

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

SCOPING MEETING #3

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

PLACE HEARD: Wolfville, Nova Scotia

DATE HEARD: Saturday, January 8, 2005

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

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1 Wolfville, Nova Scotia

2 --- Upon commencing on Saturday, January 8th, 2005,  
3 at 1:02 p.m.

4 THE CHAIRPERSON: Okay, ladies and  
5 gentlemen, I think we should get under way.

6 Good afternoon to you all. Thank  
7 you for coming out, and I'm sure you have many  
8 competing things to do on a Saturday afternoon but  
9 it's nice to see you here.

10 I'm going to make some opening  
11 remarks that will take about ten minutes, and I see  
12 some familiar faces in the audience who have heard  
13 it all before, I'm sorry to say.

14 THE CHAIRPERSON - OPENING REMARKS:

15 My name is Robert Fournier, and  
16 I'm the Chairman of the Joint Panel, and my  
17 colleagues on either side, here is Jill Grant, who  
18 is a professional planner, and Gunter Muecke, who  
19 is an earth scientist, and I'm an oceanographer by  
20 training.

21 Also we have a Secretariat here,  
22 over here at this table. On my far left is Steve  
23 Chapman who is with the Canadian Environmental  
24 Assessment Agency, and next to him is Peter Geddes,  
25 who is with the Nova Scotia Department of

26 Environment and Labour. And in the back, Lucille

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## THE CHAIRPERSON - OPENING REMARKS

1 Gormeaux who you will see -- she will be coming  
2 around any of you who speak and do not go to that  
3 microphone, she will put a microphone under your  
4 face, and the reason for that is we're transcribing  
5 all of this so we want all of the comments, names  
6 and affiliations to be recorded.

7 Well, let me start by answering a  
8 question who we are. We're a Joint Panel, and the  
9 word "joint" in this case refers to the fact that  
10 the panel has been constructed on the behalf of the  
11 Federal Minister of the Environment and the  
12 Provincial Minister of Environment and Labour. So  
13 the word "joint" means Federal/Provincial co-  
14 operative panel.

15 Our role in all of this has been  
16 defined, and you can see this if you want, it's an  
17 agreement which has been signed by both ministers,  
18 federal and provincial, and it outlines the task  
19 before us, and at the back of this particular  
20 document there are Terms of Reference. And the  
21 Terms of Reference specifically identify what it is  
22 we're expected to do, what our responsibilities  
23 are, what the limits of our responsibility are, and  
24 so forth.

25 To put it in a nutshell what we've  
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## THE CHAIRPERSON - OPENING REMARKS

1           been asked to do is conduct an independent and  
2           impartial review of the environmental effects of a  
3           proposed basalt quarry and marine terminal at  
4           Whites Point on Digby Neck, in a nutshell. I mean,  
5           there's more detail than that but you can read that  
6           if you choose to.

7                       The proponent in this particular  
8           situation is a company called Bilcon of Nova  
9           Scotia, and if you hear me use the word "proponent"  
10          or "Bilcon" they're synonymous, it means the same  
11          thing.

12                      Now, the intention in this process  
13          from the very beginning is to make it public. The  
14          Joint Panel is an entirely public process, and  
15          there are two aspects of the public nature of the  
16          process you should be familiar with.

17                      The first is that all documents  
18          which we receive, all documents which we read and  
19          we use in order to make a judgment or to form a  
20          conclusion, are available to you. They're publicly  
21          available in a registry. Some of them have been  
22          encapsulated in physical form, and they're  
23          available at the Isaiah Wilson Library in Digby and  
24          there are some on line, as well. So the public  
25          will have access to every document that we use.

## THE CHAIRPERSON - OPENING REMARKS

1           The second part of the public  
2           nature of this process is that there are two forms  
3           of public meetings. The first public meeting or  
4           the first group of public meetings are called  
5           scoping meetings. That's what this is today. And,  
6           in a sense, what you're being asked to do is to  
7           provide public input into the Environmental Impact  
8           Statement guidelines. I'll come back to that and  
9           give you more information in just a moment.

10           The second form of public meeting  
11           will be the public will be invited to comment on  
12           the Environmental Impact Statement once it has been  
13           produced by the proponent. The proponent will, in  
14           effect, write down all aspects of the proposed  
15           project and what impact that project will have on  
16           the environment. That will be the Environmental  
17           Impact Statement. When it's complete, it will go  
18           before the public once again and this group will  
19           come around and have hearings on that also, okay.

20           Both of these public meetings, the  
21           scoping sessions today and the subsequent meetings  
22           on the EIS are there to assist the panel in making  
23           conclusions, and those conclusions, once we do form  
24           an opinion and reach a conclusion, they will be  
25           translated into recommendations, and those

## THE CHAIRPERSON - OPENING REMARKS

1 recommendations will be offered to both ministers,  
2 federal and provincial.

3 And I should tell you just as  
4 general information that this panel has, in fact,  
5 visited the site where the proposed quarry is to  
6 take place. In early December on the 10th of  
7 December, we went to Whites Point independently on  
8 our own, the Secretariat and us, and we walked  
9 through the road and went to the site, looked  
10 around, and so we have some familiarity with the  
11 site.

12 Now, coming back to the scoping  
13 meetings, of which today is one of four, on  
14 Thursday evening we met in Digby Neck and yesterday  
15 we met in Digby, today it's here in Wolfville and  
16 tomorrow we'll be meeting in Meteghan, and that  
17 will be the sum total of the scoping sessions.

18 What we're doing is reaching out  
19 to the public now, engaging the public, and to deal  
20 with something which is called -- here it is right  
21 here. This document has been available to the  
22 public since early November, and this is called the  
23 Draft EIS Guidelines.

24 Now, there are three words there,

25 "Draft" meaning it's not complete, it's not

## THE CHAIRPERSON - OPENING REMARKS

1 finished; "EIS" means that, of course,  
2 Environmental Impact Statement; and "Guidelines"  
3 these are the rules, the rules which will be given  
4 to the proponent in order to create the EIS. And,  
5 as I said, they're in draft form.

6 The reason we have come to you is  
7 on the expectation that people have had a chance to  
8 read this, familiarize themselves with it and might  
9 be -- today might be able to offer some comment on  
10 this document which we can then receive, and we  
11 will, in fact, close off the input of data by the  
12 21st of January, and after the 21st of January we  
13 will then take all of the information we have and  
14 change this from a draft to a final form.

15 When it's in final form, it will  
16 go to the proponent and then the proponent will  
17 then begin the process of assembling the final EIS.

18 So because it's in draft form,  
19 it's important that the public be consulted, and by  
20 "the public" I want to make it clear that there are  
21 a number of people who believe that this project is  
22 a good project and they support it. There are a  
23 number of people who do not like this project, and  
24 do not support it. We're interested in both  
25 comments. This is an impartial panel, we're



## THE CHAIRPERSON - OPENING REMARKS

1 interested in hearing both sides. If they happen  
2 to be in the audience, we'd be happy to receive  
3 comments from either.

4 Oh, one other thing I should say  
5 to you is that the Draft Guidelines were not  
6 created by us. They were created by government  
7 employees, both provincially and federally, based  
8 on a kind of template, if you will, from other  
9 projects that have occurred around the country in  
10 the last decade or so. So it's a template document  
11 which is gradually being refined, more and more  
12 refined, to focus on the issues that are relevant  
13 to this particular project which has been proposed.

14 Okay. What are our expectations?  
15 Well, we are seeking your input. Today we will  
16 have five individuals who have pre-registered who  
17 wish to speak. They're actually individuals  
18 representing organizations, and so we'll hear  
19 those.

20 After we have heard that, probably  
21 it will be about 2:30-ish, and we'll probably take  
22 a break, and then after that anyone here in the  
23 audience who has anything that they would wish to  
24 say we'd be happy to listen, as long as it's  
25 generally relevant to the Draft Guidelines.

## THE CHAIRPERSON - OPENING REMARKS

1           This is not an opportunity just to  
2           vent. I mean, we're certainly not going to stop  
3           you from speaking your mind, but at some point you  
4           must realize that our goal today is to deal with  
5           that document.

6           So the procedure then is that  
7           we're -- normally from place to place we have  
8           restricted speakers to about ten minutes each if  
9           they are speaking as individuals. If they are  
10          representing organizations, then we've allotted  
11          them about fifteen minutes each.

12          And in this particular case all  
13          five of the presenters today are representing  
14          organizations, so you can expect them to speak  
15          about fifteen minutes. If they go beyond that I  
16          might exert myself just a little bit to encourage  
17          them to finish so that we can carry on and make  
18          room for those of you who are also hoping to speak  
19          even though you haven't registered.

20          After each presentation there will  
21          be an opportunity to ask some questions. I'll ask  
22          the first question, if I have one. My colleagues  
23          will then follow, and then we'll ask you to ask  
24          questions if you have any.

25          If you have a question, ask it

## THE CHAIRPERSON - OPENING REMARKS

1 through the Chair, and then we will then decide how  
2 it will go from there. What we would like to  
3 discourage is cross-discussion within the audience,  
4 okay. It's more appropriate to work through me and  
5 then we'll work that way.

6 Oh, and this is a very informal  
7 meeting. There's very little formality in the  
8 meeting at all. We've structured it just so that  
9 we can get through the process. We've asked you to  
10 work through the Chair just so that we don't get  
11 dialogues going in the audience, but essentially  
12 think of it as nothing more than an opportunity to  
13 let -- to air your views to us, the three  
14 individuals who will eventually finalize that  
15 document which will then give instructions to the  
16 proponent so the proponent can then produce the  
17 final EIS document.

18 This is just a cautionary note, if  
19 somebody gets really off track, if somebody starts  
20 to go off on a tangent or something, I may have to  
21 exercise my right as the Chair to bring them back  
22 on line. So I hope no one takes it personally. It  
23 is not our intent to curb discussion but we really  
24 do have a fixed goal today and we're going to try  
25 and hold you to that fixed goal.

## THE CHAIRPERSON - OPENING REMARKS

1           Okay. A couple of final comments.  
2           One is is that anyone who presents anything here  
3           today who has supporting written information, an  
4           outline they used to make the presentation, a map,  
5           any kind of documentation and they want to provide  
6           it to us, give it to Steve Chapman on the far left.  
7           Steve will put a stamp on it, he'll give it to us  
8           and he'll make it available in the registry so that  
9           everybody has access to it.

10           Anybody here today who does not  
11           want to speak for whatever reason but wants to  
12           write to us a short note, back of the envelope, a  
13           longer note, an e-mail message, whatever, send it  
14           to us, send it to Steve, Steve will stamp it, put  
15           it in the registry and give it to us, okay.

16           I want to make it clear that a  
17           verbal presentation and a written presentation  
18           there is absolutely no difference between them. We  
19           will not put any more weight on a verbal  
20           presentation versus a written or vice versa.  
21           They're of equal value because it's not the form of  
22           the presentation it's the content that we're  
23           interested in. So you can do it either way if you  
24           choose to.

25           If you make a presentation today

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## THE CHAIRPERSON - OPENING REMARKS

1 and you want to follow it up with a longer  
2 document, please do. A number of people have  
3 suggested that they will, in fact, do that.

4 Remember, the deadline for receipt  
5 of this material is the 21st of January. After  
6 that we will close off the process.

7 Okay. This session is being  
8 recorded, so that means that we want you to speak  
9 into the microphone. Lucille will come around with  
10 a roving microphone so that you can speak so it can  
11 be recorded. If you stand up and make a comment,  
12 identify yourself by name, and if you're with an  
13 organization tell us what that organization is.

14 If there are any reporters in the  
15 room, we would ask that they not interview anybody  
16 or engage in any repertorial activity until the  
17 break or until things are over. They're a  
18 distraction otherwise.

19 Okay. I think those are all the  
20 nuts and bolts that we need to get through before  
21 we get under way and, as I said, we have five  
22 presentations. The first will begin now with  
23 Gretchen Fitzgerald and Mark TeKamp from the  
24 Ecology Action Centre.

25 MS. GRETCHEN FITZGERALD: Hello.

1 THE CHAIRPERSON: Good afternoon.

2 MS. FITZGERALD - SUBMISSION: Yes.

3 My name is Gretchen Fitzgerald and I'm here, along  
4 with Mark TeKamp, representing the Ecology Action  
5 Centre which is, for those of you who don't know,  
6 Nova Scotia's oldest non-governmental environmental  
7 organization.

8 Mark is going to make the majority  
9 of our points but I'm just going to start by making  
10 a specific comment about an issue that I care a lot  
11 about, and am quite knowledgeable about, which is  
12 invasive species.

13 I noticed in reading this document  
14 that there was no specific mention of the threat of  
15 introduction of species which can have -- non-  
16 native species which can have severe environmental  
17 and economic effects on the region.

18 For instance, on page 1 they refer  
19 to 40,000 tonnes of aggregate being taken per week  
20 from the area. There's no mention of the fact that  
21 this will mean that any number of -- some number of  
22 tonnes of ballast water will be brought into the  
23 region every week and what impacts that can have.

24 So at every juncture -- that's  
25 just a for instance but at every juncture where you  
26 see a possibility that you have factors coming in

MS. FITZGERALD - SUBMISSION

1 that could introduce non-native species I would  
2 like that to be incorporated.

3 The second point is more abstract  
4 but nonetheless very real. It has to do with the  
5 momentum of this process in itself, and I would  
6 like to really beseech the panel to make sure that  
7 at all junctures they are considering the null  
8 alternative, which is saying no to this quarry.

9 There is a public perception and  
10 sometimes a reality that once an environmental  
11 assessment process begins we are on a very windy  
12 road but a road to approval, and I just want the  
13 panel, at all junctures, to consider that saying no  
14 to this quarry does not mean saying no to  
15 sustainable economic development in Digby. It just  
16 means saying no to Bilcon and a development which  
17 we think will have severe and lasting economic --  
18 negative economic, social and ecological effects.

