WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

SCOPING MEETING #4

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

PLACE HEARD:  Meteghan, Nova Scotia

DATE HEARD:  Sunday, January 9, 2005

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

Recorded by:
Drake Recording Services Limited
1592 Oxford Street
Halifax, NS  B3H 3Z4
Per:  Mark Aurini, Commissioner of Oaths

Drake Recording Services Limited - Certified Court Reporters
(Serving Atlantic Canada Since 1983)
INDEX OF PROCEEDINGS

PAGE NO.

MS. LUCILLE JAMIAULT - OPENING REMARKS ............... 3
THE PANEL - OPENING REMARKS ............... 3
MS TRUDY BENGIVENNI - SUBMISSIONS ............... 16
MR. L. WAYNE SPINNEY - SUBMISSIONS ............... 31
MS JANET LARKMAN - SUBMISSIONS ............... 65
MR. HAROLD ROWE - SUBMISSIONS ............... 81
MR. MATTHEW GRANGER - SUBMISSIONS ............... 89
MR. TERRY FARNSWORTH - SUBMISSIONS ............... 94
MS CHRISTINE IGOT - SUBMISSIONS ............... 101
MR. TOM HAYNES-PATON - SUBMISSIONS ............... 136
MR. KENNETH DEVEAU - SUBMISSIONS ............... 159
MR. ASHRAF MAHTAB - SUBMISSIONS ............... 161
Meteghan, Nova Scotia

--- Upon resuming on Sunday, January 9, 2005 at 1:10 p.m.

MS JAMault: La commission d'examen conjointe ont prévue des services de traduction aujourd'hui pour ce qui aimerait faire une présentation en français.

Si vous planifiez une présentation en français, nous demandons que vous fassiez une pause entre vos phrases afin que le traducteur puisse répéter l'information en anglais pour la commission.

De plus, la commission acceptera vos documents par écrit par la langue officielle de votre choix. Je vous remercie.

THE CHAIRPERSON: Thank you. Good afternoon, ladies and gentlemen. Thank you all for coming on such a beautiful Sunday afternoon.

My name is Robert Fournier, and I'm Chair of the Joint Panel, and I'd like to introduce my colleagues and the Secretariat staff.

On my right is Jill Grant, who is a professional planner. On my left is Gunter Muecke. He is an earth scientist, and I'm an oceanographer by profession.
The Secretariat is over at the other table. On my far left is Steve Chapman, who is with the Canadian Environmental Assessment Agency, and then in the middle is Peter Geddes, who is with the Nova Scotia Department of Environment and Labour. And then, on our very far left, is Lucille Jamault. She's also with CEAA, the Canadian Environment Assessment Agency.

Now, I'm going to make remarks that will last about ten minutes, and I see some familiar faces who have been at previous meetings, but many faces which haven't heard these remarks. And what I'm going to do is take you through a variety of bits and pieces of who we are, what our role is, some of the logistics.

So starting with who we are, we are a Joint Panel, and the word "joint" has some significance in law in the sense that a joint panel is a panel that is comprised of authorities which are federal and provincial or, in other words, our mandate has been driven by the Minister of the Environment for the federal government and the Minister of Environment and Labour for the provincial government.

The role, or our role, the role we
have been asked to perform, is identified in a
document which is available at the front door which
is called the agreement, and the agreement is the
formal relationship that exists that has been
signed off on by the Minister of Environment and --
federally and the Minister of Environment and
Labour provincially.

Within this document, to the back
of this document, is something called a Terms of
Reference, and the Terms of Reference are the
specific instructions which we have been given as a
panel that we have to fulfil over the lifetime of
the panel.

So in some cases, people
occasionally ask us to do something that we can't
do because we're defined by the Terms of Reference
in this agreement. It's available for you if you
wish to see it.

Specifically, what we've been
asked to do is conduct an independent and
impartial, fair across the board review of the
environmental effects for the proposed basalt
quarry and marine terminal which has been proposed
for Whites Point over in Digby Neck.

And the proponent for that
PANEL - Opening Remarks

proposal is Bilcon of Nova Scotia, so when you hear
me use the word "proponent" or if you hear me use
the word "Bilcon" they're synonymous. They're the
same.

Now, this has been planned from
the very beginning as a very public process, and I
want to give you two examples of how public it is.

The first is that every single
document that we receive -- actually, they're
received by the Secretariat and passed to us.

Every document which we use to make a decision, to
reach a conclusion and make a recommendation is
available to you. It's available presently in
paper form at the Isaiah Wilson Library over in
Digby, and it's also available on line as well for
those of you who prefer to approach it that way.

So everything we receive is
available to you.

Secondly, the second form of
public approach to this is that we have two kinds
of public meetings. The first kind of public
meeting is called a scoping session. That's what
this is today. It's called a scoping session.

And the specific task is to review

Drake Recording Services Limited – Certified Court Reporters
(Serving Atlantic Canada Since 1983)
this is called the Draft EIS Guidelines. Now, I
won't go into this just -- I'll come back to this
in just a moment.

So the first set of public
meetings are to review the draft EIS Public
Guidelines.

We've had four meetings. The
first meeting was at Digby Neck on Thursday night.
The second meeting was at Digby Regional High
School on Friday night. Yesterday, we were in
Wolfville at the Horton High School, and today
we're in Meteghan.

So all four of those were scoping
sessions.

The second kind of meeting is --
will be called to seek the input of the public.
That is specifically to reach out to the public and
get advice from the public with regard to the
document that the proponent will eventually
produce.

The document that the proponent is
asked to produce is called an EIS, an Environmental
Impact Statement. That's the statement by the
proponent as to the expected impact that the
project and the infrastructure and all aspects of
the proposal will produce on the environment.

Now, both of these things, the scoping sessions and the subsequent meetings on the EIS, are designed to assist the panel to reach conclusions.

In other words, we could reach conclusions independently, but obviously that's not appropriate and so part of the process is to bring information from the community to us to help us reach those conclusions.

Our conclusions will be reflected in the recommendations, and the recommendations will then be passed on to the Minister of the Environment and the Minister of the Environment and Labour, federally and provincially.

I should tell you also that we have, in fact, visited the site on December the 10th. The panel plus the Secretariat went to Whites Point and walked down the road, went to the shore, looked around and generally familiarized themselves with the place where the proposal is focused.

Now, coming back for a moment to the scoping sessions, which is what today is, as I said, the focus of today's event is on this...
PANEL - Opening Remarks

document.

Now, let me explain. The EIS, as I said, is a document that will be produced by the proponent. The guidelines -- that's what this is. This is a Draft EIS Guidelines. The guidelines are the instructions, the instructions that are given to the proponent to guide them in the formation of the EIS.

This document was not prepared by the panel. It was actually prepared by employees of the federal and provincial government, and it's based on a kind of template from previous other Environment Impact Statements in other places.

So, in other words, it's generic, but it's focused on the Whites Point issue. But it does not have a public input into it so, in effect, this is a draft, meaning it's not complete, and what we're doing today is asking people to speak up as to things they think should be included into this which will then be built in to the document and then passed on to the proponent and a request will be made to the proponent to follow those.

Or, in other words, the draft will become a formal document in the very near future.

The input to the formation of this
PANEL - Opening Remarks

document will end on the 21st of January, so on the
21st of January we'll close off the input and the
three of us will then put our heads together, begin
to take all the advice that we've been given, and
to refine this from a draft to a final document.
Okay?

What are our expectations for
today?

Our expectations are that we will
receive input from you, the public. And we
recognize fully that there are people who favour
this project. We recognize that there are people
who are against this project. We are interested in
comments from both.

If someone feels that they can
introduce anything that will reflect their
particular viewpoint or interest, pro or con,
positive or negative, we're happy to receive that.

It will help us -- that input will
help us to identify the environmental and project
related issues, okay. It's the issues that we're
attempting to work on.

So what we will do is we'll
receive the input from the four scoping meetings,
plus written inputs. If -- those of you who wish
to send us something written, that's fine as well.

We will then make the appropriate adjustment to the guidelines. We will then give the guidelines to the proponent, to Bilcon, and then we will wait for the production of an EIS.

And then, when the EIS comes forward, there will be a period of review by the public and then there will be a series of public meetings again to review the document produced by the proponent.

