effects) may be deemed
4 acceptable from a federal vantage but unacceptable
5 from a provincial point of view.

6 This would appear to make it
7 difficult for the provincial and federal government
8 to reach a consensus and issue a joint statement
9 concerning the project at the completion of the
10 environmental assessment.

11 This panel needs to consider
12 taking a new, more appropriate and valid approach
13 to the study of social impacts of the proposed
14 project. It needs to identify appropriate social
15 measures (including but not limited to way of life
16 and enjoyment of life or property, and encompassing
17 various elements that comprise quality of life and
18 the social fabric of affected communities). The
19 Proponent must then be required to examine the
20 potential impacts on those measures.

21 (The work of Dr. Colman of
22 Dalhousie University in developing Social Progress
23 Indicators that identify approximately 20 variables
24 related to social impacts might be a good starting
25 point for the panel's deliberation).

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1 If the panel is unwilling to
2 examine the social effects in their true meaning,
3 at an absolute minimum, the EIS Guidelines need to
4 adopt the provincial definition of environmental
5 effects with regard to socioeconomic effects and
6 address enjoyment of life or property. It needs
7 also to consider indirect effects caused by the
8 project in the spirit of the provincial
9 legislation.

10 Finally, the EIS Guidelines need
11 to contain key definitions (particularly those that
12 differ between the two jurisdictions) to facilitate
13 understanding of how the panel will deal with
14 different definitions, interpretations and scope of
15 environmental impact across federal and provincial
16 legislation.

17 Without studying potential social
18 impacts, vitally important and real impacts on the
19 quality and way of life of members in affected
20 communities, how can a full determination of the
21 effects and a subsequent informed decision on the
22 proposed project be made?

23 I leave you with this thought.

24 While mitigation is possible for most, if not all
25 biophysical effects, and some economic effects,

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1 social effects rarely, if ever, lend themselves to
2 remedy. Like eggs, damaged communities can't be
3 restored.

4 Thank you for this opportunity and
5 I wish you every success in your efforts.

6 THE CHAIRPERSON: Thank you,
7 Mr. Mullin. Mr. Mullin, would it be fair to
8 paraphrase what you said is that you're asking us
9 to consider the possibility of urging some
10 quantitative measure of social indicators as a
11 reflection of quality of life, and it would be
12 quantified in order to be able to monitor and
13 assess change?

14 MR. MULLIN: Correct. Or to
15 predict impact.

16 THE CHAIRPERSON: Okay.

17 MR. MULLIN: Yes.

18 THE CHAIRPERSON: Thank you very
19 much. Yes. Jill? Anything?

20 DR. GRANT: No. I don't have any
21 questions. Thanks.

22 THE CHAIRPERSON: Gunter? Thank
23 you very much, Mr. Mullin. The last speaker prior
24 to taking a break is Laurence Outhouse. Mr.
25 Outhouse.

1 MR. OUTHOUSE: Looking at my
2 watch, I think we're running a bit behind time.

3 THE CHAIRPERSON: Well, Mr.
4 Outhouse, you have 10 minutes. Use it fully.

5 MR. LAURENCE OUTHOUSE - SUBMISSIONS:

6 I want to talk about -- I first of
7 all thank you for the opportunity to speak to you.
8 I want to talk about the Section 3 of your
9 Guidelines, "Traditional Knowledge." And it has
10 been mentioned briefly earlier by Tony Kelly.

11 The Draft Guideline gives a brief
12 description of traditional knowledge and its need
13 to be considered in preparing the EIS. As
14 presented, this refers only to the traditional
15 knowledge of aboriginal people of the area. I do
16 not wish to take anything away from the knowledge
17 of the Mi'kmaq, who have lived in this area much
18 longer than any of the European settlers.

19 However, the families of these
20 European settlers must now be considered to be
21 indigenous to the area. To ensure the traditional
22 knowledge available in this area is used, it is
23 essential that the knowledge of these indigenous
24 residents be utilized in the environmental
25 assessment, and I would assume that the failure to

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1 include the families of the Acadians and the
2 families of the English Colonial and Loyalist
3 settlers was an oversight that will be corrected in
4 the Final Guidelines.

5 To support this argument, I just
6 today received an e-mail from the -- a statement
7 from the Bio-Diversity Convention office, and I'm
8 including that with my submission, but I won't go
9 into detail on that.

10 THE CHAIRPERSON: All right.
11 Thank you.

12 MR. OUTHOUSE: I just wanted to
13 expand a bit on the usefulness of traditional
14 knowledge from all of the above sources and some
15 things that need to be taken into consideration
16 when either using or ignoring such knowledge.

17 First and foremost, we as a
18 nation, as a group, seem to take the attitude that
19 once the white man -- and I'll use it, you know,
20 just as a term -- takes up residence in an area,
21 everything of importance is recorded in some form
22 or another, in written documentation, and the oral
23 tradition of the white settlers is ignored.

24 Well, this is certainly -- in
25 areas such as Digby Neck & Isles, this is certainly
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1 not the case. Everything is not written down. We
2 have an oral tradition here as strong as the
3 Mi'kmaq people, and I'm sure Sherry would agree
4 with me on this. For example -- I'll give -- I
5 want to give a couple examples now. For example,
6 the only way to determine the historical
7 significance of a settlement such as existed at
8 Whites Cove is through local traditional knowledge.

9 We now have before our courts in
10 Nova Scotia a libel suit, which I don't think would
11 have been there if the traditional knowledge of the
12 local people in this area were taken into account
13 at the start of this quarry development. Had the
14 Proponents of the original four-hectare quarry
15 sought out local knowledge rather than using a
16 professional expert to determine if there had been
17 significant settlement at Whites Cove, they may
18 have taken a completely different approach in
19 dealing with the problem of a potential burial site
20 in the area and thus avoided the negative publicity
21 they have received.

22 Now, history of the site is not
23 the only way that traditional knowledge can
24 contribute to the EIS. Nobody knows the details of
25 the local fisheries and how this project might

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1 impact it better than the fishermen whose families
2 have worked these waters for hundreds of years.
3 What happens when the knowledge of our indigenous
4 fishermen is ignored can be easily seen with
5 respect to the traditional ground fishery in our
6 area.

7 DFO's decisions over the past 50
8 years have been made based on, quote, "scientific
9 knowledge," ignoring warnings from those with the
10 collective experience of hundreds of years, the
11 result of which is there is effectively no longer a
12 traditional hook and line fishery in this area.
13 Our only remaining inshore fisheries, lobster and
14 herring, as well as the newly developed whale
15 watching industry, may be put in jeopardy by the
16 operation of this quarry. To ensure this does not
17 happen, it is essential that the knowledge of our
18 traditional fishermen be given full recognition by
19 the EIS.

20 There's more oceanographic
21 knowledge -- and Bob, I address you on this one --
22 with respect to tide sea states and wind conditions
23 along this portion of the Bay of Fundy shore
24 available from the collective knowledge of those
25 families who have worked these waters for
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1 generations than will ever be collected in the
2 short period of the Environmental Impact Study.

3 To determine the viability of a
4 marine terminal as proposed by the Proponents
5 without considering this knowledge seems to me to
6 be unthinkable. However, to get this knowledge in
7 a form that could be analyzed by engineers is next
8 to impossible. You sort of have a dilemma, and you
9 can't ignore the knowledge, but you can do with
10 that knowledge what the traditional fishermen do
11 with it, apply common sense, and using the
12 precautionary principle.

13 An example of the unpredictability
14 of the Bay of Fundy is last year's tragedy that
15 occurred in East Ferry when a sea condition
16 occurred that swept a lobster boat from its mooring
17 resulting in the destruction of a halibut nursery.
18 I was able to witness these seas from my home in
19 Tiverton, and I had never seen anything like it in
20 Petite Passage before. However, talking with this
21 and the older fishermen, one fisherman in Tiverton
22 remembered similar conditions at one time in the
23 past. The result of the unusual sea state resulted
24 in the loss of possibly millions of dollars in
25 investment in what promised to be a viable industry

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1 for our area.

2 My point is that traditional
3 knowledge tells us the Bay of Fundy is
4 unpredictable. How does the EIS ensure that
5 allowance is made for this uncertainty. What would
6 traditional common sense have to say about the
7 viability of a marine terminal on the open shore of
8 the Bay of Fundy at Whites Cove? How can we assure
9 -- how can we be assured that this traditional
10 common sense will be part of the EIS?

11 These are a few of my concerns. I
12 will be making a written submission beyond this.
13 And I guess I didn't introduce myself at the start.
14 I'm Laurence Outhouse of Tiverton, Nova Scotia.

15 THE CHAIRPERSON: Thank you very
16 much, Mr. Outhouse. That was very useful.
17 Questions from the panel?

18 DR. GRANT: No.

19 DR. MUECKE: No.

20 THE CHAIRPERSON: Question.

21 MS. PICTOU: Yes, I do agree,
22 Laurence, and I just wanted to add that the Bear
23 River Nation has learned from people like Marilyn
24 Stanton and Mary Anne Lynyak and Laurence Outhouse
25 himself of our traditional patterns, our fishing

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1 and our traditional fishing camps, and I find it
2 ironic that in this day and age that we're
3 researching our history and culture and we have to
4 go to non-native elders for that. I just wanted to
5 make that statement to support what he was saying.

6 THE CHAIRPERSON: Yes. That's a
7 valuable comment. Thank you very much.

8 MR. OUTHOUSE: If I can make a
9 comment to Sherry, I think if she looks at the EIS,
10 there are specific -- you know, you fellas aren't
11 gonna be left out.