19 Now I'll let Mark make the  
20 majority of our presentation.

21 THE CHAIRPERSON: You'll be  
22 available for questions later.

23 MR. MARK TEKAMP - SUBMISSION:  
24 Thank you, Gretchen.

25 Talking about -- we're just going  
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MR. MARK TEKAMP - SUBMISSION

1 to go through some of the points here of the  
2 guidelines generally to run through a couple of  
3 points of order.

4 Firstly, following on what  
5 Gretchen said, we are talking about viewing the  
6 alternatives, the need for the project itself.  
7 Looking through the guidelines, it seems when we  
8 talk about the project need, if there comes a time  
9 when someone actually says "The need for this  
10 project is possibly economic development" -- our  
11 concern is that sometimes economic development or  
12 this particular project might be seen as the only  
13 option for economic development and we'd like to  
14 see, like, maybe a little bit more of a thorough  
15 explanation of the actual need.

16 Moving on, setting, the setting,  
17 part of these guidelines, when the proponent asked  
18 to decide or describe the setting, it seems so far  
19 that they have to describe a lot of factors that  
20 are already there.

21 However, I myself am a land-use  
22 planner and the idea of community identity is  
23 something that I put a lot of weight behind, and so  
24 does the Province of Nova Scotia.

25 It's already stated by Service



1 Nova Scotia that community identity could be  
2 broadly defined as a community of interest or  
3 emotional attachment or a sense of belonging to a  
4 geographic area, and they describe a number of  
5 factors that can actually contribute to the  
6 weakening of community identity, these being growth  
7 beyond early historic community boundaries, a  
8 decrease in population base, a decline in a  
9 community's economic base, and a loss of influence  
10 in decision making.

11 Not only do we think that this  
12 should be described in a setting, maybe it should  
13 also be included as a VEC, a Valuable Environmental  
14 Component, I believe. So I think that would be  
15 something that should be taken quite seriously.

16 Moving on, cumulative effects,  
17 although very important, it seems that the  
18 guidelines seem to describe specifically cumulative  
19 environmental effects, and looking through at the  
20 greater picture when there's a quarry put in and  
21 then there's a terminal and then there's a change  
22 in the traffic patterns and there's a change in how  
23 the shops are -- like the types of shops that are  
24 there, it might be interesting to take note that  
25 like on a greater picture how these all contribute

MR. MARK TEKAMP - SUBMISSION

1 to the growth and development of the community. So  
2 maybe cumulative effects should include social and  
3 economic, as well.

4 We just think that something like  
5 this could -- like as a planner, you like to think  
6 ahead and you like to think down the road a little  
7 bit, and there might be some sort of impact on how  
8 lands could be used and how restrictions on land  
9 use could be kind of thought about.

10 And something that I'm getting at  
11 is I do believe that there's other groups here  
12 today, namely TIANS, and I do know that they've  
13 been working on a tourism coastal strategy and, I  
14 don't know, to say something like a project might  
15 not have an impact on the tourism potential, the  
16 region, I think that there should probably be some  
17 sort of thought that maybe the proponent could  
18 consult with groups like this especially when  
19 they're working on creating a provincial coastal  
20 tourism strategy.

21 But moving on, perhaps we could  
22 talk about the decommissioning of the site. It  
23 seems like we could elaborate on that a little  
24 more. It seems like we're talking about

25 predominantly environmental reclamation which is

MR. MARK TEKAMP - SUBMISSION

1 something that's very important. However,  
2 essentially, like I said, as a planner you look  
3 ahead and you like to think how is this community  
4 going to -- how is this community going to look in  
5 10, 20, 30 years. And essentially from my point of  
6 view we're talking about -- we're getting ready for  
7 a massive lay-off in 30 years.

8 And when you look at other  
9 communities, like maybe like Murdochville or  
10 Noranda, where these -- like these little towns,  
11 essentially there's not much left of them any more,  
12 and they're really dependent on these resource  
13 industries.

14 When you lose your main economic  
15 base, like there's a shock that happens and maybe  
16 we need to think about -- it seems like other  
17 companies have thought about severance packages and  
18 early retirement packages and continuing paying  
19 property taxes. There's no mention of this, and 30  
20 years from now when all of a sudden a mining town  
21 -- like it's a finite resource and everyone knows  
22 that as a mining operation it does end, and how is  
23 the proponent going to prepare the community for  
24 such a shock, and how is it going to help make the  
25 transition to a more diverse economy?

MR. MARK TEKAMP - SUBMISSION

1                   And this would be my last point  
2                   right here ---

3                   THE CHAIRPERSON: Someone has gone  
4                   to try and cure that, so just persevere.

5                   MR. TEKAMP: Thank you very much.  
6                   All right. I'll speak a little louder.

7                   But my last point, and something  
8                   that I really believe quite strongly in, is  
9                   something that we have to recognize is at this  
10                  point there is no comprehensive coastal zone  
11                  management policy for Nova Scotia right now.

12                  It's great to see that there's a  
13                  lot of people standing up and talking about things  
14                  that they really believe quite strongly in.  
15                  However, what we're lacking is a policy out there  
16                  that provides a vision for Nova Scotia's coastlines  
17                  and what we want in 10, 20, 30 years from now, 100  
18                  years from now, the next generation, what we're  
19                  talking about when we talk about core concepts of  
20                  sustainability, and I think it might be safe to say  
21                  that from other existing documents that are already  
22                  out there, the other earlier attempts at coastal  
23                  policy, that a project such as this would probably,  
24                  and I can say this with a certain degree of  
25                  confidence -- would probably be in direct contrast

MR. MARK TEKAMP - SUBMISSION

1 to the intent of a coastal policy.

2 So the fact that we don't have  
3 something right now is we're moving into uncharted  
4 waters, and I was at the meeting the other night  
5 and people mentioned the idea of the -- like the  
6 precedent that this is setting is -- like it might  
7 be very dangerous, and the fact that we don't have  
8 a policy yet we really need to recognize that as a  
9 huge void.

10 And I'm not sure yet, we just  
11 started our efforts on this, on this project this  
12 week, but I think it's something that really needs  
13 to be discussed and a lot of thought has to be put  
14 into.

15 Hopefully by the time we submit  
16 the report we will have some solid suggestions for  
17 you.

18 So thank you very much.

19 THE CHAIRPERSON: Okay. Maybe Ms.  
20 Fitzgerald, could you get up there with him as  
21 well. I'm really sorry about this noise. I hope  
22 it's going to be dealt with. We'll see what we can  
23 do. You're just going to have to speak up for the  
24 moment.

25 Ms. Fitzgerald, you mentioned the  
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MR. MARK TEKAMP - SUBMISSION

1 ballast water and invasive species. Did you have  
2 anything more specific that you wanted to say other  
3 than that you wanted to raise a flag over them?

4 UNIDENTIFIED VOICE: Can't hear a  
5 thing back here at all. Maybe we can turn the  
6 microphone around and face this way.

7 THE CHAIRPERSON: Just a moment.  
8 We will take a little break while we try and sort  
9 this out, okay.

10 UNIDENTIFIED VOICE: Good idea.  
11 (20-MINUTE BREAK)

12 THE CHAIRPERSON: What I'm told  
13 was is that the bearing on the circulating fan  
14 suddenly failed and there's somebody at home, a  
15 maintenance person who is on line, and they needed  
16 to get some numbers, and once they plugged the  
17 numbers in he could do it from his computer, and  
18 it's done. Okay. So you're all apprised up to the  
19 minute.

20 Okay. Would you please come back  
21 up to the microphone.

22 By the way, even though -- I have  
23 to apologise to the people in the back who couldn't  
24 hear. I mean, I could hear fine, and the recording  
25 person said that everything you said was recorded

MR. MARK TEKAMP - SUBMISSION

1 as well, so that part of the process has been --  
2 and will end up in the transcripts. The  
3 unfortunate thing is somebody in the back couldn't  
4 hear as well. Okay.

5 Well, I started to ask you a  
6 question, Ms. Fitzgerald, and you mentioned ballast  
7 organisms. I believe ballast organisms are  
8 mentioned in the document, or certainly invasive  
9 species. But even if my memory fails me, did you  
10 have anything specific that you wanted to offer us  
11 with regard to invasive species and the role of  
12 ballast water in that case?

13 MS. FITZGERALD: I guess I can  
14 offer a specific example and it went into Canada  
15 where ballast is the prime suspect in being the  
16 vector for an invasive species that did have  
17 economic and ecological impacts, which is the Bras  
18 d'Or, where a virus that kills oysters was  
19 introduced probably by ballast water brought in by  
20 bulk carriers, very similar probably to the ones  
21 that would be used in this project, and what you  
22 saw happen was a major die-off of oysters that  
23 would be grown by oyster growers in the Bras d'Or.

24 And where you have ships coming up  
25 from New Jersey, and it would be very easy to look  
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1 at New Jersey and see what invasive species are  
2 there and could possibly be introduced to the Digby  
3 Neck area and have severe ecological impacts either  
4 through the ballast water or as whole-fouling  
5 organisms, I just wanted to emphasize that this is  
6 a risk that should be taken into account because,  
7 as we have said in written submissions regarding  
8 this assessment before, this project is contingent  
9 on having this basalt shipped outside the country.

10 This project is not going to  
11 happen without shipping, so it is an integral part  
12 of the project and so it should be assessed as an  
13 integral risk involved in doing this -- having this  
14 quarry.

15 The other thing I might want to  
16 say about invasive species is right now the  
17 Canadian government was severely chastised by the  
18 Commissioner for Environmental Sustainable  
19 Development for being inactive in the area of  
20 protecting Canada from invasive species and  
21 introductions.

22 So I'm afraid due to the lack of a  
23 really good ballast water regulatory process or  
24 requirement of ships to have technology on board to  
25 prevent the introduction of invasive species, I



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1 believe it falls unfortunately to the feet of you  
2 at this assessment to do everything you can to stop  
3 species from being introduced by, you know,  
4 listening to advice from people like myself which  
5 will come in the written submission in response to  
6 the environmental assessment, of course, but also  
7 making sure that we adhere to the strongest,  
8 highest level of regulation possible to prevent  
9 invasive species from being introduced.

10 THE CHAIRPERSON: Thank you. One  
11 other comment I have to make is that you urged us  
12 to be aware of the null alternative, that is the  
13 possibility of saying no, and you assumed that  
14 because this process was under way that, in some  
15 sense, it was pre-ordained or that was the  
16 implication of what you said.

17 I want to assure you there is no  
18 pre-ordained view, that this is an unbiased  
19 assessment of this process with no pre-considered  
20 or pre-ordained views whatsoever, okay.

21 MS. FITZGERALD: Thank you, I'm  
22 very glad to hear that, and it wasn't meant to be a  
23 criticism of the panel itself, it's merely an  
24 observation that there is a public perception and  
25 sometimes a reality that once this process begins

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1 to happen there is -- it has a momentum in and of  
2 itself.

3 We've already invested or agreed  
4 to invest a hundred thousand dollars (\$100,000) in  
5 this process, and to say no at the end of that -- I  
6 just hope that you know and always keep in mind  
7 that that doesn't mean no to economic development  
8 in Digby or anywhere else in Nova Scotia. It just  
9 means no to this project which, you know, if you  
10 weigh the cost benefits, the real cost benefits, I  
11 think is a valid decision to make.

12 THE CHAIRPERSON: Thank you.

13 DR. GRANT: Just to follow up on  
14 that, the guidelines do say that one of the options  
15 available to the panel is rejection of the project.

16 MS. FITZGERALD: Thank you.

17 DR. GRANT: So is there something  
18 more than that that you think needs to be there to  
19 cover that point you made?

20 MS. FITZGERALD: I guess perhaps  
21 just specifically saying that, that no matter how  
22 much time and money is spent in this process it  
23 will be time and money well spent if we come to the  
24 right decision, whatever that is.

25 I guess you're right it is there,  
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1 but I just really wanted to re-emphasize to you as  
2 individuals and professionals that this is an  
3 option, and it has been recognized as part of --  
4 you know, in the context of Canadian Environmental  
5 Assessment Act where a project for a highway was  
6 turned down because the community there argued that  
7 "We don't need this highway because we can have  
8 sustainable transportation. We're not saying no to  
9 transportation, we're saying no to a highway that  
10 will damage our community and our ecosystem."

11 So I want you to keep that at the  
12 forefront of your mind, there's alternatives to  
13 this project that have nothing to do with taking  
14 basalt out of the ground. Thank you.

15 DR. GRANT: And just a question  
16 for Mark on the community effects. You suggested  
17 that we needed to look at the wider community  
18 effects. Were there specific things in the  
19 guidelines that you think are not there that ---

20 MR. TEKAMP: Sorry, for the  
21 cumulative effects?

22 DR. GRANT: Yes.

23 MR. TEKAMP: Well, I believe in  
24 the guidelines it specifically says -- it says when  
25 it comes to cumulative effects it says "Cumulative

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1 and Environmental Effects." And like I'm just  
2 thinking like the greater picture.

3 When we think about like a  
4 specific operation, like collectively, like these  
5 specific things, like how it's going to affect like  
6 the idea of tourism potential, land values, because  
7 it's my idea that even if we do bring in a project  
8 like this there's -- in 30 years from now the  
9 economic value of a pristine coastline will be so  
10 much more than an empty hole in the ground with  
11 this unused marine ferry terminal, and that's what  
12 I'm thinking of, and I think it should be  
13 cumulatively -- cumulative effects should contain  
14 more than just cumulative environmental effects.  
15 There should just be a little, I don't know,  
16 fleshed out a little bit, a little bit more, that's  
17 what I'm thinking.