So today -- we've set aside three hours today. I don't know if we'll use it all. It really -- it depends. It depends on how much input you wish to offer us.

We have at the moment, I believe, three registered speakers, and those individuals will be given the opportunity first to make a presentation and then, following that, we will then ask those of you who are here if you want to make a presentation even though you're not registered.

The registration part -- there's nothing special about registration other than the fact it guarantees a person a place, and since there are only three there's plenty of time, so those of you who want to speak, can do that.
PANEL - Opening Remarks

But remember, we're asking you to speak to the guidelines. Not to generally vent on the subject, but rather, to speak about this because this is what we have -- our next task is.

After an individual makes a presentation, we're going to ask questions, and questions will start with me, then they will extend to the panel members, and then we will ask you if you want to make a response -- a question.

It's really not an opportunity to speak. If you want to speak, there will be a time for you to speak, but the time after an individual presentation is really for you to ask questions of the person who has made the presentation.

Usually the questions are asked through me, the Chair, rather than across the room. The reason for that is to avoid any kind of dialogue, which basically excludes everybody else. So if a question is asked, it's asked to me. I ask somebody to respond, and it keeps a kind of order to the process.

There's nothing -- just to make it work more smoothly.

If -- I suppose the only negative comment I have to make is that if somebody gets off
track and gets off on a tangent and is generally
going on at some length about something other than
this, then I'll ask them to stop. I'll ask them to
slow it down, to terminate, to come back on focus.
Okay?

So, in general, we're focused
today. That's what I'm trying to say to you, is
we're very tightly focused on this particular
document.

One -- two final things before we
get into the process. The first has to do with
written input.

Some of you are here and will
speak. Some of you don't like speaking in public.
That's fine. If you want to communicate with us --
if you speak and you want to communicate with us
after speaking, if you don't speak but you still
want to communicate with us, you may. You can do
that through writing.

You can send a note off to Steve
over there at the far end, and Steve will receive
it, he'll put a stamp on it, he'll give it to us,
and it will go immediately into the registry or, in
other words, what you send to us will immediately
become public to everyone else.
PANEL - Opening Remarks

The written presentation to us and the oral presentation to us are the same, as far as we're concerned. It's not about the mechanism of delivery.

It's about the information contained therein, so feel free -- and if a person makes a presentation today and they've got a set of notes or they have any kind of documentation that they think supports their argument or their viewpoint, pass them to us, give them to Steve, and it will -- and we'll absorb it from there. Okay?

So whatever you feel will advance your interests, don't hesitate.

As you can see, we've got some sound equipment here. It's not just for the room. It's partly because we're recording it. Everything that is said here today is being recorded and it will be transcribed, and the transcriptions from this meeting and the previous three meetings will all end up in the registry as well, so you can read about that after the fact, if you will.

If an individual stands up to ask a question, Lucille, who is back there, will come to you with a portable microphone and she will ask you to identify yourself. If you're associated

Drake Recording Services Limited – Certified Court Reporters
(Serving Atlantic Canada Since 1983)
with an organization, tell us what it is, and then
speak into the microphone. And the reason for
that, again, is so that it will be recorded so that
we can then transcribe it. Okay?

So there may be a slight
hesitation from the time you put your hand up and
the time she arrives, but the purpose is that we
will have a record of it.

Also, I don't know if there's any
press here. At some of the previous meetings there
were press. We just urge people if they were in
the press that they should not do interviews, they
should not do photographs. They should not do any
of what they normally do while the process is under
way.

If we take a break, before or
after is okay. We just don't want it to interfere
with the process.

Okay. Those are all the nuts and
bolts that I wanted to give to you ahead of time,
and what we'd like to do now is get under way.

And we have -- as I said, we have
three people registered, and the first person is
Trudy Bengivenni.

Now, she was -- there she is.
Yes, good. She was at a previous meeting, so I recognize her from a previous meeting.

Oh, I should say -- please. I should say that people have been discouraged from making two presentations.

Now, Trudy Bengiveni made a presentation earlier at another meeting, but she made it as a representative of an organization. Today, she has asked if she can make a presentation on herself as an individual, and that's the reason why she has an opportunity to speak twice. Okay? Please.

SUBMISSIONS

MS TRUDY BENGIVENNI:

My submission is respectfully offered by myself, Trudy Bengiveni, of Concession, Clare Municipality, Nova Scotia.

I wish to identify myself to my community, as only Acadians do, as Trudy Margaret Marie-Jean Simone François Joseph Pierre Joseph René Jacques Daniel LeBlanc of Grand Pré.

I am here today to show my respect to my ancestors, the Acadians of Par-en-bas and Par-en-haut of southwest Nova Scotia, the Métis people of the Eastern Woodlands Association, and
the Nations of the First People represented by the
Confederacy of Mainland Mi'kmaq, the Union of Nova

I do not speak for them, but as
one of them, by virtue of my genealogical line that
goes back to Daniel LeBlanc, one of the first
ancestors to settle on this shore, and the
subsequent marriage of his descend to Mi'kmaq
spouses.

I'm going to just refer to what
area of the document this may pertain to because I
definitely want this to be entered. This pertains
to traditional knowledge and community values as
well as the future spatial and temporal scope of
the project under consideration, the quarry
proposed to be at White Point, Digby Neck. Thank
you.

Before I begin, I wish to honour
the wisdom of my ancestors, whose love connects us
and all our descendants to the web of creation.

Eventually, all things merge into
one and a river runs through it. The river was cut
by the world's great flood and runs over rocks from
the basement of time. On some of the rocks, there
are timeless raindrops, and under some of the rocks
are the words, and some of the words are theirs.

The prized deposit of the salt runs in a seam through the ancestral lands of the Acadian people and the people of the First Nations.

The risk of disturbing or destroying archaeological remains of the oldest European settlement in North America far outweigh the dubious projections of local benefits from excavation and removal of the salt.

Archaeological evidence of Dr. Mark Lavois, PhD, professor in residence at University Ste-Anne here in Church Point shows that the original homestead sites of the Acadians are being unearthed in areas previously not known to contain such significant architectural artifacts.

Dr. Lavois' research confirms that the 18th century maps are not accurate, and his recent excavations are adding immense knowledge to what was previously known about this area and what the ground holds.

It raises the likelihood -- if this project is approved, it raises the likelihood of NAFTA regulations opening the door to further encroachment on the yet unexplored ancestral lands of the Acadians and the peoples of the First
Nations.

The entire coastline of the Bay of Fundy and Baie Sainte-Marie has historic significance, and especially as it pertains to the French speaking ancestors of the Acadians currently residing there and the ancient ancestral presence of the First Nations.

The significance of the Acadians to the history and past and present social, economic and cultural identity of the Bay of Fundy and Baie Sainte-Marie begins with documented voyages of French explorer Samuel des Champlain and goes through major historic events, including the founding of the oldest European settlement now designated Unesco sites, heritage sites, at Port Royal and Grand Pré.

A specific area was named by its dwellers "la paradise terrestre," earthly paradise. History continues through the hugely successful entrepreneurial period expressed in the building of the dikes to utilize salt marshes as farm land.

During that period, the innovative farming methods of the Acadians secured their eminence as the most abundant harvesters of wheat and other commercial grain crops in North America,
and possibly the world.

The history then sadly moves into
its darkest period when the Acadians were
systematically rounded up, their farms pillaged and
burned to the ground, and many forced on to ships
for removal and exile from their beloved home but,
against all odds, they returned, and they come --
they came across the bay in small boats and founded
this and other coastal communities.

They have since adapted to the
circumstances of that period and maintain a unique
and enduring presence.

The fishing industry is now the
successful industry, and Acadian fishermen are
among the most significant contributors to the
economy of that fishing industry in southwest Nova
Scotia.

Risk to that essential economic
and historic phase must be ensured, as there is
currently no indicating of any mitigating condition
that could adequately compensate for its loss.

On a different note, but certainly
relevant to this issue, is the issue of possible
shipping of hazardous waste materials to this
coastline should this quarry proponent be permitted
SUBMISSIONS - Bengivenni

to do so.