12 MS. PICTOU: Well, this is the
13 first I've seen it.

14 MR. OUTHOUSE: Yeah.

15 THE CHAIRPERSON: Well, I mean, I
16 think what you're saying is the -- I think you're
17 suggesting that traditional -- there's an important
18 place for traditional knowledge, and you're
19 broadening traditional knowledge to include all the
20 residents here, not only native and non-native.

21 MR. OUTHOUSE: But I believe this
22 is not something new to this.

23 THE CHAIRPERSON: No.

24 MR. OUTHOUSE: This has been
25 recognized and the real contention has been

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1 recognized in many other things, but for some
2 reason or another, it wasn't recognized in the EIS
3 statement.

4 THE CHAIRPERSON: Yes. Thank you
5 very much. Were there any other comments? Yes.

6 MS. PICTOU: I'm wondering if you
7 could also consider current knowledge by including
8 some comment about [inaudible] tsunami truth in the
9 light of the [inaudible].

10 THE CHAIRPERSON: That one may be
11 more difficult. Okay. Now, we're at the point
12 where we're supposed to take a break. Ten minutes.
13 We still have eight presenters to go and we're
14 trying to finish by 10:00. So I urge you, 10
15 minutes, and I'm going to call you back to order in
16 10 minutes. Thank you.

17 (15-MINUTE BREAK)

18 THE CHAIRPERSON: Ladies and
19 gentlemen, could we resume, please. All right.
20 Ladies and gentlemen. I was approached -- I was
21 approached at the break by someone who mentioned
22 the weather, and apparently some individuals have
23 already left because of the weather, because they
24 have some distance to drive. And I would like to
25 raise the issue once again of possible deferment of
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1 some presentation -- if people are concerned,
2 deferring a presentation until tomorrow, if that's
3 at all possible, to Digby. If people are not
4 concerned and want to continue, that's fine. But
5 if there is a concern about the weather of any sort
6 and you wanted to defer, as I said, the one
7 advantage of doing that is that -- you can see how
8 the presentation works. A presentation is made,
9 there's some interaction. If there's more time --
10 and I think there will be more time in Digby -- it
11 would allow for greater interaction. That's all.
12 So if there's someone who would find it
13 inconvenient to defer, they can stay. We'll stay
14 as long as they want. But if anyone would like to
15 defer to tomorrow, that would be welcome as well, I
16 think. So ---

17 MR. FARNSWORTH: [inaudible].

18 THE CHAIRPERSON: I beg your
19 pardon?

20 MR. FARNSWORTH: [inaudible].

21 THE CHAIRPERSON: Yes. Yes. What
22 we would avoid is repetition -- the same person
23 speaking at multiple meetings. But if anybody
24 wants to meet in any one of those -- at -- well,
25 Meteghan would be fine with us. Just because

1 people are speaking here doesn't mean they can't
2 speak anywhere else. As long as they're only
3 speaking once, we don't care where it is. So yes,
4 Meteghan would be perfectly good.

5 MR. FARNSWORTH: [inaudible].

6 THE CHAIRPERSON: Okay. So if
7 there is anyone who feels that they don't want --
8 or for whatever reason they would prefer to defer
9 until tomorrow, could you just go over and talk to
10 Steve Chapman, and then he will keep a record of
11 that while we're moving forward. And unless we
12 hear from any of you, we'll just keep moving down
13 this list and continue with the agenda as we have
14 it for the evening.

15 There is one comment I wanted to
16 make before we open the floor once again, and that
17 is to say that the panel has in fact visited the
18 site. On December the 10th, we made a special trip
19 down here and we went in and walked in the road
20 down to the -- down to the exact site, and we
21 walked over and had a good look at it. So we do
22 have personal familiarity from that standpoint. We
23 spent a couple of hours doing this. So just
24 thought this might be of some interest to
25 individuals.

1 Okay. So we should now resume the
2 process, and the person next on the list is Penny
3 Graham.

4 MS. PENNY GRAHAM - SUBMISSIONS:

5 Good evening. Thank you for
6 giving me this opportunity to speak. My name is
7 Penny Graham. I was born and brought up on Briar
8 Island.

9 Briar Island is a mile and a half
10 wide and four miles long. It is part of the North
11 Mountain and the island is made of basalt rock, and
12 of course, basalt rock dates back to the Triassic
13 Period, 200,000,000 years ago.

14 I don't have a written submission.
15 I'm actually going to speak from the heart and I'm
16 going to speak about my cultural roots and about
17 our heritage.

18 All my life, I have been involved
19 in the fishing industry. I've split my share of
20 fish, I have boned by share of cod, and I most
21 certainly have also baited by share of trawl. The
22 last 10 years, I've also been involved in eco-
23 tourism destination pertaining to whale watching.
24 We do that out in the Bay of Fundy. Briar Island
25 is the gateway to the Bay of Fundy. We are also

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1 known as Nova Scotia's eco-tourism destination and
2 whale watching capital.

3 Having spent the last 10 years
4 every day from June the 12th until the middle of
5 October on the Bay, I do question, and in my mind,
6 I'm not so sure that a marine terminal on the Bay
7 of Fundy side will be feasible. We've had good
8 days out on the Bay and we've had bad days, and I'd
9 like to tell you that no man or ship can actually
10 have any affect on what the Bay of Fundy is going
11 to do. Mother Nature has a way of doing its own,
12 and I can tell you, when you're caught in a strong
13 wind, and if it's a westerly wind or nor'west and
14 it's beating in on the shore, I have no idea what
15 will ever become of a marine terminal on that side.

16 As we know, captains are well-
17 versed in their manoeuvring of a ship. There's a
18 lot of people that are book smart, but like Mr.
19 Laurence Outhouse said, you also have to take into
20 consideration people that have been on the Bay all
21 their life, and they have respect for the Bay and
22 -- there's been over 60 different ships gone down
23 in the Bay of Fundy, and that's not to say that
24 there won't be more go down. And unless you have
25 lived in this area and you've had some common

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1 knowledge as to the tides and the current of the
2 tides and respect for the tides and the wind -- I
3 think all these things should be taken into
4 consideration.

5 Another thing I'd like to point on
6 is whales don't have any communication with humans.
7 We're out on the Bay of Fundy every day. We
8 interact with the whales. There's days when I
9 wonder who's looking at who and who is trying to
10 figure out what each is thinking about. I shudder
11 to think that more traffic in the Bay of Fundy --
12 and I'm not -- I'm not sure if you're aware that
13 the traffic lane has been positioned farther on
14 this side of our coast.

15 We actually see whales just a very
16 few feet from shore. It's amazing how close they
17 will go into shore, and it makes you wonder why
18 they do go in that close, but they do actually go
19 in very close to shore days, and they don't seem to
20 even fear us or fear a boat. Like, we can be
21 sitting right there and the whales actually
22 approach us. We don't approach them. We can shut
23 our engine off and just lay there and the whales
24 approach us. And I think that they're a very
25 trusting mammal, and I don't think that with extra

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1 traffic in the Bay -- my own personal opinion is
2 that I fear for our marine life. I fear for the
3 fact that these whales are sociable and that it may
4 have a detrimental affect on our numbers.

5 As you know, the North Atlantic
6 right whale is the most -- the largest endangered
7 whale in the world, and that whale most certainly
8 does frequent our bay as well.

9 Also, we are home to two species
10 of seals, our harbour seals and our grey seals, and
11 for the last two seasons, we've been seeing a lot
12 of white-beaked dolphins, which are very -- that's
13 very unusual for us to observe white-beaked
14 dolphins in our bay, but we've been seeing them
15 frequently for the last two years. Also, white-
16 sided dolphins.

17 Harbour porpoise are on the
18 endangered species list, and we also review them
19 every day as well.

20 I'd like to say that Briar Island
21 actually was inhabited in the early 1600s by
22 Indians, and then along came the Loyalists.

23 I guess my biggest fear is, over
24 the last few days, I've actually sat down and sort
25 of let my mind wander, and I've discovered that

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MS. GRAHAM - SUBMISSIONS

1 "if" is the biggest word in the dictionary for me
2 for the last few days. If my way of life is in
3 jeopardy because of the fact that we're going to
4 build a marine terminal, there's going to be more
5 ship traffic -- as we know, there'll be bilge
6 pumped -- if foreign species are actually
7 introduced in our waters, will the lobster fishery
8 be in jeopardy? Will the scallop fishery be in
9 jeopardy? Will the fish dragging sector be in
10 jeopardy? Will people that harvest periwinkles on
11 the shore -- will that be in jeopardy? People that
12 actually dig clams and harvest mussels. All these
13 things have to be taken into consideration.

14 I know that there are a lot of
15 scientific parts of this panel review that will be
16 taken into consideration, but I also feel that you
17 have to take into consideration our way of life.
18 Years and years ago, we all know that our
19 aboriginal people have actually been misused by
20 society, and they're just starting now to actually
21 try to rebuild their lives and be accepted in our
22 social circles.

23 And I guess my biggest fear is am
24 I going to become a displaced member of society.

25 What's going to happen to me when my way of life --

MS. GRAHAM - SUBMISSIONS

1 if it gets destroyed and I no longer can depend on
2 the Bay of Fundy for my living? Who's going to
3 look after me? I don't have a college education.
4 I chose to live on Briar Island, and I've lived
5 there all my life. And when something happens and
6 my way of life is in jeopardy, is the opponent
7 going to actually give me compensation when I no
8 longer can go out on the Bay of Fundy and watch
9 whales, when I no longer can take part in the
10 fishery, when my children and my grandchildren can
11 no longer live on Briar Island because of the fact
12 that something has gone amiss?