18 DR. GRANT: Thank you.

19 MR. TEKAMP: And I should also say  
20 for the last part of my presentation, when it was  
21 cut out there, for the sake of moving on, I'd be  
22 glad to -- during the break I'd be glad to -- if  
23 anyone wants to ask questions or anything I'll just  
24 sit over here and I can gladly go over the last  
25 little bit of that.

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1 THE CHAIRPERSON: Thank you.

2 Gunter.

3 DR. MUECKE: Well, I guess in a  
4 similar vein I was wondering whether you -- what  
5 specific additional things you would ask for in  
6 terms of reclamation, you mentioned reclamation as  
7 a problem. What in the guidelines specifically  
8 should be added to what is there?

9 MR. TEKAMP: Well, that is a  
10 really good question, and it's also one that we've  
11 talked about at the Ecology Action Centre, trying  
12 to figure out what we could present.

13 However, I should mention as part  
14 of this process essentially I just -- I signed on  
15 to this officially last night, and like I just got  
16 -- I stayed up late last night making the notes and  
17 trying to get ready for this presentation. It just  
18 came about really quickly.

19 Coming back from the holidays,  
20 people are really unprepared for this, so we  
21 believe we have the opportunity to make a report  
22 and I'll be taking time off of my job to try and  
23 answer questions like that, so by the 21st look out  
24 for the Ecology Action Centre report.

25 DR. MUECKE: Okay, I shall.

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1 MR. TEKAMP: But hopefully, for  
2 what we're lacking, you can maybe -- the panel can  
3 try and -- with their expertise try and fill in  
4 some of these gaps.

5 THE CHAIRPERSON: So you are  
6 planning to flesh out your oral comments with a  
7 report to be delivered to us by the 21st.

8 MR. TEKAMP: Absolutely.

9 THE CHAIRPERSON: Okay. Good.

10 Are there any questions from the  
11 audience, anybody wanted to raise anything or  
12 question these individuals? Okay. If not then,  
13 we'll move on.

14 And the second group that will be  
15 making a presentation is Janet Eaton and Mark  
16 Dittrick from the Sierra Club of Canada.

17 MR. DITTRICK - SUBMISSION: Yeah,  
18 I'll be speaking first and Janet is -- she's right  
19 over there. Okay. And I have five pages here, and  
20 realizing we've lost more time I'm going to be  
21 excerpting this, and I'd like you to know that we  
22 have staff in Ottawa working on this, other people  
23 working on this, and we will be -- and staff in  
24 Halifax -- and we will be presenting a much more  
25 complete ---

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1 THE CHAIRPERSON: A written ---

2 MR. DITTRICK: --- a written  
3 submission before the 21st.

4 Anyway, I'd like to address three  
5 things in this, in my little presentation, and that  
6 is definition of -- this has been covered before,  
7 but I'll try to cover it again and eliminate some  
8 of the maybe repetition, the need for, purpose of  
9 and alternatives to, I'd like to say a few words  
10 about marine mammals and then I would like to talk  
11 about carbon.

12 Anyway, a little more introduction  
13 about myself is that I -- in a previous life I was  
14 a dictionary editor, having worked as a  
15 contributing editor for technical terminology to  
16 the Random House 2nd Edition Unabridged. So I  
17 approached looking at need for alternatives to kind  
18 of from a little lexicographer background.

19 So I'm not going to quote from  
20 everything I have here. You'll get this at some  
21 point eventually, but in your guidelines and under  
22 the heading of "Project justification" there is no  
23 definition that I recall seeing for need, for  
24 purpose of, or alternatives to. And, indeed, in  
25 the Act itself there is no real clear definition.

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1 "We recommend that the panel  
2 define 'need' in such a way  
3 as to integrate  
4 environmental values into  
5 EA, define 'need' in terms  
6 of necessity and  
7 justification, and use  
8 criteria for need that are  
9 compatible with other  
10 sustainable criteria."

11 Now, another reference I'd like to  
12 make is to the panel review of the Voisey's Bay  
13 mine and mill project, and in that document under  
14 "Project need and resource stewardship" there's a  
15 heading "Importance to the Canadian economy." And  
16 the panel says:

17 "The panel does not consider  
18 the review to be a proper  
19 forum for discussing the  
20 importance of the project or  
21 the economic viability of  
22 INCO, the proponent.

23 However, the panel  
24 acknowledges the

25 contribution of the nickel

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industry to the Canadian economy. The panel observes that there is potential for growth in the world nickel market and that new domestic sources will have to be developed just to maintain Canada's existing position."

We submit, Sierra Club, we submit that the Whites Point Quarry and Marine Terminal Project Joint Review Panel should not be considered a proper forum for discussing the importance of the project to the economic viability of Bilcon of Nova Scotia, and that the proposed Bilcon project makes no compelling contribution to the economy of either Nova Scotia or Canada.

Now there's a recommendation following that:

"The proponent therefore should be required to demonstrate to the satisfaction of need that goes beyond the health of its own bottom line. The proponent should be further

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1 required to demonstrate that  
2 the need served by the  
3 project is not simply an  
4 improvement in the  
5 proponent's own ability to  
6 compete for market share  
7 with other American  
8 aggregate producers."

9 A second recommendation there is:

10 "We also recommend that any  
11 benefits connected to the  
12 project, jobs created, taxes  
13 paid to municipal units,  
14 etcetera, not be construed  
15 as being the same as needs."

16 I'm going to quote now from a  
17 publication of what was then called Global Quarry  
18 Products, and now Bilcon, and in their first -- in  
19 their Whites Cove Project Fact Sheets #1 under the  
20 heading of "Why here?" they've explained why they  
21 have picked that particular site:

22 "...here are answers to a  
23 larger and more relevant  
24 question that goes beyond  
25 what the proponent feels is

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1 the ideal nature of the  
2 site. Why is Global Quarry,  
3 now Bilcon of Nova Scotia,  
4 here in Nova Scotia, in  
5 Canada?"

6 The only part of the proponent's  
7 -- and I would have quoted this if we had more time  
8 -- answer to why here for their site is that they  
9 say "It is water accessible" that means the basalt  
10 "and therefore a convenience, an advantage for  
11 shipping to markets for aggregate stone."

12 Two recommendations based on this.  
13 With respect to the draft DIS guidelines sections  
14 "Alternatives to the Project" and "Alternative  
15 Means of Carrying out the Project" which are 7.2.2  
16 and 7.2.3 respectively, the proponent should be  
17 required to provide geological mapping of the  
18 eastern coast of the United States that indicates  
19 the location of all significant basalt deposits  
20 that are "water accessible" in that area.

21 The proponent should also provide  
22 documentation on all pertinent existing regulations  
23 or policies that would prevent the proponent from  
24 exploiting existing coastal basalt in that area.

25 The proponent should also provide

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1 a history of its previous successful and  
2 unsuccessful attempts to exploit this resource in  
3 that area.

4 Second recommendation also with  
5 regard to section 7.2.2. The proponent shall be  
6 required -- should be required to demonstrate the  
7 need in New Jersey, in the New Jersey area, for new  
8 roads in that area, and, as opposed to say public  
9 transit projects that would reduce vehicle use and  
10 the need for expansion of existing vehicle routes.

11 The proponent should also be  
12 required to respond to the concerns of many  
13 environmental NGOs and planners related to the  
14 myriad environmental impacts of urban and suburban  
15 sprawl.

16 Now, that's all I have to say  
17 about the need and the alternatives to it.

18 Now, marine mammals, and if you'll  
19 bear with me I have a quote from DFO in this:

20 "According to the National  
21 Oceanographic  
22 Administration's Marine  
23 Fisheries Service, NOA  
24 Fisheries, the greatest  
25 known current cause of

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1 northern right whale  
2 mortality in the western  
3 North Atlantic is collision  
4 with ships."

5 The only foolproof way to make  
6 sure -- this is not a quote from them, this is me  
7 now. The only foolproof way to make sure a ship  
8 doesn't strike a whale is to make sure the ship  
9 isn't there.

10 Ships connected to the quarry  
11 project pose a clear threat to northern right  
12 whales and their eventual survival as a species,  
13 especially given the proposed quarry's projected  
14 lifespan and the real possibility that permitting  
15 the White Point quarry project to go ahead will  
16 spawn similar projects in the area in the future.

17 Even a small added threat to the  
18 survival of the northern right whale is  
19 unacceptable.

20 And I have another quote here, but  
21 I will not go to it for the sake of time, that  
22 talks about studies of ship impacts on northern  
23 right whales. So I will -- actually, it talks  
24 about the effects of blasting, but this you can  
25 read. It will probably take me too long to read.

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1                   Anyway, we end up with two  
2                   recommendations here, one actually having to do  
3                   with the blasting.

4                   Recommendation No. 1: The  
5                   proponent should be required to show that its  
6                   mitigation measures and those of the shipping  
7                   company carrying its product will reduce the threat  
8                   of a ship striking a northern right whale to zero.  
9                   In this regard, the panel should establish zero  
10                  tolerance criteria.

11                  Recommendation 2: The proponent  
12                  should be required to demonstrate that its  
13                  quarrying activities, especially blasting, will  
14                  have no significant effect on the behaviour of  
15                  marine mammals in the vicinity of the quarry.

16                  Now, this last one is short so  
17                  bear with me. We ask the panel to consider -- this  
18                  is under "Carbon" -- we ask the panel to consider  
19                  adding a carbon budget to the EIS guidelines. The  
20                  quarry operation -- and in there is a document from  
21                  CEAA that explains how this is done -- the quarry  
22                  operation with its trucks, drills, loaders,  
23                  crushers, conveyors, ships and such, will create  
24                  considerable quantities of carbon in the form of  
25                  CO2 emissions over the life of the project.



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1                   It should be noted that a gallon  
2                   of diesel fuel consumed produces approximately 25  
3                   lbs of CO<sub>2</sub>.

4                   Canada has ratified the Kyoto  
5                   protocol, the U.S., of course, has not and is now  
6                   beginning to implement it. Canadian citizens are  
7                   now being asked to take the 1-tonne challenge.

8                   The proponent should account in  
9                   its EIS for the amount of carbon resulting from the  
10                  operation of its quarry.

11                  There was also the question of the  
12                  ownership of this carbon debt. Is it Canadian? Or  
13                  does it belong to the U.S., the home of the  
14                  proponent and the designation of the quarried  
15                  aggregate?

16                  Recommendation: The proponent  
17                  should be required to prepare a carbon budget  
18                  reflecting the anticipated quantity of carbon  
19                  dioxide or CO<sub>2</sub> produced by the project per annum  
20                  and over its lifetime.

21                  The proponent should also be  
22                  required to devise some method for balancing its  
23                  CO<sub>2</sub> budget in a way that eliminates this burden on  
24                  the efforts of the Canadian government and the  
25                  people of Canada to reach CO<sub>2</sub> reduction targets

MR. DITTRICK - SUBMISSION

1 under the Kyoto protocol. Thank you.

2 THE CHAIRPERSON: Thank you.

3 Janet.

4 MS. EATON - SUBMISSION: Thank

5 you.

6 I'm Janet Eaton. I am  
7 representing the Sierra Club of Canada here,  
8 particularly as their international liaison for  
9 corporate accountability.

10 I also would mention that I have a  
11 Ph.D. in Biology and that my experience with Digby  
12 Neck and its economy and the whole process of  
13 community economic development goes back to --  
14 almost two decades to the new Nova Scotia economic  
15 strategy which considered community economic  
16 development, and I've been involved with that for  
17 years.

18 And so my comments will focus on,  
19 to some extent, the special designations that exist  
20 in that area, and that are somewhat contiguous  
21 between the Bay of Fundy to the international  
22 biosphere status of the Keji-Tobeatic area and the  
23 special designations of the neck in between and  
24 what that means in terms of respect for  
25 international law.

MS. EATON - SUBMISSION

1           We would hope therefore that the  
2           proponent would be cognizant of that, particularly  
3           things like trans-boundary issues, bio-diversity  
4           convention, the convention on the law of the sea  
5           and so on, and how that pertains to their  
6           activities there.

7           And just to further elaborate on  
8           this very special area, because I think this does  
9           have great implication not only for respecting  
10          international law it has implications in regard to  
11          NAFTA and how NAFTA relates to international law,  
12          and it has tremendous implication in terms of  
13          cumulative effects which is another area that  
14          Sierra Club of Canada will be commenting on in more  
15          detail in our submitted presentation.

16          But I do want to clarify and the  
17          proponent to be aware of in the -- in responding to  
18          the -- in their proposal, and for the panel to be  
19          aware, and I'm sure you are, that this very special  
20          area of Digby Neck and its economy has been  
21          recognized in 1998 by the UN Habitat Settlements.  
22          It has named the Western Valley Development  
23          Authority to the Global Best Practices list, thus  
24          recognizing its community-based economic  
25          development approach as one of the best in the

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1 world. I think this is essential.

2 It's also essential to recognize,  
3 as well, that Digby Neck was recognized by Unesco  
4 as a paradigm of community economic development for  
5 North Atlantic communities in its MOST programme,  
6 that's the Management of Social Transformation  
7 programme.

8 In addition, we have the Bay of  
9 Fundy and the Gulf of Maine with its global plan of  
10 action recognized by the United Nations as an  
11 important area. We've heard that it may also be in  
12 line for a status as a biosphere reserve, and then  
13 inland we have the other biosphere reserve.

14 So I'd like to argue that we have  
15 one contiguous area there, and we'll be bringing  
16 forth things like the IUCN in 1992 after the  
17 Caracas meetings put forward a concept of island  
18 mentality which should not pertain to biosphere  
19 reserves. There should be a contiguous area and  
20 the development, the economic development, should  
21 be appropriate across that area.

22 I'd like to argue that we probably  
23 have one of the most special areas in the whole  
24 world in terms of that with all those designations  
25 and that this type of industrial development as

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1 we've been hearing is probably so inappropriate as  
2 to defy, you know, anything previous to it.