It came up at several meetings,
and I was not intending to address that issue
except for the fact that I have very pertinent
documentation which I'm going to offer and give to
you today.

I have from the internet -- it's
public domain knowledge. I have permits which were
secured and have been over a long period of time by
the sole proprietor of Bilcon, which is Clayton
Block Company of New Jersey, which permits them to
transport, store and otherwise transfer hazardous
waste materials. And it even includes a list of
what those permitted items would be.

To protect my own liability, I'm
not going to say that they are doing this or that
they have any intention of doing this. I am merely
pointing out that in the public domain where
information exists, there is recorded documentation
supporting their freedom and right to do so should
they choose to, and that is a very great concern.

And I'm going to get the
documentation and give it to you, and consider my
deed done. Thank you very much.

THE CHAIRPERSON: Thank you.
Don't step down.

MS BENGIVENNI: Okay. I just wanted to get the materials.

THE CHAIRPERSON: Yes. You mentioned traditional ecological knowledge. Yes, traditional knowledge. And it wasn't clear to me what advice you were giving to us vis a vis the guidelines.

Was this ---

MS BENGIVENNI: Well, the traditional ---

THE CHAIRPERSON: Let me finish. Was this if you said because of this -- because of the history of the Acadians in the area that this project should not go forward? I mean, that's the implication of what you said.

But, as you well know, the guidelines are our concern and ---

MS BENGIVENNI: Yes.

THE CHAIRPERSON: --- so how do you translate that concern for traditional knowledge, both in the Mi'kmaq and in Acadian early settlers, present settlers -- how do you translate that into advice to us that we can use?

MS BENGIVENNI: Well, in the
guidelines it was clearly stated that traditional
knowledge of Aboriginals and Afro-Canadians be
observed. There was no mention of the Acadians
anywhere in this document.

And my concern is that the Bay of
Fundy is the main focus of this hearing, in a
sense, in terms of spatial -- as I refer to spatial
and temporal boundaries.

The Bay of Fundy was named by
Samuel des Champlain, who was the progenitor of the
Acadians.

The Acadians are a distinctly
unique group of people. They do not exist anywhere
else in the world. They have connections to their
French origins but, as a people, they are
distinctly unique.

They have their own language,
which is currently attack, in a sense. Even with
my Acadian ancestry, I was raised elsewhere and did
not have the benefit of learning that language, and
it's with great sadness that I say that because I
would prefer to stand here and speak in the
language of my community and I hope others will
stand up and do so.

The second -- I think there were
two issues that I perhaps combined too readily.

I'm concerned about the NAFTA regulations being imposed once ---

THE CHAIRPERSON: Yes.

MS BENGIVENNI: Okay. You did understand that.

THE CHAIRPERSON: Yes. You're raising it, and it was raised on several other occasions.

MS BENGIVENNI: But in relation to the traditional community and values of the Acadians, the ancestral lands of the Acadians are in the process of being explored.

This is knowledge and exploration that is -- you cannot attach a value to its eventual ---

THE CHAIRPERSON: Yes.

MS BENGIVENNI: --- risk of being lost.

THE CHAIRPERSON: Yes.

MS BENGIVENNI: And I contend that it is a huge risk because the seam of the salt actually follows the line of the ancestral lands of the Acadians and First Nations people.

And I may add that Professor
Lavois’ actual mandate -- I spoke to him, and he is available to be consulted with, and that would be through arrangements with him and whatever conditions that would entail on your part.

His main focus and concern is the actual historic presence of the Acadians, but he said in unearthing all of the excavated sites that he's unearthing he's also finding huge evidence of Mi'kmaq remains at those same sites, architectural artifacts, such of that nature, which he is turning over to the proper authorities.

So there are, you know, two separate paths that need to be pursued in order to really have a firm idea of what is at risk here.

So have I made that clear enough?

THE CHAIRPERSON: Yes. So, in a nutshell, what you're really saying is although traditional environmental knowledge is mentioned in the guidelines, it's not as specific as you would like it and you're asking us to make sure that it's broad enough to include not only early Aboriginals, early non-Acadians, but Acadians as well.

MS BENGIVENNI: Yes.

THE CHAIRPERSON: In other words,
SUBMISSIONS - Bengivenni

MS BENGIVENNI: Exactly.

THE CHAIRPERSON: --- who basically settled the area.

MS BENGIVENNI: The Acadians are like no other people on earth, so they are clearly -- they can be referred to as an Aboriginal people as well. But I definitely wanted that done.

Now may I go and get the documentation or ---

THE CHAIRPERSON: Yes, by all means.

Well, no. Before you do, I just want to make sure that we've had ---

MS BENGIVENNI: Oh, sorry. Yes.

THE CHAIRPERSON: --- a chance to question you.

DR. GRANT: She has more to present.

THE CHAIRPERSON: Oh, you have more to present?

MS BENGIVENNI: Well, I'm presenting documentation to you. I'm giving you ---

THE CHAIRPERSON: But aside from presenting the documents to the Secretariat, do you
have anything more verbal?

MS BENGIVENNI: No, I don't have anything to say unless someone has questions.

THE CHAIRPERSON: Let's just see if we have any questions further.

DR. GRANT: Just a bit of a clarification about the temporal and spatial boundaries.

Are you suggesting anything specific about how those should be extended?

MS BENGIVENNI: Well, I think when I send my final documentation I see where I need to clarify more.

My concern -- I guess that would fall into the concern about NAFTA because the current project would, of course, not indicate that there's any risk to the ancestral lands of the Acadians or the Mi'kmaq Métis people, but further encroachment -- we cannot prevent further encroachment once the company is permitted to do this, so it goes beyond -- this is the future scope of potential further development which we would not have any control over once NAFTA regulations are imposed.

In other words, we could be sued
SUBMISSIONS - Bengivenni

at the World Court or even through the Supreme
Court of Canada that would prevent even regulatory
issues being enforced.

So my concern is that the land be
valued because I don't think it's generally known
to people beyond the boundaries, perhaps, of Nova
Scotia because I'm really concerned as to why a
federally produced document didn't include the
Acadians.

And I'm -- I will not address that
at this time.

DR. GRANT: It just -- a
clarification in terms of the information that the
professor from ---

MS BENIVERENNI: Professor Lavois
from University Ste-Anne?

DR. GRANT: Yes. Certainly you
might encourage that material to be submitted to
the public registry.

We don't really have a mandate to
go out looking for information.

MS BENIVERENNI: Well, this was to
be directed to the proponent, then, I guess,
whoever would be responsible to pursue the
knowledge of traditional values and community
values such as were discussed at the meeting I attended in Digby.

There was certainly an element in the guidelines that pertained to proponent being required to have that knowledge of community values and heritage values, and this is very significant.

THE CHAIRPERSON: Let me just clarify something, is that our -- it's not our mandate to go and dig up information.

MS BENGIVENNI: Yes, I just understood that. Yes.

THE CHAIRPERSON: Our mandate is to provide guidance, to the proponent to suggest to the proponent things that need to be done and then it's the responsibility of the proponent ---

MS BENGIVENNI: Yes.

THE CHAIRPERSON: --- to dig up the information ---

MS BENGIVENNI: And that's my intention.

THE CHAIRPERSON: --- and present it back to us in the form of an EIS.

MS BENGIVENNI: That's my intention, that whoever that responsibility is directed toward that it be directed accordingly.
THE CHAIRPERSON: And you will be submitting a written statement to us?

MS BENGIVENNI: Yes. My statement has been kind of amended on the way here.

THE CHAIRPERSON: That's fine.

DR. MUECKE: Just a little bit of clarification on the NAFTA aspect.

MS BENGIVENNI: Yes.

DR. MUECKE: So what -- I think, just so I'm sure I understand correctly, what you're saying is we would -- we should ask the proponent to investigate the NAFTA implications on Acadian and Native lands, that we seek legal opinion and so on in order to ---

MS BENGIVENNI: Yes.

DR. MUECKE: --- clarify that. Is that right?

MS BENGIVENNI: That's very good.

I thank you for stating it that way because the -- in the eventual circumstance that they should be encroached upon, there is still no specific knowledge as to where the homesteads are at this point in time, and that research has been conducted for two years and will continue indefinitely, so that's -- yes.
SUBMISSIONS - Bengivenni

And you stated it very well.