13 None of us can stand here and say
14 it can never happen. No one can guarantee me from
15 this day forward that my way of life will not be in
16 jeopardy, and I'm asking you as a panel, when you
17 sit down and review all your facts, can you just
18 take into consideration that there are some of us
19 that chose our way of life because that's what we
20 wanted to do, and I am one of them? And I do not
21 want to have to leave my island home, and I do not
22 want to have to have the worry or the anxiety that
23 because my sons both have chosen to settle on the
24 island and live there, and they depend on the sea
25 as well for their way of life, that in the future

MS. GRAHAM - SUBMISSIONS

1 that they will not be able to live the life that
2 they want to live.

3 City life isn't for everyone. We
4 all chose and do choose to live our life the way we
5 want to, and I feel that I have the right to have
6 the confidence in our government, which we haven't
7 had for quite some time, to do the best by me. As
8 a taxpayer and a citizen of Canada, I feel I have
9 the right to be protected. I feel I have the right
10 to have my family heritage protected. I am part of
11 the heritage on Little River. My ancestors were
12 buried at Whites Cove. My mother has passed on,
13 but she most certainly conveyed stories to me.

14 And not only do we have to take
15 into consideration those sort of things, we have to
16 take into consideration our future generation, and
17 I am asking you to not only rely on facts on paper.
18 Please take into consideration that I date back to
19 third generation of families involved in fishing,
20 and I also am hoping to be able to carry on my
21 knowledge onto my grandchildren and my great
22 grandchildren what we have learned.

23 Everything I've learned about the
24 Bay of Fundy and what we experience in the Bay of
25 Fundy has been learned firsthand. I haven't

MS. GRAHAM - SUBMISSIONS

1 learned it from a book. When people come aboard my
2 boat, they say, "Are you -- where did you study?"
3 I have studied nowhere. What I have learned, I
4 have learned from the sea and learned from the
5 things that I experience at the sea. I've learned
6 from the whales, the dolphins, the seals.

7 Our natural wonders and our
8 heritage are part of me, and I'm only hoping that
9 you'll take all this into consideration when you
10 make your decision pertaining to this quarry.

11 THE CHAIRPERSON: Thank you very
12 much, Ms. Graham. Thank you.

13 MS. GRAHAM: Thank you.

14 THE CHAIRPERSON: Jill? Anything?
15 Gunter? No? Thank you, Ms. Graham. The next
16 person is Fred Trask. If Mr. Trask is still here?

17 MR. TRASK: I don't have anything.

18 THE CHAIRPERSON: Okay. Thank
19 you, Mr. Trask. Chris Tidd.

20 MR. CHRIS TIDD - SUBMISSIONS:

21 Good evening. My name is Chris
22 Tidd. I'm from Little River. What I would like to
23 stress in this is the importance that the fishing
24 around Whites Cove has provided to my community.

25 Less than 10 years ago, out of the
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MR. TIDD - SUBMISSIONS

1 13 boats in my harbour, we fished in St. Mary's
2 Bay, none of them fished Bay of Fundy. As of
3 today, there's 11 out of 13 fish in that area. So
4 it's becoming quite a viable place for us too to
5 make a living.

6 So not only do we feel that we'll
7 go out there and lose gear with the shipping
8 because you got to do something with a 700-foot
9 long ship, but then we get to come home and put up
10 with the noise, the dust and other things
11 associated with a rock quarry in your back yard. I
12 live less than a mile away from the quarry, so I'll
13 have concerns about it, but I also have concerns
14 about my living too and gear loss and places you
15 cannot set your traps no more. Just as simple as
16 that.

17 THE CHAIRPERSON: So if we were to
18 add something to the Guidelines or refine the
19 Guidelines, what you would be asking us to do is to
20 make sure that the -- the Proponent made it very
21 clear about the relationship between the project
22 and the fishing industry.

23 MR. TIDD: Oh, definitely. Like,
24 one of my concerns is when you bring a 700-foot
25 ship up in the Bay at night or in the daytime, and

MR. TIDD - SUBMISSIONS

1 it airs up like, say, 25 -- I don't see anything
2 over 25 knots you'll ever lay there -- what do you
3 do with that ship in the meantime while you're
4 waiting for the weather to drop out. We have
5 balloons out there, 15 traps, two balloons. Do you
6 just cruise around slowly with a 700-foot ship?
7 It's going to take a lot of gear. And certain
8 stuff like that.

9 And that's -- like I say, that's
10 just on my living part. On my home part, I have a
11 home that I put a lot of money into, and my
12 community. And what do you do? The value of that
13 gone probably to half what it should be now.

14 THE CHAIRPERSON: So I mean, you
15 just made another point, which is more specific
16 than the first one. What you're really saying is
17 that that ship -- in flat calm weather, the ship
18 comes in and ties up. Right? But what you're
19 saying is that under this westerly or northwesterly
20 breeze blowing on shore, the ship comes along, it's
21 too intense, it can't tie up, it can't park itself,
22 so it's got to do something.

23 MR. TIDD: You got to take it
24 somewhere, and most generally you'll just go around
25 the Bay with it or just cruise and wait for the

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1 weather to abide. But it's -- you can't predict
2 the weather out there as much as you can with the
3 forecast. They may say 20. You may get 25 or 30.
4 And it's just -- it's such an unpredictable place
5 on that straight shore like that, and it's a rough
6 place. Thank you.

7 THE CHAIRPERSON: Thank you.
8 Gunter? Jill? No? Anyone else? No? Thank you,
9 Mr. Tidd. Kemp Stanton.

10 MR. KEMP STANTON - SUBMISSIONS:

11 Well, I'm a fisherman, Kemp
12 Stanton. I fish and live in Whale Cove, the
13 closest fishing village on the Bay of Fundy side to
14 this quarry project.

15 When I refer to the Bay, I mean
16 the water around it, not necessarily St. Mary's Bay
17 or Bay of Fundy. It's just the Bay.

18 The Bay and the Neck define what I
19 am, who I am, how I live and what I think. It's my
20 family's thing for the last 250 years. It's my
21 thing for the last 57 years. I have the view of a
22 little bit older fisherman. I've got a few more
23 years in the industry. I've seen quite a lot. The
24 Bay dictates my job. It is my job. It dictates my
25 culture. When I talk, I talk in nautical terms. I

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1 don't notice that I do.

2 My entertainment. When I do
3 something, I don't go to Disney World. I go for a
4 walk along the Bay of Fundy shore. A hell of a lot
5 more interesting, more beautiful and more relevant.
6 The Bay is my past, as I've said. It's my present.
7 It's where I make my living. If I have any
8 relatives living in a few years, it's my future.
9 It's all connected to the Bay. I think the Bay. I
10 feel the Bay. I am essentially the Bay. I'm
11 talking as a fisherman.

12 And it isn't only the fishermen.
13 It's the families. You've got to consider no
14 fisherman fishes on his own. He has to have the
15 support of the family, and he supports the family.
16 So you're not just talking one man.

17 The Bay is my place of business.
18 I use my boat on the Bay, but the Bay itself is my
19 place of business. When I set traps, when I am
20 trying to make a living, it isn't exactly -- I am
21 doing it in the boat, but I have to go to different
22 places in the Bay or I cannot make my living.

23 The footprint, I call it, the
24 operations of this quarry, the shipping from it --
25 sorry about the whistle -- the shipping from it,

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1 the lights, the noise, the concussion, the
2 explosion, I will be close to that at all times
3 pretty well during my work. It'll be -- 80 percent
4 of the area I fish will be strongly affected by
5 these things. But I am not considered as a normal
6 person. I am a fisherman. We are in a different
7 category -- considered in a different category than
8 most humans.

9 Take an example. If I had a boat
10 repair yard within 200 yards of Whites Cove, this
11 company could not quarry rock that because they
12 can't blast that close to the foundation of my
13 business. I fish traps within 50 feet of the shore
14 at Whites Cove, but there is absolutely no
15 protection for me or my boat. There's no setback
16 that they've got to stay clear of the area I work
17 in.

18 The governments here do not
19 recognize us as businesses. When I want the road
20 ploughed over in my village, the municipal
21 government tells me that there are no businesses in
22 Whale Cove, so it's one of the last places they
23 plough. But five fishing boats fish from that
24 wharf. We pay taxes like everybody else, but when

25 I put down the address of my business, I have to
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1 put my house address. But I don't do my business
2 at the house. I do my business at the water.

3 So try looking at it from this --
4 Digby Neck amounts to access to the sea. When
5 we're talking land values on Digby Neck, you are
6 talking access to the sea. When somebody comes
7 here from British Columbia and wants a house, they
8 don't come here to stick in a little valley. They
9 want a view of the ocean. That's what makes it
10 valuable for them. As a fisherman, my house on
11 Digby Neck has no value at all if I haven't got
12 access to the bay and the creatures in it.

13 We are quite willing to make
14 sacrifices for the good of the Bay. We did not
15 fight having the shipping lanes moved four miles
16 towards Digby Neck from the other side of the Bay
17 because it was for the purpose of protecting our
18 whales, our environment. We agree with
19 conservation. We won't make a whole lot of
20 sacrifices for some company in the States to make
21 big profits. Sorry, it's not in the cards.

22 No mention is made in these
23 Guidelines of stand-off distances for my business.
24 And there's not even -- as far as I can gather,
25 there's no laws in this country that does that

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1 either.

2 When you think of -- I'm looking
3 at the fisherman's point of view. My end on Digby
4 Neck is secondary. Everything -- our weather,
5 fishing, tourism, residence -- is the ocean. You
6 can go almost anywhere on Digby Neck and you'll
7 seldom be out of sight, sound, smell or feel of the
8 influence of the ocean. It's just there. It
9 permeates everything on Digby Neck. It's the soul
10 of Digby Neck, and it's the health of the Bay that
11 gives any land its value. Without the Bay, without
12 it being healthy, it's just no-good rock that they
13 could probably take away. And if they ruin the
14 environment on the Bay, it makes it a lot easier
15 for them to quarry rock here, from our point of
16 view.