3 And so that will be one of the  
4 areas that we will be commenting on in our  
5 submission, and we will word it in such a way that  
6 we will expect the proponent to be cognizant of  
7 these issues and commenting on how that will be  
8 avoided.

9 And one of the things that will  
10 need to be commented on, as well, within that  
11 framework is the precautionary principle which  
12 stems from some of these international agreements  
13 and international law.

14 The other thing, in terms of  
15 cumulative effects, we will be pointing out that  
16 already since this quarry came to rest in this  
17 area, we are seeing impacts that other industries  
18 probably see this now as a changing area in terms  
19 of its economy and the possibility of moving in  
20 that direction, and I would say the bottled water  
21 plant opening up just ten miles down the road, you  
22 know, the proponent there and the land having been  
23 there for ten years suddenly making this decision  
24 is probably not unrelated to the fact that this is  
25 going -- this seems to be turning into an

1 industrial area instead of what had been an eco-  
2 tourism area and small scale fisheries and small  
3 scale business and information technology, and we  
4 know the rest.

5 And so we're also worried because  
6 we have seen other quarries already, proposals  
7 coming forward, whereas for the past ten years it  
8 had been fairly quiet, since the big mega-quarry  
9 proposal ten years previous to that when Rollie  
10 Thornhill put the stop on that one because it was  
11 an eco-tourism area. We don't seem to have the  
12 same kind of advocates in government right now that  
13 we maybe had ten years ago, so we need to be  
14 cognizant of that, that that's forthcoming.

15 Also through Sierra Club we've  
16 heard just recently -- and I'm just going to throw  
17 this out because I haven't done all the research on  
18 it, but we've heard secondhand from a geologist  
19 that there are large corporations snooping around  
20 again for uranium, and maybe even in the North  
21 Mountain.

22 We fought that battle ten years  
23 ago on the South Mountain, had a moratorium, but in  
24 this kind of international climate with global  
25 rules instead of international law being followed

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1 we have to be extremely cognizant of the harmful  
2 effects that could ensue there.

3 So these are just some examples of  
4 what can happen through cumulative effect, and I  
5 wanted to just relate that to the fact that we have  
6 this very, very special area. So those cumulative  
7 effects are going to be all the more harmful and  
8 threatening, you know, to this kind of special  
9 reserves, protected area status, and recognition of  
10 existing economy that we already have there.

11 And so we will also be expecting  
12 the proponent to designate or to describe or  
13 hopefully help us to understand how they'll be  
14 aware that NAFTA is a big -- could be an issue  
15 there, and that we would want to ensure that they  
16 would not be invoking NAFTA, and especially Chapter  
17 11, which could also exacerbate the cumulative  
18 effect in a very huge way down there.

19 And so I think that, as I said,  
20 we'll be submitting in another week or so our  
21 written submission and let you know specifically  
22 where those concerns lie in terms of the  
23 guidelines. In a couple of cases it will be  
24 omissions that we might want to have added. In

25 another case we want to shore up a few of the areas

MS. EATON - SUBMISSION

1 that are there now. So thank you.

2 THE CHAIRPERSON: Sure. We look  
3 forward to the receipt of that document. Jill?

4 DR. GRANT: No, it was fairly  
5 clear, thanks.

6 THE CHAIRPERSON: Gunter? No  
7 questions from the panel then. Anyone else? Oh,  
8 there's one in the back.

9 MR. DUCHAVICH: Hello, my name is  
10 Andreas Duchavich. I am a resident Wolfville, Town  
11 of Wolfville, and I'd like to address some concerns  
12 that I have specifically because of the length of  
13 the anticipated -- I guess the time scale that's  
14 involved here.

15 I mean, we're talking about half a  
16 century, and if we look back I don't see how any of  
17 us could have anticipated where we'd be today if  
18 we'd been asked to have that look forward.

19 We talk about legislation that's  
20 not in place yet, that's still being considered.  
21 We heard the first group of speakers talk about,  
22 you know, possible legislation about invasive  
23 species for example that isn't in place yet, the  
24 Kyoto accord -- the Kyoto protocol, sorry, and

25 Canada's commitment to that. You know, we just



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1 can't even predict where we're going to be, and I  
2 ask, you know, really to consider that.

3 When we look back at what -- you  
4 know, where we were even thirteen years ago when  
5 NAFTA came into effect under Mulroney, you know,  
6 since then we've only had two environmental laws at  
7 the federal level come into effect, and I would  
8 like to add that both of those, one of them -- both  
9 of them were rejected under NAFTA Chapter 11.

10 The first one was repealed and the  
11 Canadian taxpayers paid out thirteen million  
12 dollars (\$13 million) to an American corporation  
13 for that. And the second is still under monetary  
14 consideration for that.

15 You know, the environmental laws  
16 ---

17 THE CHAIRPERSON: Could I  
18 interrupt? Is this heading towards a question?

19 MR. DUCHAVICH: Yes, it is.

20 THE CHAIRPERSON: All right.

21 MR. DUCHAVICH: You know, in  
22 short, Chapter 11 can really significantly  
23 undermine the effects, you know, new laws and  
24 regulations that come up in the public interest, in  
25 particular in regard to protecting the environment

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1 and human health.

2 You know, Chapter 11 also required  
3 governments to pay compensation to polluters and to  
4 stop polluting, even if their activities adversely  
5 affect public health and welfare.

6 What I'm asking is, you know, if  
7 the application is approved, is there any sort of a  
8 guarantee, is the proponent willing to waive their  
9 rights under Chapter 11, and if that is a legal  
10 possibility then I ask that that be considered?

11 THE CHAIRPERSON: Okay. So  
12 obviously the panel can, or no one in the room, as  
13 far as I know, can answer that question, but what  
14 you're asking us to do is to flag that within the  
15 guidelines as a concern to be addressed in the EIS.

16 MR. DUCHAVICH: Yeah, I mean it's  
17 more or less, you know, "Here's this corporation.  
18 It's not a Canadian corporation. It's not subject  
19 to Canadian laws."

20 THE CHAIRPERSON: That's fair  
21 enough. Sure.

22 MR. DUCHAVICH: You know, as a  
23 statement of goodwill and their commitment to the  
24 environment, you know, if it is passed will they be  
25 willing to waive their rights under Chapter 11

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1 arbitration.

2 THE CHAIRPERSON: Sure, okay.

3 MR. DUCHAVICH: Thank you.

4 THE CHAIRPERSON: I didn't mean to  
5 cut you off -- yes, I did mean to cut you off  
6 earlier because it was a format for a question, but  
7 if you want to come back at the end, if you've got  
8 further things to say when the registered speakers  
9 are -- you're perfectly welcome to do that, all  
10 right? So if you reconsider and you've got  
11 something, just bring it forward, all right?

12 MR. DUCHAVICH: Thank you.

13 THE CHAIRPERSON: We'd like to tap  
14 this room for all of the input we can possibly get  
15 while we're here. Okay. Is there anyone else who  
16 wanted to ask a question? Yes.

17 MS. FITZGERALD: I just wanted  
18 more explanation of the international designations  
19 that you described for the Digby Neck area. I  
20 mean, they sound so profound and huge and I just  
21 wanted to -- could you give some more explanation  
22 of the UN and the UNESCO and all those designations  
23 and what that really means in terms of regulations?  
24 And also what it means about the area.

25 I think maybe a lot of people,

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1 myself included, we tend to kind of say "Oh Canada,  
2 yeah" but we don't realize how exotic and beautiful  
3 we are sometimes. So perhaps could you describe  
4 those designations a little more?

5 THE CHAIRPERSON: Not in too much  
6 detail, no.

7 MS. EATON: I think I actually did  
8 describe it fairly well, and I did have a power  
9 point with me today, but we aren't able to use it  
10 here in this room, which is better for showing how  
11 these areas inter-relate and to see the  
12 significance of the Bay of Fundy and the whole Gulf  
13 of Maine, and to know that it's been such a subject  
14 of study with concerns about stewardship, concerns  
15 about community-based participatory planning for  
16 that area.

17 The Gulf of Maine Council, in  
18 fact, as one of their main goals for their plan of  
19 action has stated that eco-tourism and research are  
20 appropriate forms of development for that area. So  
21 I think this is highly significant.

22 Also, you know, the fact that  
23 there is an LNG plant possibly going in on the  
24 border. Like it seems like the whole area is under  
25 assault and it's totally contradictory to all of --

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1 to everything that's going on there, as to be so  
2 totally inappropriate that it's incomprehensible.

3 THE CHAIRPERSON: Could I intrude?  
4 You wanted clarification. I've got two solutions  
5 for you. One, the two of you can get together at a  
6 break where you can get it individually, and the  
7 transcript from all of this will then be available  
8 shortly so that you will have it in written form as  
9 well, okay. And then, when they submit their  
10 document to us that will go into the registry and  
11 you'll have that as a third choice.

12 So rather than getting into --  
13 this is not a case for a dialogue, okay, so I'd  
14 like to move on, and you have three alternatives to  
15 get more information. All right?

16 MS. EATON: Okay. Thank you.

17 THE CHAIRPERSON: Yes. Anyone  
18 else? Okay. If not, then we will move on.

19 Now we move to Heather Leblanc  
20 from the Tourism Industry Association of Nova  
21 Scotia. Good afternoon.

22 MS. LEBLANC - SUBMISSION: Good  
23 afternoon ladies and gentlemen of the panel,  
24 secretariat.

25 This is a statement from the  
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MS. LEBLANC - SUBMISSION

1 Tourism Association of Nova Scotia. My name is  
2 Heather Leblanc, I'm from Granville Ferry,  
3 Annapolis County.

4 The Tourism Industry Association  
5 of Nova Scotia is a provincial advocate for tourism  
6 in Nova Scotia.

7 TIANS has a membership of 1800  
8 from all areas of the province.

9 THE CHAIRPERSON: Excuse me.  
10 Could you come -- we're getting a signal from the  
11 back that they can't hear you.

12 MS. LEBLANC: I think it's my  
13 height.

14 THE CHAIRPERSON: Is that okay  
15 back there now? Okay.

16 MS. LEBLANC: Would you like me to  
17 start again?

18 THE CHAIRPERSON: Please, yes.

19 MS. LEBLANC: Okay. This is a  
20 statement from the Tourism Industry Association of  
21 Nova Scotia.

22 The Tourism Industry Association  
23 of Nova Scotia is a provincial advocate for tourism  
24 in Nova Scotia.

25 TIANS has a membership of 1800

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1 from all areas of the province, including the Digby  
2 Neck and from all sectors of the industry,  
3 including accommodation, eco and adventure tourism  
4 and recreation, transportation, attractions, events  
5 and conferences, food and beverage, tourism  
6 services and the travel trade.

7 TIANS is a not-for-profit  
8 organization with a mandate to lead, support,  
9 represent, and enhance the Nova Scotia tourism  
10 industry.

11 The tourism industry in Nova  
12 Scotia is worth 1.29 billion in revenues each year.  
13 It provides 40,000 jobs, contributes 498 million in  
14 payroll and 200 million in federal, provincial and  
15 municipal taxes.

16 It also contributes 764 million in  
17 tourism export revenue.

18 Tourism represents a sizeable 2.6  
19 percent or 442 million of Nova Scotia's GDP.

20 The tourism industry is currently  
21 engaged in a vision process for tourism in Nova  
22 Scotia which aims to grow tourism revenues at a  
23 sustainable manner, and we're looking at 100  
24 percent tourism revenue growth within the next  
25 twelve years.

1                   This process has the support and  
2 involvement of the Nova Scotia Department of  
3 Tourism Culture Heritage, the Nova Scotia Tourism  
4 Partnership Council, of which I am a member, and  
5 TIANS.

6                   One of the tasks of this process  
7 is to create and advance a sustainable tourism  
8 development strategy for Nova Scotia's coast.

9                   The industry is concerned about  
10 inappropriate development and the use of the coast  
11 which has negative impact on the coastal area.

12                   We are in favour of appropriate  
13 development in keeping with the values and visions  
14 of how Nova Scotia wants the coastal area to be 30,  
15 70 and 100 years from now.

16                   Given the significance of tourism  
17 to Nova Scotia's economy, and the mandate of the  
18 tourism industry to plan appropriately for the  
19 coast, it is important to assess the development,  
20 environmental, social and economic factors of  
21 proposed projects in Nova Scotia which may  
22 negatively impact the tourism industry.

23                   This project is one which has the  
24 potential to negatively impact tourism in the

25 immediate Digby Neck region, and also to affect the



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1 image of Nova Scotia as a premier tourism  
2 destination in the eyes of visitors for generations  
3 to come.

4 We are concerned that the draft  
5 guidelines for the preparation of the Environmental  
6 Impact Statement for the Whites Point Quarry and  
7 the Marine Terminal Project do not request a  
8 thorough enough analysis of the potential  
9 implications of the quarry and marine terminal on  
10 tourism in the region.

11 The effect on tourism needs to  
12 include an analysis of the impact on the resources  
13 which upon tourism relies. That is, the natural  
14 environment and the eco-system and the local  
15 community.

16 We request a more comprehensive  
17 list of areas of potential tourism impact which the  
18 proponents of the project will be required to  
19 comment on. The sections 8.2.6 and 9.2.6 should  
20 include these aspects.

21 We will be submitting a more  
22 detailed statement in this regard to the panel  
23 manager by January 4th, 2005.

24 Thank you for the opportunity to  
25 present today, Heather Leblanc, TIANS member.

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MS. LEBLANC - SUBMISSION

1 THE CHAIRPERSON: Ms. Leblanc, did  
2 I hear you say -- did you say something about a  
3 list of sites or -- right at the very end you said  
4 something about a list of -- sorry, I ---

5 DR. GRANT: Requirements that -- a  
6 list of requirements to include?

7 MS. LEBLANC: Yes, and that will  
8 be in the submission that we send prior to 2000 --  
9 prior to January 21st. Yes.

10 THE CHAIRPERSON: Okay. Now I  
11 understand. So you will provide certain criteria  
12 which you will be suggesting to us that might be  
13 ---

14 MS. LEBLANC: Yes. I think the  
15 point that we are trying to make is that this issue  
16 is much larger than the point of just the --  
17 although as important as it is, for the White Cove  
18 and Digby Neck area. It's more of a broader issue  
19 for the entire Nova Scotia, the branding of Nova  
20 Scotia as what we are trying to be for the area.