Thank you.

THE CHAIRPERSON: Okay. We've finished asking questions.

If there's anybody in the audience wants to ask a question, they're fully able to. As I said, it's normally asked through me, but essentially what that means is that you ask it forward and she will respond.

So are there any further requests, information? No.

If not, then, thank you, Ms Bengivenni, and you're going to provide a document to Steve. Correct? Yes.

Okay. So that was the first presentation. The second one now is by L. Wayne Spinney.

SUBMISSIONS

MR. L. WAYNE SPINNEY:

Good afternoon. I apologize for my lateness, but fishermen, if we start late, we work late, so trying to do up a document on short notice sometimes carries along a few burdens.

Mr. Fournier, you and I met one time in Yarmouth on the proposed oil drilling on
George's -- you were a guest speaker.

THE CHAIRPERSON: Oh, yes. Yes.

I remember.

MR. SPINNEY: I'd like to first start off with a letter I wrote on March the 21st, 2003, and these documents have been presented about our concerns about this quarry.

And if I'm out of line, I don't mind being corrected because this is the first time I appear before a panel such as this, and I've been made an idiot before and I don't mind if it's in defence of my fishery and myself and my family and my community.

But it was addressed to The Honourable Robert Thibault, Minister of Fisheries at the time, and it's "Opposition to Vessel Transportation Resulting from the Proposed Product to be Mined on Digby Neck, Nova Scotia by Global Quarry Products, Locally Known as the Whites Cover Quarry."

The increase in international vessel traffic of any kind brings concern to the forefront to all fishing communities and to the oceans at large.

This traffic brings with it
ballast water, possibly from anywhere in the world.

And I had a document that I passed on to Minister Thibault, and I put here:

"Please examine the enclosed document Hitching A Ride and Hazards in the Harbour."

Those are two documents that were put out, and everybody in the room, I believe, should read this.

But anyway, it is understood that as a result of the proposed quarry operations the vessels will transport cargo from the Digby Neck area via the Gulf of Maine waters. That includes the Bay of Fundy, the Atlantic Ocean to the coastal waters of New Jersey, United States of America.

It is a fact that these vessels will pump local salt water from the New Jersey area on board for ballast on their return trip to Digby Neck. When these vessels enter our Fundy waters, they will dump their ballast in their wake prior to arriving in port.

And it's not uncommon for them to dump it in port, and we all know the weather conditions up off our ports around this coast. If the ballast is required for docking, they will use
that ballast.

It is also well documented that ballast water transports foreign organisms that harm the kelp, the seaweed, the clams, the worms, fish and various other sea life.

All governments, including Canada and the USA, recognize the dangers of ballast water dumping involved with transportation by sea. If the proposed exploitation of the Digby Neck quarry is approved, the impact of the ballast water dumping from these oceangoing cargo vessels on one of the richest fishing areas of the world would be just devastating.

This negative impact on groundfish, shellfish and fish habitat also undermines the future fishery and the sustainability of our coastal communities through the destruction of the larvae and the spawn of all marine species in these waters.

The silt run-off from the quarry development site is also a major concern for the fishing industry and our communities, and the survival of our oceans.

How far will this silt travel in the Bay of Fundy tide? Where will the sediment
settle, and how deep will this settlement be?

It is common knowledge that the water quality in the New Jersey area is one of the worst along the eastern USA seaboard. One of our forefront concerns is the dumping of this contaminated ballast water.

We in the lobster industry cannot support this proposal. We strongly oppose a development where the negative impact far outweigh the positive.

This letter of concern deals with the known facts around ballast water contamination. We trust your intervention and your decisions will support the fishing industry in coastal communities.

This is our livelihood. And it's signed by me.

And today's presentation deals also with the Canadian Environmental Assessment Agency, Whites Point quarry and marine terminal project Joint Review Panel.

The fishing industry concerns regarding habitat, water quality, social and economic concerns, issues to be incorporated into the guideline development for the preparation of
the Environmental Impact Statement to be carried out by Bilcon of Nova Scotia Corporation.

To develop this quarry or any quarry in or near our coastal zone will have extensive implications that are detrimental to the environment, to our culture, to the social and economic fabric of our communities, and to the quality of life for residents, not just in Digby Neck area, but in the tidal zone of this region.

And under environmental -- and I would suggest that this document is not finished, that we shall forward a further detailed document, I believe, by the 21st, I believe it is.

THE CHAIRPERSON: Yes, that's correct.

MR. SPINNEY: Environmental. Blasting impact on the fisheries and the juvenile stock, various year classes in the fisheries, example if you -- it'd be something similar to seismic testing. And there was a test done in the crab fishery. Could this be comparable, especially to our larvae?

The runoff, could it be comparable to the Sydney tar ponds, as an example that we do not want to bring to our region.
The toxic runoff from the quarry wash cannot enter either the fresh or salt water systems or there will be disruption of fish habitat from the runoff.

And out in British Columbia, the abundant salmon fishery devastated as a result of runoff caused by clear cutting, and what happens to our floating lobster larvae as one example.

And if you go to British Columbia, which I've had the opportunity to do, and they never expected that clear cutting would have the devastating effect that it did on the fish stocks.

And what it did, all the water running down from these hills and mountains and all the mud that it carried with it and all the toxins from the -- from whatever's been sprayed on the trees and the ground, it just devastated the local stocks.

The Weymouth area, juvenile lobster area proven as an example of where -- of impact pebble ground used by lobster and other species in the first stage settled there.

And lobster larvae, once it -- once a lobster releases their eggs that collect underneath their tail, they float to the bottom of
the ocean and they travel there for five, six, seven, eight weeks.

And as they grow, at that particular time they're subject to any harm, you know, other vessels, fish. Almost all fish eat the larvae.

But the larvae will settle and, as it settles, it'll find pebble ground or boulders where it can hide so it's out of the danger of its predator.

And it's a known fact that up here in the Belliveau's Cove area and the head of Saint Mary's Bay that it is a juvenile area for lobster and, in fact, I state here that at one time an excavation at Belliveau's Cove was stopped because of the negative impact on juvenile nursing ground of the lobster and the scallop, clams, worms, herring, etc.

At one time before environmental laws used to allow you to go and excavate on the beach. You know, you didn't have to get papers and this or that.

At this particular time, they noticed they were digging up juvenile lobsters in this gravel coming off of Belliveau's Cove, so what
happens to the silt from this runoff and the
lobsters are in this pebble ground, and now it
becomes no pebble. It becomes silt.

These lobsters or whatever other
larvae or whatever species is in this area are --
naturally have to die or they have to move. And
where do they move to before they die?

So now our thriving upper bay here
and perhaps on the other side of the north side of
Digby Neck -- it could be the same area, but we do
know for a fact the upper Saint Mary's Bay, the
Weymouth and Belliveau's Cove area are these
grounds and this is occurring at this stage.

Once silt fills the pebble ground,
larvae can't settle there. It smothers the clam
beds. The juvenile lobster has no place to hide
and no food for the species.

The fresh water table has to be
affected by the blasting and the runoff. Runoff
can't be contained, even in a pond. Zero tolerance
for runoff.

Our atmospheric storms. We spoke
on the -- trying to stop the drilling on Georges
because of atmospheric storms played a major part.

These hurricanes, these enormous
storms that we have around here, have an impact on
everything, whether it's on the earth here or if
it's in the ocean.

And the torrential rains, the
hurricanes, the snow storms, it all has an effect
on this operation. If you're trying to have a
runoff from a quarry situation, as this is, and
you're trying to -- all the runoff, there's ditches
and everything that's going to run to a pond, well,
what happens to the pond after it overflows. It's
going to go somewhere.

Even if the pond is lined, there's
no guarantee the liner isn't going to leak at some
stage, and that range that they want to do this
quarry on is a fresh water range.

That's a water bed. That's a
water table. And it runs right up to the Minas
Basin, that whole range.

The salt water shed, the Gulf of
Maine water shed is one region. Organizations have
proven that what happens in one small area impacts
environmentally on the whole region.

We must take into consideration
the whole tidal zone. The North Mountain range is
one fresh water shed from Digby Neck to the
Submissions - Spinney

Islands, to the Minas Basin and Saint Mary's Bay
and Fundy towards Yarmouth.