17 The Guidelines don't seem to
18 reflect the reality of our total and absolute
19 dependence on the Bay more than the land. It talks
20 a lot about land values. It talks nothing about
21 sea values.

22 Now, Whites Cove in particular.
23 Our ancestors -- my relatives were there from the
24 1700s to pretty well the end of the 1900s. In the
25 1990s, we had access, unchallenged, unchanged. The
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1 purpose of that village was to give those people
2 access to and from the sea. The slipway that was
3 there -- you may have seen a few remains of it when
4 you were over there -- that was to give those
5 people access to the bay, and from it, because at
6 the early stage, any supplies that were brought in
7 were brought in by boat. They depended entirely --
8 the haul-out was there. There was never a
9 challenge with anybody. Anybody could come there
10 and use that at anytime. It was -- you didn't ask
11 permission. It was and still is understood by us,
12 even in the deeds from the area. At earlier times,
13 it was mentioned as a fisherman's privilege. In
14 other words, you couldn't kick the fella off. He
15 was a fisherman. He had the right. He used that.
16 That was what that was for. It's what it was set
17 up for.

18 When we lost this right, we had no
19 -- we just don't understand how we lost it, because
20 I was present and I helped haul the last major boat
21 that was hauled up there. That was hauled up there
22 by a government winch in the 1960s, mid-1960s. The
23 name of the boat was the "Twillla & Ethan." It was
24 a 40-footer. After that, the gear there
25 deteriorated, and there were a few smaller boats

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1 hailed up there and some dories, but nothing major
2 afterwards. But we could go over at anytime and
3 salvage our gear from off the shore. We asked no
4 permission from anybody. If we wanted to go
5 collect periwinkles or Irish moss, we did. We
6 needed no permission from anybody.

7 Now it seems that we need
8 permission from the owners suddenly. Why, I don't
9 know. After that many years, I thought, according
10 to Canadian law, once you had maintained access for
11 200 years, you had a right. It don't seem so.

12 Why an American company would have
13 precedence over Canadian residents, I have no idea.
14 But the Guidelines don't seem to have even
15 questioned whether the company has the right or has
16 the total ownership of that small piece of land
17 that was once and we still claim as the fisherman's
18 privilege.

19 Now, I have been ordered off it by
20 employees of this company. I didn't leave, but he
21 got extremely upset and went and called the police
22 and the police wouldn't do anything.

23 But anyway, now, local people,
24 especially fishermen, Digby Neckers, are by far the
25 best source of experts on the complete and
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1 interconnected nature of the areas and its many
2 unique components. Yes, you can go get an expert
3 from Alberta and he can tell you the name of the
4 fish and he can tell you how long it lives, but
5 probably the fishermen in the area can tell ya what
6 needs it. It may not be a species that we call or
7 you would call important because we don't catch it.
8 But maybe what we catch and sell eats it. You can
9 never consider the Bay in isolation. Everything
10 into it interacts with everything else into it.
11 And they'll say, "We're gonna consult experts."
12 But they don't consider me an expert, even though
13 collectively I have talked to my great grandfather,
14 which gives me over 125 years of knowledge of the
15 area.

16 And since we are the experts, and
17 I think -- I have no doubt of it -- and we will be
18 the one to live with the future consequences of
19 anything that goes wrong, and somebody else
20 somewhere else gets 95 percent of the benefits, we
21 should be the experts that are paid most attention
22 to, Ph.D.s or not.

23 Just a sec. I got mixed up here.
24 Oh. It would have -- this project would have to
25 deal over a potentially 50-year period. So you've

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1 got -- anything you're talking about has to take
2 into consideration the storm of the century, what
3 the sea level is likely to do over the next 50
4 years. And when they talk benefits, you've got to
5 think about what machinery is going to look like in
6 50 years. They talk about 25/30 jobs now, but
7 machines are getting bigger, they're getting more
8 automated, and when you get a big automated machine
9 in there, you need much more volume of material to
10 make that machine work efficiently, and you need a
11 lot less workers to run it.

12 So the company has got to convince
13 us that they aren't going to need to double,
14 triple, quadruple the size of this quarry in the
15 50-year period and half or less the number of
16 workers because of technological advances. I think
17 that's reasonable.

18 These realities and the lack of
19 royalties to be paid on this must be dealt with
20 more fully. We must defend our next generation.
21 You know, we can't just think of what's going to go
22 on in the next two years. And if there's gonna be
23 no real benefits in 20 years or 25 years, I'm gonna
24 be dead, but I hope some of my relatives are there.

25 And any decisions you make now are gonna serious

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1 affect those people. And from what we've been able
2 to do so far, our experts and our government has
3 been some piss poor at predicting what conditions
4 will be in the future. They have almost always
5 been wrong, and they have never quite managed to
6 err on the side of caution. Take that into
7 consideration. Just ---

8 THE CHAIRPERSON: Mr. Stanton,
9 you're over time now and every ---

10 MR. STANTON: Yeah. Oh, I just
11 ---

12 THE CHAIRPERSON: --- everything
13 you're saying ---

14 MR. STANTON: If I can just say
15 two more things quick.

16 THE CHAIRPERSON: I'm listening to
17 every word you're saying, but the other people are
18 going to be delayed getting home and so forth, so
19 I'm concerned about them as well. So ---

20 MR. STANTON: Yeah. If I can just
21 ---

22 THE CHAIRPERSON: --- can you
23 bring it together?

24 MR. STANTON: One minute.

25 THE CHAIRPERSON: Great.

MR. STANTON - SUBMISSIONS

1 MR. STANTON: Okay. The project
2 will have the lowest priority in the Bay for help
3 if anything goes wrong. Supertankers, LNG tankers,
4 everything else except fishing boats comes first.

5 And then we have the sovereignty
6 and terrorism issue. When this company hires
7 workers, or if I want to go by there in the boat or
8 I want to go for a drive over there, the FBI has to
9 approve me to be on the property because this ship
10 is shipping product to the States, and in order to
11 be approved to go into the States without
12 inspection, they have to know everybody that has
13 been on the site before. So we have lost our
14 sovereignty in this company, and people in the
15 United States are going to have to look into my
16 background to see whether I can go ashore there at
17 Whites Cove and pick up gear I've lost. And that
18 has to be dealt with. Thank you.

19 THE CHAIRPERSON: Mr. Stanton,
20 thank you very much. That was very -- don't run
21 off just yet. Any other questions?

22 DR. GRANT: Yeah. I just wanted
23 to follow up -- you suggested this idea of
24 fisherman's privilege. Are you suggesting that the
25 Guidelines need to be -- need to elaborate on that

MR. STANTON - SUBMISSIONS

1 to ---

2 MR. STANTON: I'd suggest that
3 this hearing should not even be taking place until
4 it is decided whether we, the fishermen, still have
5 the right to free access to that beach. If we --
6 if they have to keep me off of that property
7 because they're going to have to have pre-approval
8 to ship their product to the States, but I have the
9 right to be on that property, somebody's got to
10 prove to me that they can kick me off before I'm
11 gonna leave.

12 So before you make any major
13 decisions, you should find out whether they have
14 enough ownership of the property -- you know, I
15 think -- I think I'm explaining it enough that you
16 can understand what I'm ---

17 DR. GRANT: Yes. Thank you.

18 THE CHAIRPERSON: Yes, we do. And
19 it's just what we're looking for. I mean, we're
20 looking for the public's response and the issues
21 that should be raised so that ---

22 MR. STANTON: Yeah.

23 THE CHAIRPERSON: Fair enough.

24 MR. STANTON: Even without the

25 fisherman's privilege in the deed, I think we have

MR. STANTON - SUBMISSIONS

1 a pretty good claim to unrestricted access because
2 of the purpose of the place and the unbroken use of
3 it.

4 THE CHAIRPERSON: Yeah. We
5 understand that. Gunter? Thank you, Mr. Stanton.
6 That was very very useful. Okay. We're now moving
7 on to Arthur -- no, sorry, Cheryl Denton.

8 MS. CHERYL DENTON - SUBMISSIONS:

9 My name is Cheryl Denton, and I am
10 a resident of Little River, my home being under a
11 mile and a half from the proposed quarry site.

12 Unfortunately, my husband and I
13 are the people who sold the land at Whites Cove to
14 Mr. Johnson and Mr. Lineburger for what we were
15 told at the time to subdivide into waterfront lots
16 for cottages. And I refer to the CLC Minutes,
17 August the 8th, 2004, page 2, for confirmation of
18 this statement.

19 Fourteen years ago, I was on a
20 committee to fight the proposed quarry at Eastern
21 Head and became a true believer in sustainable
22 development. So when the opportunity came to sell
23 Whites Cove, we believed it would enhance our
24 community and help promote sustainable development.

25 Can you possibly imagine my dismay

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1 and mental anguish when we discovered that it was
2 subsequently to be used as the site of a proposed
3 quarry?

4 My husband and I love and deeply
5 respect the people of Little River, Digby Neck and
6 the Islands and would never have sold this land had
7 we ever known what was to happen. I guess you
8 could say I have become very cynical and sceptical,
9 but I must face reality. The land was sold and now
10 I must acknowledge my deepest fears.

11 I would urge the distinguished
12 panel to take an aerial view of Little River, and I
13 was going to say I would implore you to visit our
14 area, but you just stated that you have already
15 been there. But I would really advise you to take
16 an aerial view so you can see just how narrow a
17 piece of land that is.