21 And from everything -- from the  
22 Annapolis Royal area to the heritage area and all  
23 those kind of things, to bring them into the  
24 broader picture of what Nova Scotia is to other  
25 areas.

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1 THE CHAIRPERSON: I see. Thank  
2 you. Jill, do you have any ---

3 DR. GRANT: No, that was very  
4 clear, thank you.

5 THE CHAIRPERSON: Thank you.

6 MS. LEBLANC: Thank you for your  
7 time.

8 THE CHAIRPERSON: Okay. Any  
9 comment or questions -- well questions from the  
10 audience? No, it would appear not. Thank you very  
11 much. We look forward to your submission.

12 Next we have Jim Fisher from the  
13 North Mountain Preservation Group.

14 MR. FISHER - SUBMISSION: Panel,  
15 Secretariat, thank you for this opportunity.

16 I am Jim Fisher, resident of  
17 Victoria Beach and Chair of the North Mountain  
18 Preservation Group.

19 We appreciate the opportunity to  
20 comment on the scope of the EIS Guidelines for the  
21 proposed Whites Point Quarry and Marine Terminal.

22 We would like to focus our  
23 comments on Section 9.

24 We firmly believe that if this  
25 project is approved it is reasonably foreseeable,

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1 as stated in the cumulative effects assessment  
2 practitioner's guide as it addresses paragraph  
3 16.1(a) of the Canadian Environmental Assessment  
4 Act, that the entire North Mountain Bay of Fundy  
5 coast will be affected for generations to come  
6 because many similar projects will surely follow.

7 We are quite certain that some are  
8 already under consideration and others will be  
9 attracted by the large amount of coastal basalt  
10 that is available.

11 This spread of similar projects  
12 will occur whether or not Bilcon of Nova Scotia is  
13 involved, although it has come to our attention  
14 that another Bilcon company, Bilcon of Delaware,  
15 has already purchased another approximately 53-  
16 hectare parcel contiguous to the one involved in  
17 the present review.

18 Consequently, we believe that any  
19 EIS must take into account the potential cumulative  
20 environmental and socioeconomic impacts a string of  
21 similar projects would have on all of North  
22 Mountain.

23 We understand that a person  
24 associated with the proponent has stated there need  
25 be no fear this would spread as the basalt north

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1 and east of Whites Cove is less suitable. This  
2 doesn't convince us as a pit on the section of  
3 North Mountain locally called Parker Mountain near  
4 Annapolis Royal has been supplying the Department  
5 of Transportation for years.

6 Our group's experience in opposing  
7 a proposed quarry near Victoria Beach is also  
8 relevant. Even before the true size and intent of  
9 Whites Cove operation surfaced our neighbours in  
10 Victoria Beach had received inquiries about  
11 purchasing land on the North Mountain Bay coast.

12 These inquiries appeared to us to  
13 be best explained as preludes to either a full-  
14 scale additional marine terminal operation or a  
15 secondary perhaps barge-fed supply to another  
16 marine terminal.

17 The proponent for the Victoria  
18 Beach quarry said that it was intended to supply  
19 the Highway 101 twinning project even though it  
20 would be over 100 kms away from that project's  
21 present location. Interestingly, this proposed  
22 quarry would be immediately adjacent to the Bay of  
23 Fundy.

24 We raised a number of questions  
25 about this specific site to the provincial  
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1 Department of Environment and Labour and have been  
2 pleased that they have listened carefully to us.

3 They then asked the proponent for  
4 additional information, and were not provided with  
5 everything they requested within the regulatory  
6 time limit and rejected that particular  
7 application.

8 The cleared land is still there.  
9 If the marine terminal is approved, there is a  
10 strong possibility that a new application would be  
11 submitted there, despite the tactical issues we  
12 pointed out.

13 So, as a result of an approval of  
14 this project, we believe it is reasonably  
15 foreseeable that applications for quarries will  
16 appear in Victoria Beach or surrounding area but  
17 also in many other areas of North Mountain towards  
18 Brier Island to the west and as far up the coast as  
19 Cape Split near Wolfville to the east.

20 To further illustrate our point,  
21 it is public record that an owner of an aggregate  
22 company in our area has been purchasing land along  
23 the Bay coast in our area.

24 A few words on my beloved Victoria  
25 Beach as one example of these communities. We are

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1 located immediately across the Digby gut from the  
2 northeast end of the Digby Neck.

3 As Marilyn Stanton said last  
4 Thursday at the Sandy Cove scoping meeting, the  
5 Fundy is a highway, too, and like the waters that  
6 flow back and forth between our lobster fisheries  
7 our population has been intermingled with those of  
8 the Digby Neck.

9 Dwellings at what is now Victoria  
10 Beach have appeared on maps for hundreds of years.

11 This area has been engaged in  
12 fishing for that entire time, or for that whole  
13 time, and was listed in tourism literature at least  
14 since the late 19th century when a book described  
15 us as "a scenic toy fishing village perched  
16 precariously at the edge of a cliff."

17 Making a living here has always  
18 required courage, hard work and resilience.

19 Through the losses they and their  
20 ancestors have experienced, our residents have  
21 great respect for the power of the Fundy and a deep  
22 apprehension about this proposed marine terminal  
23 and its potential for widespread environmental  
24 devastation.

25 This area has been through hard

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1 times among others caused by human miscalculations  
2 leading to the devastation of the groundfish  
3 population, but today is a stable and vibrant place  
4 with a sound and, in many ways, exemplary society.

5 Descendants of seven of the  
6 earliest fishing families continue to make their  
7 livings from the Fundy and now share the peace and  
8 beauty of their area with us come-from-away  
9 residents, multi-generational seasonal residents  
10 and tourists residing in local accommodations.

11 Our inner tidal zone is also the  
12 site of active dulse harvests.

13 This area is a success story, and  
14 is looking better painted and cared for each year,  
15 every year.

16 Having this project to our  
17 southwest is like having a neighbour suffer a home  
18 invasion, and our group also believes we were, and  
19 perhaps still are, close to having that happen to  
20 us.

21 To summarize, the scenic and  
22 peaceful fishing communities up the coast are  
23 already feeling threatened by this proposed  
24 project.

25 These are positive examples of  
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1 healthy rural communities that want to protect  
2 their way of life and continuing income derived  
3 from fishing and tourism and prospects for  
4 increased eco-tourism.

5 They dread the possibility of a  
6 Bay coast potmarked with quarries and a way of life  
7 gone forever.

8 We firmly believe the situation  
9 will deteriorate if a marine terminal is approved,  
10 and we believe the panel should include the effects  
11 on the entire Fundy coast of North Mountain within  
12 the scope of Section 9.

13 We believe such cumulative  
14 negative effects from the project in combination  
15 with other projects and activities that will be  
16 carried out by Bilcon, their affiliates and  
17 business associates, or others that may be  
18 attracted by the fact that a marine terminal in  
19 this area has received approval, are reasonably  
20 foreseeable within the meaning of the Act.

21 Any potential benefits of this  
22 development to our area are minuscule and the risks  
23 are tangible and significant.

24 We believe this is also true at  
25 Whites Point and for the province as a whole.

MR. FISHER - SUBMISSION

1 Thank you.

2 THE CHAIRPERSON: Thank you, Mr.  
3 Fisher.

4 Now, am I correct in that you've  
5 made what I think are two recommendations? One is  
6 that you're suggesting that we should ask the  
7 proponent to broaden the environmental effect to  
8 the entire North Mountain?

9 MR. FISHER: The North  
10 Mountain/Bay of Fundy coast, yes.

11 THE CHAIRPERSON: Right. And  
12 secondly you are asking with regard to the  
13 cumulative effects that would result from multiple  
14 projects, is that correct?

15 MR. FISHER: That is correct.

16 THE CHAIRPERSON: Now, is that the  
17 sense of the two? Was there ---

18 MR. FISHER: Exactly. An odd,  
19 perhaps unusual, challenge to the panel in this  
20 respect is that whereas they can ask the proponent  
21 to address what that proponent may be presently or  
22 potentially planning to do, we're saying that it  
23 could be competitors of the proponent. And so it's  
24 not necessarily the activities of the proponent  
25 that would come to bear. The trigger will be the

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1 approval or non-approval of the marine terminal,  
2 and that will open the possibility for exports even  
3 from places that don't have the water depth to be  
4 appropriate. We know that can be done and we  
5 assume you do, too.

6 THE CHAIRPERSON: Thank you, I  
7 understand. Just a moment, please.

8 DR. GRANT: None, thank you.

9 THE CHAIRPERSON: Gunter.

10 DR. MUECKE: Just a thought here.  
11 Are you also asking us that there be an assessment  
12 of the potential of other quarries along the North  
13 Mountain? I mean, you mentioned that some areas  
14 are suitable and some areas are unsuitable.

15 MR. FISHER: If you feel -- if you  
16 agree that you must consider the effect along the  
17 entire North Mountain/Bay of Fundy shore, if you  
18 come to that conclusion, then I think it will have  
19 to be coupled with some conclusion as to which  
20 category this is within the meaning of the Act and  
21 guidelines, is it reasonably foreseeable that such  
22 a development would occur whether through Bilcon or  
23 otherwise. That would lead you, I think  
24 appropriately, to certain conclusions about what  
25 impact, in fact, your action or the resulting

MR. FISHER - SUBMISSION

1 approval or disapproval of the marine terminal may  
2 have beyond what may be happening at a given moment  
3 down at Whites Cove, even though if there are  
4 invasive species we get their water, too.

5 THE CHAIRPERSON: Since you read  
6 that document, do you think we could have a copy of  
7 that?

8 MR. FISHER: It's already logged  
9 in.

10 THE CHAIRPERSON: Good, thank you.  
11 Any questions from the audience? It would appear  
12 not. Thank you.

13 And then finally the last of the  
14 speakers who have registered will make a  
15 presentation, and then we'll take a 10-minute break  
16 just to stretch our legs, and then we'll come back  
17 and ask if anybody in the audience now, after the  
18 fact, wanted to make some presentation.

19 There was that gentleman in the  
20 back, I offered him the opportunity, and so we'll  
21 ask him again afterwards.

22 So the last speaker registered is  
23 Mike Corbett. Good afternoon.

24 MR. CORBETT - SUBMISSION: Good  
25 afternoon. Thank you, Mr. Chairman.

MR. CORBETT - SUBMISSION

1                   Yes, as you say, my name is Mike  
2                   Corbett. A little bit about who I am. I taught in  
3                   the local elementary school in Sandy Cove on Digby  
4                   Neck between 1990 and 2002, so I have a fairly  
5                   grounded sense of the community.

6                   I also did my doctoral research  
7                   for a Ph.D. in Educational Sociology in Digby Neck,  
8                   and so that gave me another lens, a way of focusing  
9                   on the community.

10                  First of all, I'd like to say that  
11                  one word that Mr. Fisher used in his presentation  
12                  sort of jumped out at me, and he used the word  
13                  "beloved." And I was thinking that how is it that  
14                  we can take a notion like the word "beloved" in the  
15                  way that Mr. Fisher uses it and incorporate it into  
16                  an environmental assessment, and I think that's  
17                  essentially what I want to talk about briefly.

18                  The doctoral research that I did  
19                  on Digby Neck was a look at the connection between  
20                  formal education and migration, and I fully  
21                  expected when I started the project -- I looked at  
22                  school records from the 1950s right through to the  
23                  late 1990s -- I fully expected most of the  
24                  population to have migrated away, to have gone.

25                  And, in fact, I expected that migration to have

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1 increased as time went on.

2 What I found, to my great  
3 surprise, was that the majority of people who were  
4 born on Digby Neck between the late -- from the 50s  
5 through to the 1990s, and went to school at the  
6 local elementary school, actually remained within  
7 50 kms of the local area, fully 60 percent of the  
8 population that I looked at -- my population was  
9 everybody who went to school at the elementary  
10 school -- remains within 50 kms of the place in  
11 which they were born.

12 Now, that surprised me, and it led  
13 me to begin to think about this community and its  
14 sustainability, and whether or not this community  
15 actually fits the model of the declining rural  
16 place that we hear so much about in the media.

17 Of course, the large statistical  
18 looks at these things absolute prove that to be the  
19 case, that people are leaving rural communities en  
20 masse. It is very difficult to sustain these  
21 communities in many, many ways.

22 My question was is Digby Neck one  
23 of these communities, and I have some questions  
24 about that.

25 I think the trouble with the  
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1 analysis of the decline of rural Canada, and there  
2 is a recent publication that sort of looked into  
3 this in December of 2004 from Stats Can, the  
4 difficulty is that while rural areas themselves are  
5 losing population and have income levels that are  
6 lower than the Canadian average, the rural urban  
7 income gap actually has been shrinking since the  
8 1980s. Rural areas are actually becoming vis a vis  
9 urban areas more economically vibrant than ever  
10 before.

11 When you take a look at a small  
12 area like Digby Neck, as I did, you come to realize  
13 that this notion of rural Canada is a gloss, not  
14 all rural areas are poor.

15 The quarry project that's proposed  
16 here is slated for the western end of Digby Neck,  
17 specifically right around the village of Little  
18 River. So is Little River, or the western end of  
19 Digby Neck a relatively impoverished area?