We also have the bilge dumping and
pollution. We have oil spills if there's an
accident.

We have ballast dumping that I
just -- the green crab was imported here in
sou'west Nova Scotia approximately 25 years ago
from ballast. They were clinging to the bottom of
these oceangoing vessels.

We have the -- I can stand to be
corrected here, but it's a crab in the United
States, and I don't think I said it in the first
document, but I believe it's a Japanese crab.

It has been brought to the United
States in the last two or three years. It's
devastating the clam beds, devastating the
aquaculture, and there's no way to get rid of it.

And one of the things that they
usually say if a strange organism comes in to
strange water, it goes crazy for a few days or a
few weeks or a few months, and then it will adapt
because this same crab is friendly to the
aquaculture system and the clams in the European
countries.

Drake Recording Services Limited - Certified Court Reporters
(Serving Atlantic Canada Since 1983)
SUBMISSIONS - Spinney

But here, on the eastern seaboard
of the United States, it's gone crazy and it hasn't
adapted to the waters or the environment. It just
kills crabs, kills the clam and the aquaculture
doesn't need it. It kills it.

I don't have the documentation on
it here, but as I speak I tell you the truth.
The loss of the fishery grounds.

Just in Yarmouth with the Prince and the Cat
travelling in the spring fishery and none in the
fall fishery because neither one travel now, the
fishermen there tried to not leave their gear in
the path of the vessels. They can't move it far
enough because either if there's a storm the
vessels alter course or, if there's whales or other
fishing boats.

These vessels do not maintain a
particular course for a particular destination.
They have to alter course. Now the gear is
vulnerable to disruption, break in the lines,
towing them, whatever.

And of course, with all the
controversy and well-meaning controversy about the
whales, and it was only a matter of Hubert three
weeks ago today, perhaps, a whale just five miles
off here was caught up in ropes, and my boat was
instrument with Hubert's crew and a crew from
Sanford.

We took out 57 traps from that
whale. We took out eight anchors, and we took out
approximately 1,600 fathom of ground line. A
fathom is six feet.

And it's unfortunate, but at the
same time whales are never in these waters this
time of year, but we so happened to have a large
school of mackerel that these whales were
following.

Not always can we untangle a
whale. In the summer time it's almost impossible.
That whale we did free, but the activity of the
wildlife out here in the Bay of Fundy is
horrendous, and the more vessels we have, the more
often they're here, the more casualties we're going
to have.

And the social impact. Currents
and tides carry larvae of various species. The
same currents and tides will carry any foreign
species, runoff, silt, etc. to the same areas.

It is a known fact that areas in
SUBMISSIONS - Spinney

1 hatchery and juvenile grounds for various fish species.

The lobster region -- the lobster industry in this region is the backbone of the economic and social fabric of many coastal communities.

In considering the community most affected by the project, it is crucial that the project proponent include communities that lie in the tidal zone.

We must consider the blasting, the noise, the quality of life of the local residents, and the unknown effects that it may have on the habitat and the ocean, the transport traffic, and just not the transport, but the employees and all that, extra traffic and the noise.

It lowers the quality of life. It increases the traffic and it increases vehicle accidents, and it increases the wear and tear on the roads and the highways.

We have to consider the loss of the fishing gear and the -- perhaps even the loss of fishing ground.

And the economic impact. It is crucial that any impact study include local,
traditional ecological knowledge of fishermen. So many times you write up these guidelines and whatever the impact is or whatever, the fishermen, the local community, the local leaders, the local residents, the local helpers, the crews, employees of local business are left out. They have to be included.

Any fishery studies used in -- by the quarry company must be validated by fishermen. Err on the side of caution.

The loss of the fishing ground, what is the increased -- what is the increase of vessel traffic, where will the traffic lane be, what happens when the transport vessel cannot dock because of stormy weather, increase in lost gear, increased danger of accidents at sea.

Loss of the most lucrative fishery in the region because of ballast pollution, oil spills, runoff, unknown environmental impact of blasting, economic loss to fishing families, fishing communities and surrounding communities.

What insurance do the local residents and the fishermen of the region have if their fishery/livelihood is lost due to the quarry?

Will they be compensated for the loss of their
SUBMISSIONS - Spinney

livelhood?

And I have to address the oil
spill in Alaska, and I forgot the name of it.

THE CHAIRPERSON: Exxon Valdez.

MR. SPINNEY: Exxon Valdez. I was
there in 1990 -- I'm not sure, maybe eight. And
even today they do not have the -- they have not
been paid their funds even though there was a pot
of gold set up there that if anything happened,
fishermen, the local residents, whoever was
infected by the loss, they would be paid. They'd
be compensated, has not been paid.

There's many people getting rich
on the idea.

And there was one other thing I
wanted to mention, and it flew away.

Oh, if -- I was at a symposium at
the PEI Veterinarian College, and there was a
gentleman there that gave a presentation of like
looking -- from the sky looking down on an
aquaculture site, and we'll use that as an example.

And the feed is put into this
aquaculture site and this monitoring device could
watch the feed go in, and it watched it spread.

And it watched the next day's feed spread.
SUBMISSIONS - Spinney

And it had a whole diagram there for six, eight months a year, two years of what happened to that just one site.

What started out just as a size of a thimble from the sky ended up being 50 miles around, the effects of what this feed had.

So what does this quarry have? The one day operation a week multiplied by seven 24s, after one week, two weeks and months and years, yeah, the runoff will just go from here to that chair, perhaps, the first hour of the operation. Where's it gonna end up and what's it doing in its path?

And I think that's one of the biggest, biggest issues that this has to consider. And in the document it shows a pond being built.

I don't have much faith in a pond. I've fallen in ponds before. I thought they were covered thick enough with ice. It'd have to be pretty thick today, but -- the thing of it is, ponds leak. There is leakage.

These transports, hauling it to the vessel, this vessel carrying it, there's going to be leakage. And I think it's a very, very important thing that has to be carefully evaluated.
I mean, we're not in the middle of a desert where it never rains and there's no environmental storms. We're right on the edge of the ocean, the strongest tides in the world passing right here. Thank you very much for your time.

THE CHAIRPERSON: Thank you.

Please don't go.

I don't -- I'm not sure I can -- your list was so exhaustive and so varied, I'm not sure ---

DR. MUECKE: Could I start?

THE CHAIRPERSON: Yes. You please start.

DR. MUECKE: Mr. Spinney, you gave us a lot of very valuable information, and this is for my own -- or for our own vision, sort of understanding the region.

If you take Meteghan and the communities close to it, do fishing boats go out anywhere near the sites ---

MR. SPINNEY: Oh, absolutely.

Yes.

DR. MUECKE: --- go off the Fundy coast?

MR. SPINNEY: Yes. There's gill
netting and there's long line fishing. There's
c clam, scallop, lobster, especially lobster in the
fall and spring.

DR. MUECKE: So it's a regular
fishing ground for ---

MR. SPINNEY: Yes.

DR. MUECKE: --- these

communities, too.

MR. SPINNEY: Yes.

DR. MUECKE: That's what I was ---

MR. SPINNEY: Yes.

DR. MUECKE: Could -- give me just

a rough estimate of how many boats would be going
and working in that area?

MR. SPINNEY: Do you have any

idea, Hubert?

HUBERT[?]: That would include

herring seiners as well.

MR. SPINNEY: Herring seiners.

HUBERT[?]: Thirty, forty.

MR. SPINNEY: Yeah. There's,
yeah, I imagine a good 30 or 40 boats.

DR. MUECKE: And how do -- this is

just for my benefit, right.

How do you get there from here?
MR. SPINNEY: By boat.

DR. MUECKE: No, I know that.

MR. SPINNEY: First you drive to the wharf in your truck or car, and then you start your engine.

DR. MUECKE: Okay. I get the message.

What route do you take in a boat?

MR. SPINNEY: Water. What route?

No, depending on the area you're fishing.

If you're fishing scallop, that's an area for scallop. If you're fishing lobster ---

DR. MUECKE: No. To get onto the Fundy coast.

MR. SPINNEY: The Petite Passage, usually.