18 We are only a mile and a half wide
19 from bay to bay as the crow flies. Basalt can have
20 a columnar shape and we simply do not have the land
21 mass to sustain blasting of the magnitude the
22 Proponents claim they are going to use. We have a
23 number of fault lines in the Bay of Fundy, and
24 there is often some activity.

25 I refer to the Draft Guidelines

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1 9.1.11, "Effects of the Environment on the
2 Project," and 9.7, "Residual Adverse Effects and
3 their Significance."

4 What happens when and if blasting
5 should coincide with even a minor tremor. Does
6 that create a sink effect and we lose our fresh
7 water? Or even contaminate our fresh water with
8 salt water? I cannot admonish you strongly enough
9 to use the precautionary principle in this
10 instance. We simply cannot afford to take a gamble
11 with our water supply.

12 There are many ways to be
13 educated, and I respect all the avenues people wish
14 to take. One that I do have great respect for is
15 folklore. For generations, the elders of Little
16 River have always passed down to their decedents
17 the importance of fresh water and its source, the
18 North Mountain. Many people who live on the south
19 side have always had trouble with diminished water
20 supplies in their wells in the summer. This is
21 common knowledge.

22 It is interesting to note, during
23 the recent tsunami in southern Asia, one island was
24 spared the loss of life that others so horrifically
25 sustained. Why? Folklore. In the 1800s, this

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1 particular island was covered by the sea. Hence,
2 it was passed down from generation to generation
3 that when you felt a tremor, to run for the hills.
4 That is exactly what these islanders did just a
5 week and a half ago, and their lives were saved.
6 So please, let us not underestimate the great
7 wisdom of folklore.

8 I would like to refer to 9.2.7,
9 "Human Health," in the Draft Guidelines. I was a
10 registered nurse, and it pleases me to say we in
11 Little River have a very healthy thriving
12 community, and the sea has been very good to us.
13 Per capita, we are probably considered a somewhat
14 affluent community. To risk our way of life for a
15 few menial jobs does not make sense to me. Not
16 only is it not economically feasible, it is not
17 advantageous to the health standards of our
18 community nor to the mental health of our
19 residents, always worrying about our water supply.
20 Fresh water is one of the most important
21 commodities on the face of this earth today, and
22 again I say we cannot afford to gamble with this
23 most important commodity. I urge you again to
24 please use the precautionary principle.

25 Thank you for this opportunity to
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MS. DENTON - SUBMISSIONS

1 voice some of my concerns. Thank you.

2 THE CHAIRPERSON: Thank you, Ms.
3 Denton. Now, just as a point of interest, personal
4 interest, are people's wells here dug or drilled,
5 or is it just a mixture of both?

6 MS. DENTON: It's both.

7 THE CHAIRPERSON: Thank you.

8 DR. GRANT: Can I just follow up
9 with you on the tremor. You're suggesting that
10 tremors are quite common?

11 MS. DENTON: There have been --
12 there's a number of fault lines in the Bay of
13 Fundy, and they do have some activity. They're not
14 always very great on the Richter scale, but we
15 never know what Mother Nature is going to do, and I
16 do believe in the 1800s or -- no, it was the 1700s,
17 there was a tsunami in the Atlantic Ocean that
18 affected Portugal and Spain, I believe, at that
19 time.

20 THE CHAIRPERSON: There was a
21 tsunami in 1929.

22 MS. DENTON: '29 that affected ---

23 THE CHAIRPERSON: It affected the
24 Burin Peninsula of Newfoundland. And there was ---

25 MS. DENTON: Yes. And Cape

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1 Breton, I think, was affected.

2 THE CHAIRPERSON: Yes. And there
3 was a big tsunami in the 1700s that affected
4 Portugal. Yes.

5 MS. DENTON: Yeah. That's right.
6 And I think in 1929, 27 were killed in that
7 tsunami.

8 THE CHAIRPERSON: Yes, that's
9 right.

10 MS. DENTON: So it is a point of
11 concern to us, especially with Point LePreau 40
12 miles away.

13 THE CHAIRPERSON: Yes.

14 MS. DENTON: Thank you.

15 DR. MUECKE: And could I just ask
16 you one more point about wells in this area, since
17 you brought that up. Are there currently problems
18 in terms of salt water and brackish water in the
19 wells at times?

20 MS. DENTON: Not that I know of,
21 but we don't want to take that chance either.

22 THE CHAIRPERSON: Any questions --
23 yes. Oh, just -- first of all -- okay, we're going
24 to let -- yes, put the microphone under his nose
25 there. And now identify yourself, please.

MS. DENTON - SUBMISSIONS

1 MR. HAYNES-PATON: Yes. Tom
2 Haynes-Paton. I'm a board member of Enviro-Clare.

3 THE CHAIRPERSON: Thank you.

4 MR. HAYNES-PATON: A point of
5 information. Today there was an earthquake of 7.1
6 in New Brunswick.

7 THE CHAIRPERSON: Today?

8 MR. HAYNES-PATON: Today. Or
9 yesterday. They're asking ---

10 MS. DENTON: They often get them
11 in New Brunswick, especially Saint John, being on
12 that side of the Bay of Fundy.

13 THE CHAIRPERSON: Um-hmm. Thank
14 you.

15 MS. DENTON: They've had them in
16 Digby as well.

17 THE CHAIRPERSON: Okay. Thank
18 you. Anything else? Yes, sorry, there's another
19 one over here. Yes. Oh, just a moment. Let
20 Lucille get to you. It's for purposes of keeping
21 the transcript complete. And once she gets to you,
22 then would you identify yourself and go forward.

23 MR. OUTHOUSE: Okay. Laurence
24 Outhouse. And you questioned brackish water.

25 THE CHAIRPERSON: Yes.

1 MR. OUTHOUSE: I've been involved
2 with a fish hatchery that was located in Mink Cove,
3 which is just between here and Little River, and
4 our wells were quite deep. We had brackish water.
5 It was nice for the salmon because we had just
6 enough brackish water to make the salmons grow up.
7 That water, we were told, actually comes in through
8 -- from -- probably the source of the water was on
9 the other side of St. Mary's Bay, and there would
10 be some seepage into the water. Now this is the
11 water she mentioned from sort of the St. Mary's Bay
12 side of it, not the -- but most people's wells
13 aren't that deep. They aren't looking for that
14 demand, and so don't have that problem. But there
15 is brackish water if you go deep enough.

16 THE CHAIRPERSON: Okay. Thank
17 you. The next person is Arthur Bull.

18 MR. ARTHUR BULL - SUBMISSIONS:

19 Good evening. My name is Arthur
20 Bull, and I'm speaking this evening on behalf of
21 the Digby Neck Community Development Association.
22 I'm the Chair of that organization. We will be
23 putting in a written submission as well with a lot
24 more details. I'll try and keep this brief in
25 light of weather.

MR. BULL - SUBMISSIONS

1 We also in our oral presentation
2 wanted to make some general comments about the
3 Guidelines overall, and specifically we'll get to
4 detail in our written comments. Many of our
5 comments have already been made already, so I will
6 try and keep this as short as I can.

7 Just a little bit of background
8 about the Digby Neck Community Development
9 Association. We were formed a little more than 10
10 years ago with a mission to work for the health of
11 the community and the health of the environment of
12 Digby Neck. Since that time, we've run literacy
13 programs, adult education programs. We run the
14 local CAP site. We've developed an eco-tourism
15 map, Community Development Corporation, and we have
16 a website. We've done a local history project. We
17 have a monthly newsletter that goes to every
18 household in Digby Neck, and our work's been
19 recognized in various places including on the
20 Nature of Things on CBC.

21 Our approach to this community is
22 that every aspect of this community, economic,
23 social, cultural, environmental and historical, are
24 part of a very close weave which you cannot pull
25 apart. We believe this project will damage that

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1 fabric and believe that this quarry will have an
2 affect on the people of Digby Neck, which in a word
3 will be disastrous.

4 As I said, we're going to present
5 a written presentation. I want to just talk about
6 some overall concerns and issues we have relating
7 to the Guidelines and go through those quickly. As
8 I say, some of them have been mentioned already.

9 First of all, we believe that
10 through and through, these Guidelines need to
11 reflect the nature of this place. This is a
12 coastal community, a fishing community, and
13 specifically a coastal fishing community in a very
14 unique geographical situation on a very narrow
15 peninsula with a bay on each side, the most
16 powerful tides in the world. And that needs to be
17 seen throughout these Guidelines. And I think if
18 you accept many of the recommendations made this
19 evening, that will happen.

20 We understand that they're generic
21 initially in the first draft. It could be for
22 Northern Saskatchewan. We're hoping that they will
23 actually reflect the nature of this place and
24 community, and I'm sure they will.

25 The second comment I want to make

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1 has been made very eloquently already about
2 traditional ecological knowledge. And clearly it's
3 not the exclusive domain of First Nations people.
4 In fact, in fisheries science in the last 20 years,
5 the use of local traditional ecological knowledge
6 is accepted as a key part of methodology. This is
7 not news.

8 We would specifically recommend
9 that the Guidelines include the requirement that
10 the Proponent must actually validate all of the
11 fisheries evidence provided in the document with
12 traditional ecological knowledge, with fishermen's
13 knowledge. And so that's a recommendation. We
14 feel strongly about this. Without that change, we
15 feel that this process will be deeply flawed. In
16 fact, the evidence given in there will be so
17 distorted as to be useless to the decision-making
18 process. It's a very strong point for us, and
19 you've heard this already this evening.