20 Well, I actually took a close look  
21 at this in my research, and looking at the 1996  
22 Census Canada microdata -- it's the most recent you  
23 can get, the 2001 isn't quite out yet, it's  
24 supposed to be out in February and I will follow  
25 this up when that data is released -- using the '96

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1 microdata I was able to analyze the income levels  
2 for three subsections of Digby Neck, and I found  
3 that in the western end of Digby Neck where this  
4 quarry project is located the average family income  
5 is about forty thousand, which is, indeed, 15  
6 percent below the Nova Scotian average family  
7 income, but it's just about 15 percent higher than  
8 the average family income in the Municipality of  
9 Digby.

10 So in terms of the local economy,  
11 the western part of Digby Neck is actually an  
12 economic success story.

13 Now, one of the other things that  
14 I did in my research, and as a parent to children  
15 whose fathers are fishermen, is that I spent a fair  
16 bit of time on fishing boats actually watching and  
17 working with fishermen.

18 If you go down to the wharf in  
19 Little River, if you go to the wharf in Whale Cove,  
20 at peak times in the lobster fishery, you're not  
21 looking at an economic basket case, you're looking  
22 at a vibrant industry that provides a very decent  
23 income for licence-holding families. Each of those  
24 licences provide employment, full or part time, for  
25 4 to 5 to 6 people. They amount to successful



1 small businesses.

2 And I'm thinking specifically  
3 about a trip that I took in 1999 with a fisherman  
4 out of Whale Cove whose name is Roger Tid. We set  
5 traps up along Whites Cove within, I would say,  
6 from here to that wall away from the rocks.

7 It's difficult for me to imagine  
8 that somebody blasting in this area 50/60 feet away  
9 from where my lobster traps are is going to have no  
10 impact.

11 Three families, the Stantons, the  
12 Tids and the Theriaults competed for that lobster  
13 fishing area close to the shore in this area. This  
14 is where they fished for years and years. They  
15 know "This is where we can get good lobsters."

16 Those are jobs. This is economic  
17 impact. A lobster licence right now on the open  
18 market is worth a million bucks they tell me.

19 So is this community, is this  
20 area, this western part of Digby Neck, an economic  
21 basket case? I think not. I don't buy it.

22 You said you've been to the quarry  
23 area, that's very good. Have you taken a drive  
24 through Little River? Does that look like a poor  
25 place to you? Are they poor people in there? I

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1 don't think they are. I think these are people who  
2 have not only a beloved place that they have  
3 traditional long-term multiple generation  
4 attachment to, they also have a place where they  
5 can make a decent living, and have made a decent  
6 living for a considerable time.

7 So, I would like to propose a  
8 couple of things around the Environmental  
9 Assessment Guidelines that you're using.

10 It's first of all my sense that  
11 the guidelines of this inquiry have to be broadened  
12 or should be broadened to incorporate accounts that  
13 document traditional knowledge, oral traditions,  
14 life ways, I'm going to use the word "spiritual"  
15 connections in probably a similar way to the way  
16 that Mr. Fisher used the word "beloved", spiritual  
17 connections held by residents of the community  
18 immediately and profoundly impacted by the proposed  
19 quarry development, particularly Whale Cove, Mink  
20 Cove and Little River.

21 I would argue that Article 3.0 in  
22 the Draft Guidelines which focuses on Aboriginal  
23 knowledge and the deep connection between people  
24 and place ought to be considered as a model,

25 opening up this inquiry to a broad range of data

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1 and testimony.

2 The people who fish these areas  
3 and who live on this land use an intimate knowledge  
4 of that land, and the ocean around it. This, to  
5 me, is comparable to Aboriginal knowledge, and it  
6 has that same sense of importance, I believe, to  
7 the people who have lived on Digby Neck for  
8 generations and generations.

9 I used to teach on a Cree Reserve  
10 in Northern Manitoba and the folks there used to  
11 say "When you can stand on your grandfather's  
12 grandfather's grave, the land is yours." And I  
13 think most of the families fishing out of Whale  
14 Cove and Little River can probably stand on their  
15 grandfather's grandfather's grave or grandmother's  
16 grandmother's gave, let's not be sexist about this,  
17 this is a place where everyone lives.

18 In my research, I documented the  
19 way that fishing families use this local knowledge  
20 to achieve prosperity through technological change,  
21 fluctuations in the fishing industry and in the  
22 capital markets around that. Local knowledge and a  
23 deep understanding of the importance of place are  
24 precisely what has allowed this community to  
25 survive, and I might even say flourish.



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1 such as their livelihoods and the fishery, tourism,  
2 emerging eco-tourist enterprises, I think that  
3 could probably be calculated and the proponent  
4 could probably compensate people for the loss of  
5 those kinds of things. That's one thing.

6 The second thing I think the  
7 proponent ought to be held accountable for, and  
8 compelled to compensate those people, many of whom  
9 are senior citizens in Little River, Whale Cove, is  
10 for the loss of the less easily measurable social  
11 and psychological damage incurred by the inevitable  
12 environmental degradation that will result from the  
13 insertion of a major industrial project within a  
14 mile of their homes. How do you compensate a  
15 senior who has lived in an area for all of his or  
16 her life for the destruction of the world that  
17 they've come to know?

18 Thank you.

19 THE CHAIRPERSON: Mike Corbett,  
20 please come back.

21 MR. CORBETT: You have questions  
22 for me.

23 THE CHAIRPERSON: Well, I don't  
24 know if we do or not, but let's see.

25 I think you were very clear in  
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1 your recommendations, and I was about to ask you  
2 before you asked us how you compensate people for  
3 social and psychological damage because I don't --  
4 I mean, I was going to present you with the  
5 question, but obviously you don't know yourself.  
6 It's more rhetorical, is it not?

7 MR. CORBETT: Well, I wonder if  
8 we're into things like what structures are being  
9 put in place for compensating First Nations people  
10 for land claims. I mean, I think that's what  
11 you're into here. That's what we ought to be into  
12 here.

13 THE CHAIRPERSON: Yes.

14 MR. CORBETT: If this is going to  
15 happen, let's set up a commission of inquiry and  
16 think about how we're going to do this. We do have  
17 models for it.

18 THE CHAIRPERSON: Well, the reason  
19 I asked the question, of course, is that within the  
20 context of the guidelines what we wanted to do was  
21 be as explicit as possible, and so what we have is  
22 a rhetorical question which we don't necessarily  
23 know how to go to the next level.

24 MR. CORBETT: Sure, I'm not sure I  
25 do either but I think we have ---

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1 DR. GRANT: Just in terms of you  
2 made some points about the census information and  
3 the economy in Little River. I wondered if there  
4 were some specific things that you think need to be  
5 in the guidelines to cover those issues, or are you  
6 satisfied that the guidelines already document that  
7 kind of thing?

8 MR. CORBETT: Well, from what I  
9 could see Section 9 allows you some leeway for  
10 taking a look at socioeconomic issues.

11 I think what I'm trying to push  
12 you toward is a notion of what's contained in  
13 Section 3, the Aboriginal claims. How that could  
14 be established is I think a question I'd be happy  
15 to consult with folks around, consult with you  
16 around at some point if that's appropriate. You  
17 know, I haven't thought that through very clearly  
18 myself at this moment.

19 DR. GRANT: Will you be submitting  
20 a written ---

21 MR. CORBETT: Yes, I will.

22 DR. GRANT: Okay.

23 MR. CORBETT: The other thing I'd  
24 like to point out too is another thing I found in  
25 my research that sort of surprised me was that

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1 population on Digby Neck from the 1850s, when  
2 statistics were taken in a kind of systematic way  
3 for the first time, right through to '91, which is  
4 the last census that's fully unpacked at this  
5 point, is that population has remained remarkably  
6 stable fluctuating between a high of about 1700 to  
7 a low of about 1000. So that also kind of  
8 questions this notion that this place is an  
9 economic basket case.

10 DR. GRANT: Thank you.

11 THE CHAIRPERSON: Gunter.

12 DR. MUECKE: I would like to ask  
13 you something which goes beyond the guidelines, so  
14 looking ahead.

15 MR. CORBETT: Sure.

16 DR. MUECKE: And you have a lot of  
17 -- you have presented some very important knowledge  
18 about the area that will be extremely valuable to  
19 the panel, and I would like to urge you to submit  
20 it to us in the future so that it's available to  
21 us.

22 MR. CORBETT: I will.

23 THE CHAIRPERSON: Any -- yes,  
24 please.

25 MR. TEKAMP: It seems like for the  
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1 last couple of presentations we've talked about  
2 like a sense of place, the idea of a beloved part  
3 of the province, and these are things that are only  
4 to be found by talking to the people down there and  
5 we're trying to include this into the guidelines.

6 I'm just wondering, it may be a  
7 question for you, a question for the panel, do we  
8 have any ideas of how the proponent will actually  
9 collect this information and maybe is there going  
10 to be a transparency to this so we can easily see,  
11 like the information that they're getting, because  
12 I'm just thinking back to the meeting in Sandy  
13 Cove, a nice woman spoke about how preposterous it  
14 was that the proponent is actually -- or like the  
15 idea that they could decide and comment on like the  
16 VECs, and if they're able to comment just on their  
17 own like what their idea of traditional ecological  
18 knowledge is in this region I think that might be  
19 something that we should be talking about.

20 So if you have any ideas I would  
21 like to know like how we're going to collect this  
22 information.

23 THE CHAIRPERSON: Well, first of  
24 all, what gets collected will be visible in the

25 EIS, which will be available to you, so you will

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1 see what is there.

2 As far as how they've done it,  
3 that could be seen -- it has already been  
4 recommended to us at one of the other places that  
5 the methods used to collect that sort of  
6 information would be explicit, so we would know not  
7 only how they did it but what they resulted with.  
8 So I think it's a fair comment.

9 MR. TEKAMP: Thank you. So their  
10 methodology, like that would be -- we'd be able to  
11 see that they have a Town Hall meeting and ---

12 THE CHAIRPERSON: All I'm saying  
13 that your suggestion is echoing a previous  
14 suggestion which raised the same question which is  
15 once the data is presented will we know how it was  
16 collected so that we can have some way of assessing  
17 the quality of the data. Okay?

18 MR. TEKAMP: Okay, thanks.

19 THE CHAIRPERSON: Anybody else?  
20 Back here.

21 MS. DODARO: Hi, my name is Paula  
22 Dodaro. I was just curious about one thing you  
23 said. You mentioned the ---

24 THE CHAIRPERSON: We can't hear  
25 you. Keep it close to you. It went off, battery's

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1 dead. Hang on a second.

2 MS. DODARO: Hi, my name is Paula  
3 Dodaro, and this is just really a small point. He  
4 mentioned that the salaries, the wages down there  
5 were 15 percent below such and such a level, but  
6 how does that compare, a salary down there, the  
7 same salary there as opposed to Halifax, you know?  
8 Down in Digby Neck I have the feeling that might be  
9 a pretty good salary, so I think that needs to be  
10 clarified. I just wanted to ask you about that.

11 MR. CORBETT: Yeah, that's a very  
12 interesting point. I mean, one of the things about  
13 rural Nova Scotia is that we kind of barter and  
14 we're very family oriented, and you're right, forty  
15 thousand bucks as a family income on Digby Neck  
16 sure doesn't mean the same thing as forty thousand  
17 bucks as a family income in Bedford or in Toronto.  
18 Yeah.

19 And I think, I wonder if that's  
20 something that the parameters of the panel needs to  
21 pay attention to here. The structures of making a  
22 living, I think, are very kind of complex, and not  
23 only connected to place but also connected to  
24 relationships that people have with one another  
25 both through friendship and kinship, that allow

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1 people to sustain themselves in a place on  
2 relatively little money. Like "Junior" Theriault,  
3 the MLA, describes it as living on love, you know.  
4 If you can't do something, you know somebody who  
5 can, or -- you know, it's through your intimate  
6 attachments that you get things done.

7 THE CHAIRPERSON: Okay, thank you.  
8 Hang on Janet, there's one more back there, I  
9 think.

10 MR. FARNSWORTH: Yeah, Terry  
11 Farnsworth, fisherman.

12 I wanted to respond to that  
13 comment and ask a question, as well.

14 I recall him saying how history  
15 has repeated itself with folks coming back home,  
16 and in my presentation last night I, too, left home  
17 but I was called back, and I can't express how  
18 devastating that would be to come home where you  
19 were born and raised with all your precious  
20 memories to see a picture of devastation.

21 Second, as a question, I'm merely  
22 asking Mr. Corbett, Mike -- I can call him first  
23 name because we happen to play music together  
24 before, we like the guitar, jam every once in a  
25 while -- when he's talking about the guidelines

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1 that implement some sort of compensation for not  
2 only economic loss or social loss and values, I  
3 think we'd better be careful when we start talking  
4 about compensation that we don't send out a  
5 different direction or message that we're somehow  
6 admitting that we want this or we need this or any  
7 of the rest of the stuff.

8 I realize we have to stay on a  
9 formal neutral ground in the discussions, but let's  
10 be wise how we implement our true feelings, and I  
11 think Mike is trying to explain that, and I  
12 appreciate him coming forward as a school teacher  
13 expressing the habits.

14 You know, I realize the cry is in  
15 the bird, the bird comes back, too, just like we  
16 do, and we can learn a lot from those creatures.

17 THE CHAIRPERSON: Thank you. I  
18 think there's -- okay, there's one more back there.  
19 Yes.

20 MR. DUCHAVICH: And again I'd like  
21 to apologise for not understanding the structure of  
22 the ---

23 THE CHAIRPERSON: No, that's fine.  
24 No problem.

25 MR. DUCHAVICH: And I don't have  
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1 anything further to present.

2 I just really had a question that  
3 was related to this, and everybody that I've spoken  
4 to, you know, in the last four or five months, you  
5 know, the prevailing sentiment is -- and consent, I  
6 might add, for the people of Nova Scotia, and I  
7 think the people that I've spoken to represent a  
8 pretty broad geographic area -- is overwhelmingly  
9 against this.