DR. MUECKE: That's what I was after. Thank you.

DR. GRANT: Can you just clarify for me -- you talked about the Gulf of Maine at one point. Are you suggesting that the study boundaries need to be extended there, or what ---

MR. SPINNEY: This is considered the Gulf of Maine in the lobster industry. When there's a RAP session, a science evaluation of the
stocks of the lobster, it's done as Saint Mary's Bay, Bay of Fundy, Gulf of Maine. It's all one.
It's all incorporated into one, the Gulf of Maine.

DR. GRANT: Thank you.

THE CHAIRPERSON: One of the difficulties I had with the things you said was that you touched on a variety of subjects, and many of the subjects you touched on are already in the guidelines.

So you didn't give us any more specific information, but what you did, in effect, was to underline or to highlight it and say, "It's in there and we stand behind it and we support it," and so we've made notes to that effect.

But there was one comment you made in here which was a little different, and it was you said that if the proponent does a study of the fisheries that it has to be validated by the fishermen.

Now, let me just back up and tell you how the process works.

If we were to give recommendation to the proponent that a fishery study was to be done, they would go up and do it. And when they
did it, they would produce the EIS. The EIS would then come forward and be given to the public, in other words, you and you. You could both have a chance to go through it.

And, in fact, there would be a set of public meetings whereby you could then say, "We, the fishermen, validate it. We think it's adequate and good" or "We think it's not," so that the process -- the way the process is outlined has an opportunity for fishermen to look at the EIS ---

MR. SPINNEY: After it's been drawn up, though.

THE CHAIRPERSON: After it's been drawn up, but ---

MR. SPINNEY: Why can't we be in on the ground floor?

THE CHAIRPERSON: Well, hopefully the proponent would go to fishermen on their own or we can recommend that they produce a fishery study and we could even suggest that they go to fishermen, but we can't do anything other than evaluate the EIS.

MR. SPINNEY: But, Mr. Fournier, we know what the process if you go to DFO is.

THE CHAIRPERSON: Well ---
MR. SPINNEY: We fight DFO 365 days a year, and if there's a leap year then we fight it that extra day, too.

So are you going to go to DFO for further information to put in your report for us to say yes, we either agree or disagree?

THE CHAIRPERSON: We don't write the report.

MR. SPINNEY: No, I realize that.

THE CHAIRPERSON: What we do is we give instructions to the proponent, and then they go forward.

MR. SPINNEY: Right.

THE CHAIRPERSON: And then the instructions can be general or they can be more specific.

All I'm saying is that your request for fisherman validation, that's a decision to be made by the proponent. And when they come forward with the EIS, the EIS then is subject to a review in which you get another kick at the can at that point.

MR. SPINNEY: Well, I suggest that it be drawn up that the fishermen and the local residents be in on the ground floor.
THE CHAIRPERSON: Except that when

the EIS is reviewed ---

MR. SPINNEY: Yes.

THE CHAIRPERSON: --- and you --

let's say you're unhappy with it, you can, in fact,
specify that and a request can go back to the
proponent where it's further modified and adjusted.

In other words, if they do it and
do it right, then you move on. If they do it, in
your opinion, and don't do it adequately, you can
request a modification and then it can be -- so you
do get your chance to do that.

MR. SPINNEY: Are you suggesting

that this is a different process than government?

THE CHAIRPERSON: Well, this is a

specific process which has been defined by the
Canadian Environmental Assessment Agency, so it's
within the Department of the Environment, so it's
through government, yes, but the process we follow,
we don't have the option of fiddling with it.

We've been given our Terms of

Reference ---

MR. SPINNEY: So you're going to
give us that option? That'd be a first.

THE CHAIRPERSON: Well, you and
everyone else in this room and everyone else on the coast is going to see that document and have a couple of months to look at it.

There will then be a series of public meetings in which you will be invited back again and be given the opportunity to say you like it, you don't like it or it's okay, but I want to make some changes in it. So you do get your chance, you see.

MR. SPINNEY: Well, you have a wonderful -- if I had the word. Your life has been wonderful and you have a wonderful reputation, so I'm going to hold you to that, Mr. Fournier, because when it comes time ---

THE CHAIRPERSON: It's here. It's right here.

MR. SPINNEY: Yes, I realize that.

THE CHAIRPERSON: It's in our Terms of Reference.

MR. SPINNEY: But usually -- yes, but usually once it's typed up, once the policy's been drawn up and it's gone from the companies and the government and environment and everything else and it comes back to the public, I told you at the beginning it's one of the first times I appear on
an issue such as this.

And I don't know what the hopes in
hell are of trying to have a change made after it's
been put on paper, but I'll hold you to your word.

THE CHAIRPERSON: And that's fine.

I'm prepared to accept that challenge, if it is,
because that's the way the process goes.

I think what -- if I understand
your doubts is that once the EIS is put together
you're saying it's already been carved in stone.
It's under way.

What we're telling you is that
this is an impartial panel that we will evaluate
all the information now and subsequently, and
eventually make a totally impartial and independent
assessment based on -- it's not been pre-ordained.

MR. SPINNEY: Okay.

THE CHAIRPERSON: I mean, all we
can do is give you our word on that, and you'll
have to judge it as you see it come forward.

MR. SPINNEY: Yes.

THE CHAIRPERSON: But -- and if
you go and scrutinize the Terms of Reference,
you'll see what I mean in terms of the process.

So what I'm trying to say is that
all of your concerns have been registered. I'm not
suggesting that -- they're all valid as far as
you're concerned. They've been absorbed, and there
is a process that will deal with them.

MR. SPINNEY: Yes.

THE CHAIRPERSON: And we will do
our best. That's all I can tell you.

MR. SPINNEY: Thank you very much.

THE CHAIRPERSON: And I thank you
for coming forward.

Now, having said that, are there
any comments or questions or input that -- here
anyone from the audience would like to offer?

It was a very thorough list that
you presented. There is one here. Just Lucille
will bring a microphone over to you.

Oh, Mr. Spinney, don't go away.
We want you close by in case you want to respond.

MS JAMAULT: Christine will be
speaking in French.

THE CHAIRPERSON: We have a
translator who will come and translate.

MS I GOT: Well, I can translate
for myself.

C'est que je m'appelle Christine
I got and je désire m'exprimer en français. Je suis tout à fait d'accord avec la présentation de Monsieur et je pense pour les guides, pour le "draft outlines" peut-être qu'il fait référence à 9.2.3.

He's making reference to 9.2.3 for commercial and recreational fishery.

Où on ne fait pas du tout mention de l'eau de ballast.

We make no mention of the study of ballast water in that particular document.

Donc s'il y a une recommandation, peut-être, à faire pour le document c'est qu'on inclut ceci pour l'étude.

That the -- that we would include talking about ballast water in this part of the document because it is not specifically mentioned.

THE CHAIRPERSON: Okay. Fine.

MS Igot: C'est ce que je voulais dire. Merci.

THE CHAIRPERSON: That's all you wanted to say?

MS Igot: Well, I have other things, but I think I'll -- I might wait till a more appropriate time.
THE CHAIRPERSON: Okay. Fine.

MS IGOT: Okay. Merci.

THE CHAIRPERSON: Is there anyone else who has any -- yes.

MR. HAYNES-PATON: Tom Haynes-Paton.

With regard to Mr. Sweeney ---

THE CHAIRPERSON: Spinney.

MR. HAYNES-PATON: Spinney. Mr. Spinney's remarks, I'm wondering -- you're saying that when the proponent turns in their impact statement if Mr. Spinney and others disagree with that and say, "I'm sorry. You have to rewrite it," is it 100 percent sure that they will rewrite it in the way Mr. Spinney wishes them to, meaning including the common knowledge of the fishermen, not just the professional DFO people?

Is that written in stone, or is that simply another recommendation that could well be lost in the hearings at that point?

THE CHAIRPERSON: No, it's not written in stone. What it means is that when the EIS is -- has been formulated and it's presented to the communities, we'll accept written comments from the community and then there will be public...
meetings, and that information will come forward much in the form that it is here.

So, in effect, Mr. Spinney will be speaking to us, making an argument that it's not sufficient and then we will have to evaluate that and go from there.