20 The other point -- the third point
21 has been made already in various ways, and this has
22 to do with the Proponent itself. We recommend that
23 the Proponent should provide clear evidence of
24 having been a good corporate citizen. And when I
25 say, "the Proponent," I don't just mean Bilcon of
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1 Nova Scotia. I mean all the business interests
2 behind that company. And I don't just mean in Nova
3 Scotia or Canada or the United States. I mean all
4 over the world. They need to provide that
5 evidence. Otherwise, any claims they make for
6 compliance or following the regulatory process will
7 be hollow assertions. So we think that's an
8 overall consideration that needs to be in there
9 quite specifically.

10 Continuing on, the fourth
11 recommendation we have has to do with the question
12 of socioeconomic wellbeing. Now, all the recent
13 work on socioeconomic wellbeing recognizes that a
14 key determinant in socioeconomic wellbeing of a
15 community is the ability of that community to
16 participate in key decisions that affect its
17 future. And this includes the United Nations
18 Development Program. One of their key determinants
19 is this.

20 Now, what does this mean in terms
21 of the guidelines? It means that if this project
22 goes ahead against the will and desire of the
23 people who live here, it will actually be damaging
24 to the socioeconomic wellbeing of this place. So
25 we recommend that the Proponent should have to

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1 provide strong evidence that a significant majority
2 of people on Digby Neck want this project to
3 happen.

4 And you may be saying, well, this
5 project -- or thinking, this project is not about
6 -- the guidelines are not about taking referendums
7 or polls and so forth. But again, the logic is, if
8 a key determinant of socioeconomic wellbeing is
9 ability to participate in decision-making process,
10 and if these guidelines address socioeconomic
11 wellbeing, therefore, the Guidelines must address
12 this question and specifically must ask the
13 Proponent to demonstrate that most people want this
14 to happen. Again, a key point for us.

15 And I will just add finally that
16 we strongly believe also that the precautionary
17 principle needs to be clearly embedded in the
18 Guidelines. It needs to be there for the Proponent
19 too. It needs to be there so that they know where
20 the bar is, so that if they come forward and say,
21 "Well, we think perhaps this might be the case,"
22 that is a level of uncertainty which will trigger
23 the precautionary principle. In other words, we
24 don't know. Therefore, we must be cautious. It's
25 in the Oceans Act as one of the three guiding

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1 principles of the Oceans Act, which is the federal
2 legislation that outlines how we will manage our
3 oceans and coastal areas. I understand it's in the
4 new CEAA legislation as well.

5 So it seems to me that the
6 seriousness of this project and this proposal
7 should tell us that we should at least meet the
8 standards of Canadian law and the Parliament of
9 Canada. So we strongly support those
10 recommendations that have been put forward tonight
11 that the precautionary principle would be embedded
12 right in the Guidelines.

13 We think that these five
14 recommendations will strengthen and improve the
15 Guidelines, and they will do that by really
16 ensuring that the Proponent very clearly and beyond
17 the shadow of a doubt show that this quarry will
18 not harm the people of this community or the
19 environment upon which they depend for their
20 livelihoods and for their lives. Thank you very
21 much.

22 THE CHAIRPERSON: Thank you, Mr.
23 Bull. That was very concise and very useful, and
24 you did say at the beginning that you'll be passing
25 on to us a written version of this.

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1 MR. BULL: Yeah. I'll just -- if
2 I can mention quickly, in our written proposal, we
3 have actually chosen three key areas in which to
4 address much more detail, and that is fisheries,
5 tourism and quality of life. And we are having
6 local meetings with residents to inform that. So
7 we didn't want to put that detail out there until
8 we'd really talked to a lot of people. So we'll be
9 getting that to you.

10 THE CHAIRPERSON: Thank you.
11 Jill?

12 DR. GRANT: No. That's fine,
13 thanks.

14 THE CHAIRPERSON: Gunter?

15 DR. MUECKE: I think that was very
16 comprehensive. Thank you.

17 THE CHAIRPERSON: Yes, thank you.
18 Okay. We're coming now to Kevin Gidney.

19 MR. KEVIN GIDNEY - SUBMISSIONS:

20 Good evening. My name is Kevin
21 Gidney. I'm from Little River. I'm married with
22 three children. We live right across from the
23 Whites Cove Road. I am also a local fisherman of
24 Little River. I fish lobsters in St. Mary's Bay
25 and the Bay of Fundy in the spring and late fall.

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MR. GIDNEY - SUBMISSIONS

1 I also otter trawl groundfish on my father's
2 dragger in the summer and fall.

3 My concerns are what's going to
4 happen to our fishery if this quarry starts. The
5 first thing, will all the silt from washing this
6 rock run into the bay? Will it ruin most of the
7 rich fishing grounds that we have?

8 Then to get this rock, they have
9 to blast. What will this do to our lobster
10 fishery, whales and other animals that come to this
11 place for food? Other places that have quarries
12 near fishing grounds, it ruined their bottom,
13 because when everything is covered with silt,
14 nothing will live there.

15 Then we have the largest tides
16 here in the world that could take silt into St.
17 Mary's Bay on the ebb tide, which is when the tide
18 is going down. And when the flood tide, it would
19 take it up the Bay for many miles.

20 Then the next thing is the big
21 boats or freighters that come to haul this rock
22 away will be steaming up and down through our
23 fishing gear cutting off our lobster traps. For
24 example, one trawl with 15 traps with the rope and
25 buoys is worth twenty-five hundred dollars

MR. GIDNEY - SUBMISSIONS

1 (\$2,500).

2 Where this quarry is right in the
3 middle of the lobster gear, there'd be a lot of
4 gear lost. Until the quarry ruins the bottom that
5 we fish, when the fishing is gone, we are all gone
6 because we won't have -- we won't be able to make a
7 living. All these freighters that come to get the
8 rock have to carry ballasts so they can manoeuvre
9 their ships when they're empty.

10 So in fine weather, they'll dump
11 their ballast before entering, but in the winter
12 when the winds is blowing, they leave the ballasts
13 until they get to the loading dock. So what will
14 be in this water when they unload their ballasts at
15 Whites Cove? There's known shellfish disease in
16 the States. Could they bring this disease up in
17 the water? Could they bring other parasites or
18 oils or just silt from the rock that lays in the
19 boat?

20 The next thing is all the blasting
21 of this rock. What will it do to our wells and
22 fishery, because our water comes from this hill --
23 as we call it, mountain. I've seen fresh water
24 wells turn to salt water because they went too
25 deep. So we could lose our water or we could turn

MR. GIDNEY - SUBMISSIONS

1 salt -- or it could turn to salt after years of
2 blasting or digging the hill away.

3 Then there are all the trucks and
4 equipment running all day and night. There will be
5 dust and noise that we would have to live with.
6 The only thing that we have around us is our
7 fishery and tourism, and when the fishery and
8 tourism is gone because of the whales and the fish
9 and the lobster and the herring and the scallops
10 don't come here any more because of all the
11 blasting and the silt, what will we do then?

12 So I'm against the quarry. They
13 say there'll be 30 jobs at the rock quarry, but
14 what about the 500 or more people that are put out
15 of work because of it?

16 THE CHAIRPERSON: Thank you.
17 Jill?

18 DR. GRANT: Are you suggesting
19 that we need to have anything else in the
20 Guidelines about the ballast? The question you
21 raised in ---

22 MR. GIDNEY: Well no, I was just
23 wondering if -- what could they bring when they --
24 they're gonna fill their tanks -- okay, they're
25 gonna haul this to the States, so they're gonna

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1 fill these empty container ships or whatever full
2 of water there because they can't bring 'em empty
3 because of insurance purposes. So when it's
4 blowing to dock at this wharf that they have
5 proposed, they're gonna have to leave their
6 ballasts in to manoeuvre these big ships to get to
7 this site. So then when they're loading on their
8 rock, they're gonna dump their ballasts right there
9 on the shoreline. And I ---

10 DR. GRANT: So are you suggesting
11 that we should make sure the Guidelines require
12 very clear specifications as to how they're going
13 to deal with ballasts?

14 MR. GIDNEY: Yeah.

15 DR. GRANT: Okay. Thanks.

16 DR. MUECKE: Just a very personal
17 question. It's not necessarily got to do with the
18 Guidelines. As a fisher, would you see
19 compensation as an alternative?

20 MR. GIDNEY: No. It's our way of
21 life. If we don't have it, we have to leave, and a
22 lot of us don't have education to move from here to
23 make a living.

24 MR. MOREHOUSE: My name is Steven
25 Morehouse.

1 THE CHAIRPERSON: Oh, wait for
2 her, please.

3 MR. MOREHOUSE: My name is Steven
4 Morehouse, and I'd like to add something to that.
5 It's just been proven in the Gulf of St. Lawrence
6 through seismic testing that it does bother crabs,
7 lobsters and stuff on the bottom.

8 This here may -- they may be
9 blasting on land, but this, as we know, with sound
10 and everything is going to carry out through the
11 water. And I'm very very concerned that this is
12 not only going to -- this is going to ruin my
13 lobster fishery. It's going to drive them. And we
14 also know dealing with the offshore that blasting
15 does push groundfish out of the area. So it is
16 going to push the whales. The whales are not -- we
17 do know that in some areas, seismic testing has
18 even killed the smaller whales off of California or
19 something, and they think out in the gully that it
20 may bother that species that's there.

21 What I'm very concerned is, is
22 this blasting -- it's just been proven through
23 seismic testing that it does bother the crabs and
24 the lobsters. Is this -- I don't see added in here
25 any more. It just says what the blasting may do to

1 groundfish, the fishery. It doesn't talk about the
2 bottom dweller. And I'm very serious.