10 I mean, I can't -- I guess the  
11 question to you is this is more or less proceeding  
12 in a legal context, but if you really were to just  
13 ask the people of Nova Scotia whether they -- or  
14 Canada, for that matter, if they want this, the  
15 answer would probably be no.

16 THE CHAIRPERSON: Come closer,  
17 please.

18 MR. DUCHAVICH: I think if you ask  
19 the people of Nova Scotia whether or not this was  
20 something that was needed or whether they wanted it  
21 or felt it was right in any of those contexts, I  
22 think overwhelmingly the answer would be no.

23 And I would ask that this also be  
24 considered, you know, maybe this is not the right  
25 venue for it, but that it should be considered

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1 outside of this legal context.

2 THE CHAIRPERSON: Well, you have  
3 -- the panel has a very well defined terms of  
4 reference. We will do this, and we will do this,  
5 and we will do this. We expect the panel to do  
6 certain things, and a fair and unbiased  
7 adjudication of this endeavour is what we have to  
8 do, and that's what we're trying to do.

9 I mean, the kind of thing you're  
10 describing you can do if you wish, but the panel  
11 doesn't have that option.

12 We're gathering information in  
13 order to put together the guidelines. The  
14 guidelines will then put the burden on the  
15 proponent. If the guidelines are well defined and  
16 all these issues that have been raised by the  
17 audience will turn up in the guidelines, the  
18 proponent will have to address them.

19 Once the EIS comes forward you,  
20 everyone in this room, will have a chance to see  
21 the proponent's response, and then you can then  
22 review that, and if it's lacking in something  
23 another request can be made.

24 So there's an iterative process  
25 that eventually will lead to a very clear

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1 assessment of the proponent relative to the  
2 community and the issues that have been raised.  
3 That's the environmental assessment process and  
4 that's what we're doing.

5 So, I mean, you can argue from  
6 anecdotal information as you're saying right now,  
7 but I think our process is one which the government  
8 has found to be fair and impartial.

9 So we don't have a choice. Our  
10 terms of reference define what we do and we simply  
11 adhere to those terms of reference and do the best  
12 job we possibly can. Okay.

13 MR. DUCHAVICH: Yes, thanks for  
14 entertaining my question.

15 THE CHAIRPERSON: Yes, you're  
16 quite welcome. First there's a question up here.  
17 Janet, did you want to ---

18 MR. CORBETT: Can I follow up on  
19 that?

20 THE CHAIRPERSON: Yes, by all  
21 means. I mean, in a sense it was a question  
22 directed to you, so yes, of course respond.

23 MR. CORBETT: I wonder, does it  
24 fall within your purview to do something like  
25 request or order the proponent to hold a

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1 plebiscite?

2 THE CHAIRPERSON: No, I don't  
3 think so. I don't think so. I think -- I would  
4 have to go back and look at the CEAA guidelines but  
5 I think it isn't.

6 MR. CORBETT: And the proponent,  
7 of course, shouldn't be holding plebiscites anyway.

8 THE CHAIRPERSON: The proponent  
9 has a responsibility to interact with the  
10 community, but the proponent does not have a  
11 responsibility, I believe, to hold a plebiscite.

12 MR. CORBETT: Could you order the  
13 municipality or the Elections Canada or recommend  
14 ---

15 THE CHAIRPERSON: Excuse me, we  
16 don't order anybody.

17 MR. CORBETT: Sure, recommend.

18 THE CHAIRPERSON: We make  
19 recommendations to two ministers, that's all we do.

20 MR. CORBETT: Okay.

21 THE CHAIRPERSON: Now, Janet,  
22 you're next.

23 MS. EATON: I just wanted to  
24 respond to an earlier query about Mike's income  
25 levels and so on, since it looks as if some groups

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1 would be requesting socioeconomic analysis and  
2 income levels might come into play, that the point  
3 that was made subsequent to that inquiry as to  
4 whether forty thousand dollars (\$40,000) a year in  
5 Digby Neck was the same as Halifax -- and just to  
6 note that there is a national non-profit in Canada,  
7 and I can't remember if it's the Canadian Council  
8 on Social Development, but if it isn't it's one  
9 related to it, and they put out a book each year on  
10 poverty levels in Canada. And in that they give  
11 these adjusted levels for different parts of the  
12 country which certainly show that many parts of  
13 Newfoundland and rural areas have -- different  
14 income levels exist in this way.

15 So I think that if anybody's doing  
16 these studies and relating this kind of data, they  
17 should be aware, for the record, that there is an  
18 agency in Canada that puts this kind of information  
19 out.

20 THE CHAIRPERSON: You're saying  
21 that the buying power for money in certain areas is  
22 different.

23 MS. EATON: Yeah.

24 THE CHAIRPERSON: It's like that  
25 thing The Economist does where they relate it to  
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1 the Big Mac in a sense where -- it's a way of  
2 comparing economies across ---

3 MS. EATON: Yeah.

4 THE CHAIRPERSON: I see. Okay.  
5 There was one back here, did you want to ---

6 MR. CORBETT: The other bit that I  
7 would add to that is that the average income for  
8 the western part of Digby Neck is almost right on  
9 the average income for rural Nova Scotia which  
10 includes very isolated, very poor rural  
11 communities, but also rural communities that are  
12 close to the city and are essentially veteran  
13 communities.

14 So this western part of Digby Neck  
15 is on the provincial average, just about exactly on  
16 it.

17 THE CHAIRPERSON: I see, okay.  
18 There was one here.

19 DR. BRAYTON: Thank you. My name  
20 is Stephen Brayton and I'm a dentist in Halifax  
21 specializing in endodontics and a Professor at the  
22 Faculty of Dentistry at Dalhousie, and also a  
23 summer resident of Sandy Cove.

24 I want to just comment on Mr.  
25 Corbett's presentation. He mentioned that the  
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1 average income of the people who live in the area  
2 that the quarry is being proposed as being forty  
3 thousand dollars (\$40,000) a year.

4 I was not able to be at the  
5 hearing in Sandy Cove yesterday, and it may have  
6 been covered there, as well, but being a seasonal  
7 resident of Sandy Cove whose family has lived there  
8 for seven generations I'm not alone in the fact  
9 that there are a lot of us there, especially in  
10 Sandy Cove -- I think 50 percent of the homes in  
11 Sandy Cove are now seasonal dwellings and maybe  
12 that was brought up at the presentation yesterday,  
13 but being a seasonal resident there along with so  
14 many of the others we also bring a fair amount of  
15 resources, both financial and spiritual because of  
16 our ancestry and -- into this area.

17 And for those of you who have now  
18 been down there and have seen the proposed quarry  
19 site and travelled through Little River and Sandy  
20 Cove and down to the islands, you can appreciate  
21 what an absolutely spectacular, well-kept secret  
22 this is to those of us who live there, and the  
23 thought of this area which is so pristine and -- to  
24 be just bulldozed and raped is just -- it becomes  
25 almost an emotional issue.

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1                   So I just wanted to bring up the  
2 point that there's more than just the incomes of  
3 the people who live there. There is also the  
4 incomes of the people who reside there as seasonal  
5 people. Thank you.

6                   THE CHAIRPERSON: Thank you very  
7 much. Now, let's ---

8                   MR. CORBETT: Could I -- just one  
9 quick response to that.

10                  THE CHAIRPERSON: Yes, please.

11                  MR. CORBETT: The western part of  
12 Digby Neck, these designations that I'm using are  
13 based on census enumeration areas, and it  
14 essentially includes the community of Little River,  
15 East Ferry, Tidville and Tiverton, as well.

16                   It doesn't include Sandy Cove,  
17 that's in central Digby Neck, where average income  
18 is actually ten thousand dollars (\$10,000) less  
19 than on western Digby Neck, notwithstanding the  
20 presence of the summer residents in Sandy Cove,  
21 there's the Centreville effect.

22                  THE CHAIRPERSON: Thank you. Now,  
23 I think you're next.

24                  MR. DITTRICK: Just a quick actual  
25 correction of what Janet said at one point because

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1 she made reference to the bottled plant -- bottled  
2 water plant in Gulliver's Cove on Digby Neck, and I  
3 think she referred to it, I mean we'll hear it on  
4 the transcript, as when it opened, as if it's an  
5 existing facility. This is still a project. This  
6 has still not been a reality.

7 We should also mention the word  
8 plebiscite was just mentioned. A plebiscite was  
9 held on Digby Neck with regard to this and it was  
10 supported by the County. It was also supposedly  
11 going to be supported by the proponent, if they  
12 didn't want it they wouldn't get it.

13 It was an overwhelming vote  
14 against the bottle plant and the proponent is  
15 forging ahead with the permit now, disregarding the  
16 results of the plebiscite.

17 And just a reference to what Mike  
18 was saying about -- and you mentioned a rhetorical  
19 question about compensation. I would almost, given  
20 the situation, refer to it as a facetious question  
21 regarding compensation to the citizens of this  
22 area, and that negotiation is something of a  
23 slippery -- or compensation, even talking about it  
24 is something of a slippery slope.

25 When I attended the first meeting  
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1 in Gulliver's Cove with regard to the bottling  
2 plant, there was one of the individuals  
3 representing the proponent wanted to switch the  
4 whole idea from should there be a bottling plant  
5 here to as quickly as possible get into a condition  
6 of negotiating on compensating for lost water, if  
7 that were to happen, from the bottling plant.

8 So this -- and I challenge this  
9 individual, because I've done a lot of this in my  
10 life, talking to proponents, and I wanted to say  
11 that the panel should be quite aware of the fact  
12 that certain things like compensation and  
13 negotiating is a tactic on the part of proponents.  
14 It is a professional skill on the part of people  
15 who work for these proponents.

16 So I want -- I'm just assuming  
17 that the panel knows about this and that they're  
18 not incredibly naive, but I just wanted to bring it  
19 up and put it on the record.

20 Thank you very much.

21 THE CHAIRPERSON: Thank you. And  
22 I should clarify that I never said that a  
23 plebiscite was impossible, just that the panel  
24 didn't have any right to require it or go further  
25 with it. Mike.

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1 MR. CORBETT: Yeah, I'd just like  
2 to go on record briefly at the end thanking Mark  
3 and Terry for raising concerns around the notion of  
4 compensation.

5 I guess when I raised that,  
6 particularly on point 2, how do you compensate  
7 people for a loss of a life way, and your follow-up  
8 question kind of asked me that, I guess, it is  
9 rhetorical. There is no way, I suppose, to  
10 actually do that. So perhaps -- the friendly  
11 criticism from Mark and Terry is very well taken.  
12 Thank you.

13 THE CHAIRPERSON: Any -- yes.

14 MR. FISHER: I am reminded of a  
15 statement by the poet/mathematician/philosopher  
16 Omar Khayyam, he was referring to the sellers of  
17 wine, and he said "I wonder what the vintner buys  
18 when half so precious as what he sells" and I think  
19 that's so, also, in talking about compensation for  
20 these values we discussed.

21 THE CHAIRPERSON: Okay. Have we  
22 exhausted all the questions? It appears so. The  
23 plan is to take a 10-minute break, stretch your  
24 legs, use the washroom, and we're going to come  
25 back and ask you if there's any other comment to be



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1 offered, okay? Thank you.

2 (10-MINUTE BREAK)

3 THE CHAIRPERSON: Ladies and  
4 gentlemen, as promised, we're going to make one  
5 more call for any submission or intervention. If  
6 there's anyone -- okay, there's one and two, three.  
7 Okay, we'll just take them in the order I saw them.  
8 Please come forward.

9 MS. THOMAS: Yes, my name is  
10 Gillian Thomas. I'm a Professor of English at  
11 Saint Mary's University and I've taught media  
12 studies for some time, and I have a particular  
13 interest in free speech issues and particularly the  
14 matter of libel chill which I've made some study  
15 of.

16 My question really regards the  
17 terms of reference of the panel. I would like to  
18 congratulate the bureaucrats who put together the  
19 basic guidelines in terms of their obvious intent  
20 of encouraging public participation, and I would  
21 also like to congratulate the panel members this  
22 afternoon in the clear willingness to hear what  
23 people have to say and the sort of fair mindedness  
24 about this.

25 My main concern is not regarding  
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## AUDIENCE - SUBMISSIONS

1 the present process of the scoping hearings but  
2 what may ensue in the second stage. And  
3 particularly what I am interested in is the  
4 proponent's activities outside of these hearings  
5 which may have a chilling effect on public  
6 participation.

7 My particular concern is the use  
8 of litigation against critics. There is, in fact,  
9 one libel suit which is already in process against  
10 a resident of the Digby Neck area who made some  
11 criticisms of the company. That is a suit  
12 apparently that is ongoing, and this has a kind of  
13 knock-on effect in terms of public participation in  
14 that people are likely to be nervous, it seems to  
15 me, in the second stage about coming forward with  
16 very frank criticisms of the company and its  
17 activities if they fear litigation ensuing.

18 So I have, I think, two thoughts  
19 on that. One is whether it is possible, if in the  
20 second stage of these hearings, that the panel is  
21 constituted in such a way that it is a situation  
22 that's known I believe legally as privilege much in  
23 the same way as that one can speak freely within  
24 the protocols of a courtroom without fear of any  
25 civil litigation ensuing, or, for example, in the

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1 House of Commons or in any of the provincial  
2 legislatures. That, of course, is why the decorum  
3 of those kinds of arenas is very carefully  
4 controlled because the civil litigation is not, in  
5 fact, possible.

6 Now, I think that environmental  
7 assessment hearings fall into a kind of grey area  
8 in this regard, because in the past in commissions  
9 of inquiry when a judge has been in charge it has  
10 automatically, in some cases, been assumed that  
11 this is a privileged kind of context, much in the  
12 way that a courtroom is, and that has protected  
13 participants from potential civil litigation.