MR. HAYNES-PATON: And that could well be lost and, in fact, the proponents could well not be required to return to the fishermen.

I guess I'm hearing Mr. Spinney say he would like a very clear amendment, an added amendment to these guidelines saying the proponent must go -- perhaps 50 percent of their interview and their gathering of materials must be from the primary source, from the fishermen, and that that must be part of the first stage, not some later catch-up stage when it may or may not be followed through.

THE CHAIRPERSON: That's fair enough.

We certainly can take -- that is your advice, Mr. Spinney, to us?

I mean, the words you used were fishery studies should be validated by fishermen.

Now it's suggested to me that what you were saying
was that the -- any study should be, in part, generated by the fishermen.

And what I'm hearing over here is a kind of compromise.

How do you feel?

MR. SPINNEY: Well, you're dealing with the fishery. We're not dealing with a quarry, all right. The quarry is on land and it's going to have its side effects right there.

But the -- what about everything concerning the quarry into the ocean? The blasting -- I'm sure it has an impact. It has to have an impact. It has an impact on humans, and we grow immune to planes flying over us and all that kind of stuff. We think we do, but I still think it has an impact.

So why shouldn't we be in on the ground work when the guidelines are being drawn up or when the results are being drawn up?

We're left out of everything.

You know, we get stuff from Ottawa coming down to us even though there's an advisory process. The advisory process is the pits. It's just a name.

And it comes down as a finished
document from Ottawa, and then it comes to the
advisory committee, "Oh, you guys gotta like this."

We're saddled with it. There's no
changes. To try to change a policy or anything
that we deal with in fisheries, it takes years and
years and years, and it falls on deaf ears and we
get burnt out. We just throw our hands up in the
air and say, "Forget it."

THE CHAIRPERSON: So everything I
said before is -- the process is still as it is,
but what you're suggesting to us now is you're
making a substantive suggestion to us that the
guidelines should specifically say that the
proponents, in developing their model of the
fishery or the impact of the fishery, should, in
fact, engage or enlist the services of fishermen.

MR. SPINNEY: Yes.

THE CHAIRPERSON: Okay. Very
clear. Thank you.

And thank you for your assistance.

DR. MUECKE: I'd like to just
assure everybody that information will not get
lost. I mean, we will take everything into
consideration.

THE CHAIRPERSON: Are there any
other comments to Mr. Spinney? A question directed to Mr. Spinney?

MR. WALLACE: A question and comment to the panel.

THE CHAIRPERSON: Now, at this particular point we're really trying to direct comments to him and ---

MR. WALLACE: It links with one of his issues is the only -- it's a direct link.

THE CHAIRPERSON: Because I'm going to give you a chance in a few minutes anyway to speak on your own if you want to, anyway.

MR. WALLACE: This would be to back up -- not so much as a question. Bill Wallace, Church Point.

The speaker, Mr. Spinney, spoke to the issue of ballast water importation -- importation of invasive species with ballast water.

THE CHAIRPERSON: Correct.

MR. WALLACE: There are international protocols and regulations concerning ballast water exchange that are fairly recent. They might be an appropriate criteria to incorporate into the EIS guidelines which would then encourage the proponent to show how he's going

Drake Recording Services Limited – Certified Court Reporters (Serving Atlantic Canada Since 1983)
to meet these protocols.

They're not common knowledge in
the inshore fishery, but they're very much a fact
of life in international shipping.

THE CHAIRPERSON: Yes. It's a
subject -- ballast water and invasive species is a
subject in great turmoil right at the moment, and
documents are being altered all the time.

Your suggestion to us is that we
should visit the document -- some of the latest
documents.

Do you have a specific one you
want to mention?

MR. WALLACE: Not with me, but I
can provide that to you.

THE CHAIRPERSON: Would you
provide that to Steve?

MR. WALLACE: Yeah.

THE CHAIRPERSON: And you're
suggesting that we should visit that document and
use some of the criteria ---

MR. WALLACE: See whether it is
appropriate and applicable to the transport route
that the proponent is planning to use.

THE CHAIRPERSON: Yes. Thank you.
Anyone else that has anything to offer? If not, then thank you, Mr. Spinney.

We're now at the third presentation, which would be Janet Larkman from the Western Valley Development Agency.

SUBMISSIONS

MS JANET LARKMAN:

Thank you, Dr. Fournier and panel.

As you said, my name is Janet Larkman, and I'm Executive Director of the Western Valley Development Agency. That's the regional development authority for Digby and Annapolis Counties and so, consequently, the economic impacts of this proposal are of great interest and concern to us.

So that will be the main area of focus of my comments, is the section in the EIS pertaining to economic impact.

In terms of context, I'd like to just state that the region has been recognized as unique in the world, in large part because of its citizens' record of placing a strong value on the interconnectedness of a healthy environment, economy and community.

And examples of this outside
recognition include recognition by UNESCO that the Digby Neck and Islands area is a paradigm of a North Atlantic community that is developing community driven solutions to address the impacts of global change.

UNESCO has also recognized the region of Southwest Nova as a whole as a world biosphere reserve, one of only 11 such areas in Canada that have been so designated.

These designations reflect the value placed by the people on finding locally driven solutions to economic development with a healthy environment and strong communities at the core.

We therefore ask that the EIS address the impacts of the proposed quarry on the health of the environment, economy and communities of Digby Neck and Islands, and the region as a whole, as integrated and interconnected elements. And I think this is an important point to make in the EIS.

There are various elements of economic impact study that are to be done, but at no point does it actually indicate that these should be addressed in an interconnected way.
To effectively address this, we would propose that the concept of full cost accounting be introduced to address the net benefits of the quarry to the region, and we would suggest that in developing an appropriate framework for a full cost accounting it would be useful to refer to the work of Dr. Ronald Coleman and GPI Atlantic.

This group has created the genuine progress index specific to Nova Scotia as an alternative to the practice of equating progress with economic growth alone.

And I'm just going to briefly quote from GPI Atlantic:

"The GPI links the economy with social and environmental variables to create a more comprehensive and accurate measurement tool. The GPI accounts for the value of human, social and natural capital in addition to standard measures of produced capital and assigns value to assets like population."
health, educational
attainment, community safety,
voluntary work and
environmental quality."

And GPI Atlantic has developed 22
indicators, which I will provide a copy of to the
panel. We would suggest that those 22 indicators
be considered as part of the full cost accounting.

Now, there are some specific areas
that we would like to have address in the EIS, and
I'll begin with jobs.

Jobs, obviously, are an important
part of economic development, so they are of
interest to us.

Our understanding of quarries of
this scale is that, generally, they employ
approximately 5 to 10 heavy equipment operators on
site. This may not be the case for this proposal,
and we'd be interested to know specifically what
kind of job numbers are being proposed and what is
the duration of those jobs.

And I'm not talking so much about
the construction phase, but the actual
implementation of the quarry phase.

We would be interested to know
whether or not residents of the local communities, that's the communities most affected by the quarry, will be given priority in the hiring process.

And I understand that, generally, these jobs are highly specialized so, therefore, I would ask that if specific skills are required, will local residents be given opportunities for training.

We would also be interested to know if there are new jobs being created, will there be others that are lost. In other words, what will be the net increase or loss in job creation?

Other aspects on this same theme will consider potential and existing business development opportunities that could, down the road, create employment that may or may not be impacted by the quarry.

We would like the EIS to address a number of points under this theme, including but not limited to developments that are currently under way to enhance ecotourism and ecological research capacity, diversification of the fisheries, including potential harvesting, processing and aquaculture developments.
We're interested in addressing manufacturing opportunities that are currently being pursued, including the manufacture of newly developed technologies.

The impact on construction and real estate, including lifestyle and retirement investors that potentially are coming to the area or are interested in coming to the area.

And opportunities for remote or off site employment through telecommunications technologies. And on that last point, I think it's important for the EIS to address the notion that jobs or employment opportunities that are not site specific tend to be related to quality of life.

In other words, will the quarry have an impact on the decision making process that people go through in choosing whether or not to relocate to the area or to remain in the area?

Given that there are many new developments being explored and pursued by entrepreneurs and organizations in the region, we would like to know the methodology that the proponent will use to inventory those developments and assess their potential opportunities given that not all of these developments are currently in the
public domain and then, of course, to address
whether or not the quarry will impact positively or
negatively these various opportunities.