3 And also to add to his comment on
4 the ballast, we know what happened to the oysters
5 up in Cape Breton through inballast, they say, and
6 the green crab that's taken over up through the
7 Gulf and all that stuff. And we do know -- I've
8 been on the Lobster Advisory Board for a while --
9 that there is a disease down around Virginia and
10 stuff, a lobster disease and stuff, and we're very
11 concerned that this ballast could bring it to this
12 area and wipe out our living all the way around.

13 So I think all this stuff should
14 also be very taken into consideration, especially
15 this new thing on what blasting does to the lobster
16 and the crab and the snail or anything else. It
17 would bother anything on the bottom, and it is
18 going to carry a long ways. Thank you.

19 THE CHAIRPERSON: Thank you.
20 We've made a record of that. Okay. We've come now
21 to the final registered speaker. Sorry. Just a
22 moment.

23 MR. PATON: I'm Warren Paton,
24 President of Enviro-Clare, and we have just learned
25 that Bilcon of Delaware and the Clayton Concrete

1 have received licenses to transport toxic
2 materials. And if you look at the literature of
3 what happened up at Kellys Mountain, it was
4 discovered that the Proponent there was planning to
5 bring toxic waste from the United States to fill
6 the quarry that they were proposing, and I think
7 that the ballast question becomes more serious when
8 we start to look at alternative ballasts, and we
9 should have some very clear expectations about what
10 this ballast material is going to be.

11 THE CHAIRPERSON: So your
12 suggestion to us is that we should refine the
13 ballast question -- expand it more fully than it
14 presently is.

15 MR. PATON: That's correct.

16 THE CHAIRPERSON: Thank you.
17 Okay. I think we've come now to the last
18 individual, Kevin Gidney.

19 DR. GRANT: No. We already had
20 him.

21 THE CHAIRPERSON: Oh, yes. Kevin.
22 I'm sorry, you were our last speaker. That's the
23 close of the session. Is there anyone else in the
24 audience that -- yes.

25 MS. SHERRY PICTOU - SUBMISSIONS:

MS. PICTOU - SUBMISSIONS

1 I have to leave, and we did have a
2 short statement -- ironically it was 2003 -- which
3 never went out. It was notes. And I just wanted
4 to summarize up because I have to drive back to
5 Bear River, because with meeting with Chief Frank
6 Muise yesterday, who I advise the Council, and he's
7 been Chief for 14 years, he's in his 16th year, and
8 I took over for him for a couple of years, that
9 this is the first time we have been informed of
10 this.

11 We have -- and I have it written
12 here -- and if you would permit me just a little
13 bit longer -- we were not informed of this proposed
14 project until the late summer of -- this would have
15 been 2002 -- by the Partnership for Sustainable
16 Development of Digby Neck & Islands Society.

17 We requested on a number of
18 occasions to Minister Morris at the time, on
19 October 4th, 2002, regarding access to
20 archaeological and historical surveys of the area.
21 We had not received any response, and again -- and
22 a lawyer had written this to Bob Petrie, March
23 13th, 2003. Finally we received a response from
24 Mr. Petrie April 3rd, 2003, noting that they had
25 not received the archaeological survey and that it

MS. PICTOU - SUBMISSIONS

1 was not a requirement unless the quarry extended
2 beyond 3.9 hectares.

3 Further we noted that a new set of
4 guidelines -- this is why this is all confusing to
5 us -- further we noted that a new set of guidelines
6 for quarry development were developed December
7 2002. And I quoted it there, and I'm not going to
8 re-quote it here. It's very long. But it was the
9 EA registration document for pit and quarry
10 developments and those guidelines -- of which was
11 not made available to us. However, we also noted
12 that -- and you will see some confusion in here
13 that will echo what everybody else has been saying
14 because we don't know who the company is -- that
15 Nova Stone Exporters Incorporated used the 1999
16 Guidelines according to the information we were
17 able to access, again through the Digby Neck
18 Society.

19 Also through the Society and not
20 the Government of Nova Scotia, we finally received
21 a copy of the Archaeological Assessment, Impact
22 Assessment Report, dated May 2003, prepared by
23 Charles R. Wattroll, Archaeological Consultant, on
24 August 21st, 2003, of which we noted -- it was
25 dated May 2003. We didn't receive it till August.

MS. PICTOU - SUBMISSIONS

1 And this again was through the Digby Neck Society.

2 "While the principal
3 investigator examined
4 relevant archaeological and
5 ethnographic, as well as
6 consultant Ethnographic
7 Specialist, Ruth Whitehead,
8 Nova Scotia Museum of Natural
9 History, relevant input from
10 the Mi'kmaq..."

11 And they mis-spelled it there.

12 "...community has been sought
13 by Global Quarry Products.
14 Contacts with the Confederacy
15 of Mainland Mi'kmaq and the
16 Bear River Band are ongoing."

17 Which at that point, that was not
18 necessarily so.

19 "Future consultation
20 assessments with the Mi'kmaq
21 community may supplement the
22 present negative
23 archaeological picture at the
24 development site..."

25 Which was quite interesting. Now,

MS. PICTOU - SUBMISSIONS

1 keep in mind this was written well over a year ago.
2 The spring prior to this summer, in 2003, we had
3 been informed of several traditional Mi'kmaq
4 fishing camps on Digby Neck including the, quote,
5 "Indian Hill Camp." Coincidentally, our community
6 in Bear River was noted as being Indian Hill even
7 into the telephone books up until just recently.

8 "...at Mink's Cove. While
9 these sites are not on the
10 specific site of the
11 quarry..."

12 And we do have a problem with land
13 ownership, the whole notion of land ownership.

14 "...our traditional migratory
15 patterns indicate a specific
16 way of life that may very
17 well sustain overnight camps,
18 potential burial grounds and
19 storage sites in this area."

20 And based on what some of the
21 residents have told us, I think this would be true.

22 "Upon noting this
23 information, we indicated to
24 the Confederacy of Mainland
25 Mi'kmaq..."

MS. PICTOU - SUBMISSIONS

1 Who we're meeting with Monday.
2 "...that we wanted to consult
3 with the government and the
4 Digby Neck Society on these
5 matters and not the company.
6 We had always supported the
7 Digby Neck Society and the
8 other groups who were against
9 this quarry. We, as Mi'kmaq,
10 know all too well the
11 experience of land
12 exploitation being imposed on
13 a community without
14 consultation or any direct
15 benefits or reclamation
16 process."

17 Secondly, I noted that there is a
18 tripartite process in Nova Scotia between the
19 federal government, the provincial government and
20 the Mi'kmaq government, and we noted at that
21 process, and we're going to re-note it again, that
22 we were very disappointed that given that this
23 tripartite process exists and with all the Supreme
24 Court decisions, that we have been treated in such
25 a manner.

MS. PICTOU - SUBMISSIONS

1 Having said that, while I as the
2 leader at the time was out of the country, there
3 was an attempt by the company to meet with two
4 Councillors, which they did, even though at the
5 insistence of one Councillor that the full Chief
6 and Council should be there.

7 I will note again that that is
8 being done to our current chief. And so there's
9 consultation guidelines here. There's aboriginal
10 treaty and aboriginal treaty rights. There's a
11 negotiation process going on right now and we're at
12 the point of pulling out of that negotiation
13 process on treaty because we cannot live with not
14 only the mining, the forestry and everything --
15 like, they've clear cut it right up to our reserve
16 land, and this is one of the most ancient
17 communities of all time and with a very unique
18 history of its own.

19 And so anyways, I wanted to bring
20 this forward with the full approval of the Chief,
21 and I also wanted to remind you that there was a
22 recent court case. I can't name it right now
23 because I was in Africa. On November 18th, there
24 was a Supreme Court decision where governments can
25 no longer push the companies at aboriginal people.

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MS. PICTOU - SUBMISSIONS

1 It's got to be done on a government-to-government
2 basis. Hence, Mi'kmaq government.

3 And to put -- this has happened
4 not only with the quarry, with Maritime Northeast
5 Pipeline, where they put the company -- they sign
6 the deals, they give the licenses or whatever, the
7 environmental assessments. They do that. Then
8 when we go and complain to the government, "Well,
9 you're not acknowledging Delgamu. You're not
10 consulting with the aboriginal people." Here we're
11 in the middle of treaty negotiations. By the time
12 we implement this, there's going to be nothing to
13 implement. And in spite of that, they still push
14 the companies and "Well we'll give you a few jobs,"
15 or "We will give you royalties."

16 And every comment that was made
17 here this evening -- and I'm so proud of the fisher
18 people because we've been relying on those fisher
19 people for our own traditional knowledge -- and I'm
20 so proud of them that they brought forward
21 traditional knowledge. And it echoes Bear River
22 First Nation's concern. We'll probably try to do
23 something at this late notice of something of
24 concrete value.

25 But there are some laws as far as
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MS. PICTOU - SUBMISSIONS

1 I'm concerned being violated here, and I wish the
2 company would back off of trying to consult with us
3 through the back door.

4 THE CHAIRPERSON: It sounds to me
5 like there are a number of issues which are much
6 larger than our mandate. You see, this panel is
7 defined by a terms of reference, and we can only
8 work within that. So any issue that's larger than
9 that, we can't be concerned with.

10 What we would be interested in is
11 that if there are issues which are relevant to your
12 interests, if you could bring them forward to us
13 before the 21st of January, relative to what we
14 want to put in those Guidelines, that would be
15 exceptionally valuable.

16 Now, the larger issues, you're
17 going to have to deal with those through
18 responsible authorities other than us. I mean,
19 we're really narrowly confined. This is our task,
20 and within that task, we can interact, but outside
21 of that, we're not able to.