14 Clearly, a judge is not in charge  
15 in this particular panel, so it's not immediately  
16 falling into that, but I wonder if it is possible  
17 for this panel to look into, using the very  
18 considerable legal expertise that I presume that  
19 you would have access to, whether, in fact, the  
20 second stage of the hearings can be deemed  
21 privileged in this kind of way so that people feel  
22 confident to come forward in a way that they can  
23 speak freely. That's my first question.

24 THE CHAIRPERSON: Thank you for  
25 that suggestion. I have no idea. That's obviously  
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1 a legal question. I can simply pass it on to the  
2 Secretariat and then we can pursue it from there.  
3 If it's a possibility we can address it. If it's  
4 not a possibility -- I have a feeling it probably  
5 is not, but that's just a personal guess, but we'll  
6 pursue it. Thank you very much.

7 MS. THOMAS: And I do have a  
8 second suggestion, and that is that one possibility  
9 which I think would enhance the second stage would  
10 be for the panel to use its voice and to use its  
11 profile to encourage Bilcon to drop the current  
12 rather strange libel suit that they seem to have  
13 initiated against a woman who speculated about  
14 whether this quarry, in fact, would disturb  
15 ancestral graves in the area, and they sued on the  
16 basis of that comment, whether the panel could  
17 perhaps use their authority to encourage Bilcon to  
18 drop that suit as a sign of good faith.

19 THE CHAIRPERSON: I'm afraid that  
20 I don't think that's within our purview at all. I  
21 mean, we have to be unbiased and distant from this.  
22 What goes on in the public sector in that way, I  
23 think, is not within our purview.

24 MS. THOMAS: I understand that,  
25 but I wished to raise that. Thank you.

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1 THE CHAIRPERSON: Thank you.  
2 We're going to take them one by one. Next, please.

3 DR. BARKWELL: My name is Bob  
4 Barkwell, and I'm a family physician in Annapolis  
5 Royal.

6 I have some personal interests in  
7 this quarry because I own land on the Bay of Fundy,  
8 and I have professional interest because we're  
9 currently in the process of what, depending on  
10 whether you talk to the feds or the provincial  
11 government, is called primary health care reform or  
12 primary health care renewal. And one of the things  
13 that we're looking at are issues of population  
14 health.

15 It is clear that there are things  
16 that contribute to the health -- general health of  
17 populations, among them stable communities, steady  
18 employment -- and the third thing escapes me.

19 At any rate if, indeed, there are  
20 threats to stable employment, to stable  
21 communities, to income levels, then that will  
22 immediately impact on the work of myself and my  
23 colleagues in Digby.

24 A lot of what I do every day is  
25 risk benefit analysis. A lot of what I do is

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1           trying to figure out whether what I propose to do  
2           for somebody has enough benefit to outweigh the  
3           risk because there is nothing that doesn't have  
4           risk. Aspirin has risk.

5                        I was at the meeting at Sandy Cove  
6           and I'm at this meeting, and the impression that I  
7           have, and I'm perfectly aware that up to now what  
8           I'm hearing is one side, is that the benefits of  
9           this project will basically accrue to Bilcon and  
10          the risks will be borne by the people of the  
11          community and the Province of Nova Scotia and the  
12          Dominion of Canada.

13                       If that was all there was to it,  
14          if that were just true, then this would be a no  
15          brainer, why would we undertake those risks for you  
16          to have the benefit. So I assume there are other  
17          benefits but I think or I encourage the panel to  
18          have the proponent make it perfectly clear what the  
19          risk/benefit analysis is, what the calculus is.

20                       And I would also just say that in  
21          my business sometimes -- and in this business too,  
22          sometimes the science isn't good, the evidence  
23          isn't there or the evidence is ambivalent, you  
24          don't have enough facts to work with but you still  
25          have to make a decision, in which case then I

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1 recommend to you the first law of medicine, which  
2 is "primum non nocere" or first of all do no harm.

3 THE CHAIRPERSON: Yeah. So your  
4 suggestion is that -- I mean the suggestion as it  
5 relates more specifically to the guidelines would  
6 be to encourage a cost benefit assessment or a  
7 clear delineation of the benefits to the community  
8 as it would be seen by Bilcon. Is that what you're  
9 suggesting?

10 DR. BARKWELL: Correct. I would  
11 suggest that they be perfectly explicit as to what  
12 the benefits and risks may be, both, yes.

13 THE CHAIRPERSON: Thank you.

14 DR. MUECKE: Can I just ask a  
15 question?

16 DR. BARKWELL: Yes.

17 DR. MUECKE: Do you see any public  
18 health issues, specific issues that should be  
19 addressed by the guidelines?

20 DR. BARKWELL: Only in the larger  
21 sense of population health. Only in the sense that  
22 you have to look at the impact on communities, on  
23 income, on stable employment. You know, if you're  
24 going to destroy the fishery, what's -- and nothing  
25 replaces that, then the effect on health in the

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1 community is quite clearly going to be negative.  
2 So you need to -- in that sense there are public  
3 health issues. I don't think it's likely that  
4 there are direct public health issues.

5 THE CHAIRPERSON: Okay. Did I see  
6 another one? Yes, please.

7 MS. DUGAS: My name is Pamela  
8 Dugas, and I reside in Port Williams, Kings County,  
9 and I teach at Horton High School.

10 I am one of those people who  
11 consider Digby Neck a beloved area. I grew up in  
12 the community of Digby Neck where Whites Cove as  
13 the area is known locally is located, and my  
14 parents still reside in this community.

15 My father's ancestors were named  
16 Herseys, and they lived, fished and died in Whites  
17 Cove.

18 Records of the Digby Courier, the  
19 local newspaper, would indicate that after a  
20 diphtheria outbreak some of the residents from  
21 Whites Cove were also buried there.

22 I will inherit my parents' home  
23 and property, and thus I have a direct interest in  
24 the proposed development of a quarry and marine  
25 terminal by Bilcon Corporation.



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1 I am very concerned that the  
2 potential impact of this development was not given  
3 the necessary attention by those responsible for  
4 the granting of the original permit, but I am very  
5 hopeful that the existing process will allow the  
6 impact to be fully realized.

7 Little River and adjacent  
8 communities have survived the decline in the  
9 fisheries, and have supplemented the fisheries with  
10 eco-tourism. The proposed quarry threatens the  
11 ability of the communities to survive.

12 The guidelines clearly address the  
13 impact of the terminal and the quarrying process on  
14 the whales and the fisheries, the possible impact  
15 on the harm to freshwater wells, but my concern is  
16 the quality of life.

17 Section 3 says that traditional  
18 knowledge has an important contribution to make to  
19 an environmental assessment. To quote the  
20 guidelines:

21 "The proponent should  
22 consider traditional  
23 knowledge and expertise in  
24 preparing the EIS."

25 I suggest the word "should" is not  
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1 strong enough. In other sections the wording is  
2 "must demonstrate", "is expected to". Perhaps this  
3 could be altered to place a greater responsibility  
4 on the proponent.

5 Unfortunately, I don't have the  
6 answer as to how to measure the quality of life.  
7 It's somewhat easy to measure the physical quality  
8 of life, less so the emotional quality of life.

9 My father is almost 85, and has  
10 devoted considerable financial resources and time  
11 to protest this quarry. He will not live to see  
12 the full impact that a quarry has if it is  
13 successful, but he believes in fighting to protect  
14 the area for future generations.

15 The few jobs that will be created  
16 for the locals by this project do not balance the  
17 potential harm.

18 As was just said, perhaps it  
19 should be required that the proponent also expand  
20 not only on the benefits for Bilcon but the  
21 benefits for the area of this company.

22 Unfortunately, some see this as  
23 economic development but not environmental  
24 catastrophe.

25 You mentioned that you visited  
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1 Whites Cove on a recent visit to Digby Neck. I  
2 would suggest that the Whites Cove that you saw is  
3 not the Whites Cove that I knew as a child.

4 When the original permit was  
5 granted to Global Quarry, the former name of  
6 Bilcon, site preparation began. The devastation  
7 already caused to the area will take hundreds,  
8 perhaps thousands, of years for nature to heal.

9 The recent devastation caused by  
10 the tsunami shows us how quickly the environment  
11 and lives can be changed. We do not need to allow  
12 human illusions of economic development to destroy  
13 our natural environment and the quality of lives.

14 It has also been mentioned the  
15 possible impact on other areas such as Kings  
16 County. We may be threatened since this desired  
17 basalt runs all along the coast of Cape Split.

18 In the recent past, the Nova  
19 Scotia government spent millions of dollars to  
20 purchase land at Cape Split in order to protect  
21 this area for eco-tourism. I believe that Digby  
22 Neck should be treated with the same respect.  
23 Millions of dollars are not required, just a  
24 realization of the social, ecological and economic  
25 impact on the area and a rejection of this

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1 application.

2 Thank you.

3 THE CHAIRPERSON: Thank you very  
4 much. Now, there was -- yes, please.

5 MS. KUSTUDIC: I'm Michelle  
6 Kustudic, I live here in Wolfville, and I've been  
7 listening very carefully and have been especially  
8 impressed by words like "beloved" and "spiritual"  
9 being used to describe the area that's being  
10 debated.

11 Unlike a lot of the people who  
12 have spoken, I have no ancestral ties to the area  
13 at all, but about twelve years ago I accidentally  
14 discovered Brier Island when I went with a class  
15 that was being taken on a whale-watching trip.

16 The impact, the emotional and, I  
17 guess I could say, spiritual impact on me of  
18 discovering that place has led to me going back two  
19 or three or four times a year ever since, and I  
20 guess the point I wanted to make is just that not  
21 only the people who actually live there, the 1000  
22 to 1700 people, or the people who are seasonal  
23 residents, but even people like me who are able to  
24 be spiritually refreshed by visiting a place that  
25 is so unspoiled and that's populated by such

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1 generous spirited people, it's just something that  
2 it breaks my heart to think that it could be lost  
3 because of short-term economic reasons.

4 Thank you.

5 THE CHAIRPERSON: Thank you.

6 MR. JANMAAT: Hello, my name is  
7 John Janmaat. I'm an economist and I do research  
8 and teaching in the area of environment and natural  
9 resource economics at Acadia.

10 Looking through this preliminary  
11 guidelines here and listening to the comments  
12 today, and particularly listening to the comments  
13 today, there have been a lot of mention of things  
14 like beloved place, cultural values, importance of  
15 community, spiritual values, etcetera.

16 Within the economics literature  
17 these are sort of captured by the notion of what's  
18 called non-use values which are values that  
19 environments or goods or characteristics provide  
20 which we do not actually consume them to achieve  
21 it, okay.

22 Now, the guidelines as I read them  
23 do touch on these issues as being important but do  
24 not say or require that they be measured, and I  
25 think that perhaps in addition, an additional

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1 requirement to the environmental assessment, would  
2 be an attempt to measure these. And there are  
3 techniques in economics.

4 One of the main ones used to  
5 measure non-use values is a technique called  
6 contingent valuation, which is a survey-based  
7 methodology which this particular technique has  
8 been used and was in a particular precedent case  
9 when the Exxon Valdez grounded in Alaska some  
10 twenty years ago, and was the basis upon which the  
11 negotiation between the US government and Exxon  
12 over the final amount that Exxon would pay wasn't  
13 based.

14 And at the time, as well, Exxon  
15 hired considerable economic clout in order to try  
16 and debunk this technique and was unable to do so.  
17 So the technique has been upheld and refined to a  
18 great extent.

19 And so I would suggest that a  
20 comprehensive cost benefit analysis should be  
21 conducted as part of this environmental assessment  
22 and that values, non-use values, such as those that  
23 seem to be the concern of many people here, be  
24 incorporated in that analysis to truly see or, at  
25 least, get a broader estimate of the overall

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1 economic impact of this project.

2 Thank you.

3 THE CHAIRPERSON: So your  
4 suggestion is, is that we're dealing with something  
5 which is difficult to quantify but economists have  
6 come at it from a particular direction using a tool  
7 called contingent valuation.

8 MR. JANMAAT: Yes.

9 THE CHAIRPERSON: And you're  
10 suggesting to us that we would suggest that the  
11 proponent use this as a way of dealing with these  
12 non-use values within the community.

13 MR. JANMAAT: Loosely speaking,  
14 yes. I would actually suggest that they hire  
15 someone external to them, because the issue with a  
16 technique like contingent valuation, because it's  
17 survey based one has to design the survey very  
18 carefully.

19 And, as people have said, if you  
20 write the questions the right way you always get  
21 the answer you want, and so I think we have to be  
22 careful in this to make sure that the survey is at  
23 the very least assessed by somebody external to the  
24 proponent so that there's a good chance it will  
25 measure what we actually would like to measure so

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1 that we are balancing or measuring everything  
2 that's important.

3 THE CHAIRPERSON: Is contingent  
4 valuation as a tool readily accessible? Do all  
5 economists know it? In other words, if ---

6 MR. JANMAAT: It's well documented  
7 in the literature, yes.

8 THE CHAIRPERSON: So I won't have  
9 any trouble finding it.

10 MR. JANMAAT: No, you wouldn't.  
11 There's books written on this technique.

12 THE CHAIRPERSON: Good, thank you  
13 very much. Anyone else? It appears that we've run  
14 out of input. We're approaching 4 o'clock so if  
15 there is nothing further then I will draw the  
16 meeting to a close.

17 Anybody who feels the need to  
18 contact us through writing, please do, send it to  
19 Steve Chapman. Thank you all. Thank you for  
20 coming.

21  
22 --- Whereupon the meeting adjourned at 3:45 p.m. to  
23 resume on Sunday, January 9, 2005 at 1:00 p.m., at  
24 the Meteghan Fire Hall in Meteghan, Nova Scotia.

25