22 MS. PICTOU: However, given --
23 saying that, the brief references made to
24 aboriginal people in here, I would think it would
25 be very much in your mandate particularly when

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MS. PICTOU - SUBMISSIONS

1 we're very concerned about the Guidelines.

2 THE CHAIRPERSON: Oh, I'm not
3 denying that aboriginal people have a role to play,
4 but only -- all I'm saying is that our mandate at
5 the moment is with regard to this Draft Guidelines,
6 and we would be very interested in receiving input
7 from aboriginal people with regard to those
8 guidelines. If you think there's something
9 relevant to you ---

10 MS. PICTOU: Yeah, okay.

11 THE CHAIRPERSON: --- bring it to
12 our attention.

13 MS. PICTOU: Please note I just
14 received these Guidelines as I walked in the door.

15 THE CHAIRPERSON: Yes. All right.

16 MS. PICTOU: Okay. Thank you very
17 much, and thanks everybody, and we give them full
18 support.

19 THE CHAIRPERSON: Thank you. Very
20 useful. Is there anything further that anyone here
21 would like to raise?

22 MR. ROGER OUTHOUSE - SUBMISSIONS:

23 I would like to -- can I just have
24 a few minutes just on a couple of issues that I
25 don't think have been touched on tonight?

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MR. OUTHOUSE - SUBMISSIONS

1 My name is Roger Outhouse. I'm a
2 science teacher and guidance counsellor in
3 Freeport, and I also represent the Bay of Fundy
4 Discovery Centre Association. My concerns -- I
5 want to focus on maybe a couple of issues, and they
6 centre around the environmental issues.

7 Coastal Zone Management talks
8 about everything within 50 kilometres basically, or
9 almost 50 miles, if you want to go with the other
10 system, and is basically concerned with the oceans.
11 And so if we cross that over, we go both directions
12 of the peninsula and you wind up somewhere in the
13 middle of the province and almost across the bay.
14 So I think there's no question that although the
15 oceans have been very well represented tonight, I'm
16 very interested because of the land considerations.
17 It's taken over 10,000 years to kind of bring the
18 land to the situation it is now. We can't always
19 say it's been managed perfectly, but we can say
20 that it's an important buffer between us and the
21 oceans and it basically supports. It's an
22 interwoven kind of system, and I think it needs to
23 be given a lot of consideration.

24 The idea of protection of the
25 environment doesn't touch too much upon the idea of
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MR. OUTHOUSE - SUBMISSIONS

1 what you could do in an area like this so small in
2 nature to really provide adequate protection. A
3 buffer zone would be a huge encouragement to
4 protection around a quarry, especially one of this
5 size in a small area. I would say almost like an
6 isolation kind of scenario whereby the lands
7 adjacent to the proposed project would be under
8 perhaps even a possibility of someone like the
9 Nature Conservancy of Canada whereby we could
10 really take some assurances in the fact that this
11 wasn't going to be something that simply becomes a
12 domino effect. And I think there's a tremendous
13 concern about that, and I think that is one that
14 the Proponent as well as everyone in this room
15 tonight would like to understand a little bit
16 better.

17 I take great comfort in Coastwick
18 and groups like that have been used as a way of,
19 you know, looking at a sensitive species and what
20 we could do for those, but in an area like this
21 with the exposure to the Fundy and surges and tides
22 and so on, it's a little difficult to say unless we
23 actually provide something meaningful surrounding
24 this site as a really strong integral protection
25 that you could actually do anything to protect it,

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1 and I would urge everyone to realize that although
2 we're focused inward on the site, I have a real
3 concern about the fact that what we're doing, while
4 we're doing this now, is we're perhaps not looking
5 sort of over our shoulder, and you cannot control
6 what people will do in lands surrounding the
7 proposed site.

8 And if people believe that there
9 is some possible speculation or maybe it's a good
10 time to buy land or to clear cut or to do these
11 kinds of projects with the possible idea that
12 somewhere down the road, that land could be used as
13 an additional source of materials for export to the
14 United States and other locations, then I think
15 that we're -- you know, we're being a little naive
16 in expecting that to stay solidly, you know, in
17 tact while we're perhaps even making all of these
18 very very important decisions and a very important
19 one that you'll have to make. So I am concerned
20 that we will possibly lose a lot more of our land
21 environment which supports our bay in the meantime.

22 And I refer specifically to 9.3,
23 and it says in one sentence because that's all it
24 consists of -- "Other Undertakings in the Area" --
25 it says:

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MR. OUTHOUSE - SUBMISSIONS

1 "Describe the predicted
2 effects (with rationale) that
3 the proposed quarry
4 development will have on
5 other undertakings in the
6 area."

7 And I think it should be changed
8 to reflect not only other undertakings but similar
9 undertakings.

10 It's going to then refer, just in
11 this next little point, 8.2.6, which talks about --
12 a very small paragraph about recreation and
13 tourism. And I also see that as affecting all
14 aspects of what we do. Tourism is starting to
15 become a very prominent feature of the area. And
16 the one thing that everyone -- I believe everyone
17 in this room understands is that the one thing that
18 this area cannot sustain is a continual development
19 and extraction policy which would allow this to go
20 even beyond.

21 It's a question for your panel to
22 decide whether it's going to be, you know, perhaps
23 promoted from within or your recommendations are
24 going to allow this to proceed, but I'm quite
25 certain that everyone understands and should

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1 understand that we have to become concerned about
2 the bigger picture. And it is something that I
3 think everyone understands that this cannot be
4 allowed to proceed, you know, in a long kind of
5 spreading situation. I can't see how it could
6 possibly be any good for any form of life that we
7 have, or certainly eco-tourism. After a while, it
8 would just erode away to nothing, I'm afraid.

9 THE CHAIRPERSON: Thank you.

10 Anyone else? Oh. Yes?

11 MR. JAMES GRAHAM - SUBMISSIONS:

12 My name is James Graham.

13 THE CHAIRPERSON: James Graham?

14 MR. GRAHAM: Graham. From Little
15 River. I have been a resident of Little River for
16 54 years. I lobster fished from Whites Cove for
17 four seasons and there was no thought of
18 trespassing on anyone else's property because we
19 all knew that it was a fisherman's privilege along
20 the shoreline. This fisherman's privilege was
21 granted to the Hersey family back in the 1800s.
22 Privileges have been granted to the First Nations
23 elsewhere and are still in existence, thank God.
24 And if the fisherman's privilege still exists, no
25 quarry operation could be allowed at Whites Cove.

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1 My grandmother lived in Whites
2 Cove along with her many siblings. She was a
3 member of the Hersey family. Many family members
4 died when the diphtheria plague arrived in Whites
5 Cove in the 1800s. We have always believed that
6 because of the threat of the disease, their bodies
7 were buried in Whites Cove, but some grave markers
8 are in the Baptist Cemetery in Little River.
9 According to an issue of the Digby Courier in that
10 area, Bessie Hersey died of TB at age 19 and was
11 buried in Whites Cove.

12 Canada has signed the Kyoto Accord
13 to reduce greenhouse gasses. However, this project
14 could consume around 2,000 gallons of diesel fuel
15 per day with very little benefit to Nova Scotia or
16 Canada. Why cannot that be done elsewhere, in the
17 United States, for instance?

18 I believe there have been 20 new
19 houses built in Little River since I lived there,
20 plus many renovations made to the older homes to
21 the extent of fifty to seventy-five thousand
22 dollars (\$50,000 - \$75,000) per home. Should this
23 quarry operation go ahead, I believe that within
24 five to ten years, Little River will become a ghost
25 town. This will be the result of noise, dust,

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1 possible loss of water, and the destruction of a
2 well-established lobster fishing industry. Little
3 River has been and still is a very prosperous
4 coastal village of Nova Scotia, and I would like to
5 see it remain that way. Thank you.

6 THE CHAIRPERSON: Thank you, Mr.
7 Graham. Mr. Graham, you mentioned fisherman's
8 privilege. That's the second time we've heard it
9 this evening, but you also said that it was
10 conferred in 1800 or something. When you say,
11 "conferred," I mean, is it somewhere in legislation
12 or is there a document or -- what's the history of
13 that?

14 MR. GRAHAM: I have seen and I did
15 have in my possession at one time a map that showed
16 fisherman's privilege in Whites Cove, which
17 consisted of, I think, around one and one-half
18 acres, and that would take in Whites Point area
19 from the haul-up over that way where -- where the
20 road -- the public road was discontinued, the
21 fisherman's privilege took over and extended out
22 there, and the fishermen used to dry their fish on
23 the rocks.

24 THE CHAIRPERSON: Fisherman's
25 privilege refers to the fact that fishermen have

MR. GRAHAM - SUBMISSIONS

1 the right to come on land to use land to help them
2 in their fishing activities.

3 MR. GRAHAM: Um-hmm.

4 THE CHAIRPERSON: That's what it
5 means?

6 MR. GRAHAM: I think so, yes. I'm
7 sure it is.

8 THE CHAIRPERSON: Thank you.

9 MR. GRAHAM: And thank you very
10 much for ---

11 THE CHAIRPERSON: Jill?

12 DR. GRANT: No.

13 THE CHAIRPERSON: Okay. Have we
14 exhausted all the contributions? Thank you. It's
15 been a very very useful evening. Thank you all for
16 coming, and we've enjoyed hearing all this
17 information. Thank you.

18

19 --- Whereupon the hearing adjourned at 10:20 p.m.
20 to resume on Friday, January 7, 2005 at 7:00 p.m.,
21 at Digby Regional High School in Digby, Nova Scotia

22

23

24

25