The second section is in the area
of ecotourism.

The emerging tourism industry on
Digby Neck and Islands is almost exclusively nature
based. The region has established an international
reputation as an ecotourism destination and is home
to unique land and marine ecosystems.

The region provides visitors with
unparalleled opportunities to view migratory birds
and marine life including, of course, the
endangered right whale.

The region expects to be the
future home of a Bay of Fundy discovery centre,
which will serve as a tourism draw and a vehicle
for education and research.

So our question is, what will be
the impact on tourism? And we would like for this
question to be answered not only in terms of the
tangible impacts such as view planes, which is
mentioned in the document, both land and sea. We
would like the sea to be added.

But also, we would be interested
to know how this is -- how the presence of a large quarry is going to impact on the perception of Digby Neck and Islands as an ecotourism destination and will that alter people's intentions in terms of tourism visitation and will it have any impact on the commitment of investors in investing in new tourism related infrastructure in the future.

The next section which has been addressed quite comprehensively by the previous speaker, so I apologize if I'm repetitive, but I'd like to go through it anyway.

In the area of fisheries, there are some areas that are of particular concern to us. First and foremost is the ballast water issue.

We are aware of many other examples, one of which is the introduction of zebra mussels in the Lake Ontario ecosystem in the 1980s through ballast water, and the zebra mussels in that context have had an impact on plankton which is critical to the marine food chain, and they have also interfered with the generation of hydroelectric power.

This particular problem has proven to be very expensive and complicated to address.

So we're very interested to know
what will be the impact of depositing ballast water
into the marine ecosystem in the Bay of Fundy and
how will that, in turn, impact on the fisheries and
etourism industries, both of which are dependent
on a healthy marine ecosystem.

The second one is sediment. If
sediment from crushing and washing rock is not
completely contained -- this was also mentioned by
the previous speaker -- and is thus introduced into
the Bay of Fundy, some species affected may be sea
urchins, which require sediment and particulate
free waters to continually flush their systems.

The harvesting of sea urchins is
presently a component of the Digby Neck and Islands
economy, and there is potentially an opportunity to
develop a sea urchin processing plant which could
provide additional employment down the road.

So we're interested to know what
the impact of the quarry would be on the health of
sea urchins and how that would impact on future
developments in that segment of the economy.

And third in the section of
fisheries is blasting.

We'd be interested to know if
residues associated with blasting could seep into
the ground water or the marine environments in Bay
of Fundy and, if so, how will that impact on the
health of the marine ecosystem.

And how will noise and vibrations
associated with blasting impact on the health of
those marine environments?

The next section to address, and I
know that it is noted in the EIS but would just
like to highlight, real estate and how this will
impact on property values but also, similar to the
question about tourism, will the presence of a
quarry have an impact on people's perception of the
quality of life in the region and will that have
any sort of impact on real estate purchases and
construction related to real estate.

The next section is royalties.

Despite the fact that rock is a
non-renewable resource, similar to oil and gas,
there is no legal requirement, to our knowledge,
for a company that extracts that resource to
compensate a community with royalties or a share of
the profits.

However, we do know that many
companies offer voluntary royalties or other forms
of financial compensation to communities as a way
of demonstrating good corporate citizenship, so
we're very interested to know what the specific
plans of Bilcon Nova Scotia might be in this
regard.

And then, finally, future plans.

I know that questions around the
Chapter 11 of NAFTA issue have been raised by other
speakers, but we're just specifically interested in
knowing how that issue will influence future plans
for future expansions of basalt quarry within Nova
Scotia.

And in closing to my comments, I
would like to make reference to a process that our
organization undertook a few years ago to consult
with the communities of Digby and Annapolis
Counties on what the individuals residing in our
communities envision for the future both in terms
of economic development and in terms of the kind of
community that they want.

And we conducted a fairly
extensive consultation process with broad community
input.

We took that input and developed a
Our Future," which was published and, just a side comment, was acknowledged by the Economic Developers Association of Canada in 2000 as being the best strategic planning document in Canada at that time.

And it's been used as a foundation of our work in the community, so I would like to close with some direct quotes from that document and would like to invite the proponent to consider some of the intent of that document in their preparation of the EIS:

"For the better part of this century, we have exported our natural resources and our raw materials to other points around the globe, where they have made others wealthy. The communities of the Western Valley Region embrace the concept of sustainable development at its most fundamental level. If we do not practice positive stewardship of our environmental inheritance, we
will never build an economic
future for ourselves or our
descendants. Communities
across the Western Valley
Region are united by a desire
to see future economic
activity carried out in a way
that protects, preserves and
promotes our ecological
heritage. The residents of
our region wish to see
environmental ethics and
concepts of sustainability
incorporated into every
decision, into every
discussion about our region's
future. They also expect to
see this comment articulated
to the larger world in a
forceful and effective
manner."

Thank you.
The CHAIRPERSON: Thank you very
much. That was also an exhaustive list, and I do
have one question for you.
And that is, you were talking about full cost accounting. You mentioned Dr. Ronald Coleman, GPI Atlantic, then you mentioned 22 indicators.

MS LARKMAN: Yes.

THE CHAIRPERSON: Are those indicators their attempt to quantify ---

MS. LARKMAN: It's -- the GPI system that GPI Atlantic has developed is specific to Nova Scotia at this point, but the intention is for it to become a model that can be used by other jurisdictions around the world to try to understand an economy by taking into account measures that include social, environmental and economic activity.

So they've developed a framework that includes 22 components.

That framework is available in the public domain. They have a fairly extensive web site and have published many documents using that framework as guidelines.

So I'm not actually asking that that be a requirement of the proponent to use that, but just offering that as an existing model for conducting a full cost accounting.
THE CHAIRPERSON: Okay. Thank you very much. Jill?

DR. GRANT: Just above the vision statement, the Vision 2000, are you submitting that as part of your written submissions?

MS LARKMAN: Yes, I will.

THE CHAIRPERSON: Oh, you will.

And those documents you're reading from as well?

MS LARKMAN: Yes, I will submit -- I have some scribbles on this, so I'll send you a clean document.

THE CHAIRPERSON: Oh, no, that's fine. But by the 21st.

MS LARKMAN: Yes.

THE CHAIRPERSON: Gunter?

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

THE CHAIRPERSON: So are there any questions from the audience that you would like to direct to Ms Larkman?

Oh, there's one in the back here.

MR. FARNSWORTH: Yeah. I'm familiar with this mapping of the Bay of Fundy on the different species. I just have a question as to whether or not it's completed yet or is it still
ongoing?

If I'm not mistaken, I think it's still ongoing. I don't know if it's completed yet.

THE CHAIRPERSON: Anyone else would like to ask a question or interface?

If not, then thank you, Ms Larkman.

We had three people requested to make formal presentations and we're at 2:30, which is about halfway through the allotted time. What we've done in the past is to take a break of about 10 minutes to stretch your legs, use the washroom and just chat if you want to.

We'll then come back in 10 minutes' time and we'll ask you if anyone wants to come forward so that anyone who has not registered, feel free to come forward and make a comment.

We'd like the comments directed as much as possible to the guidelines, but it's an opportunity for anyone who is here to offer advice to us with regard to this process. Okay?

So we'll take a 10 minute break, we'll come back, and then we'll resume and see how far it goes.

--- Short recess at 2:30 p.m.
--- Upon resuming at 2:40 p.m.

THE CHAIRPERSON: During that brief break three people came forward to indicate they wanted to speak, and two of these people have spoken at a previous meeting but, once again, it's the same situation as with the earlier speaker, which is that they spoke representing organizations.

Now they say they'd like to come forward and speak as individuals.

MS INGOT: I would like to speak, too.

THE CHAIRPERSON: Oh, that's fine. After these people have spoken, I will then invite anyone else to come forward if they choose to, so the first person we have on the list now is Harold Rowe.

And Mr. Rowe spoke on behalf of bed and breakfasts, I think, last time.

SUBMISSIONS

MR. HAROLD ROWE:

No. I spoke last time from some notes I took at a kitchen meeting of the tourism people on Digby Neck and Islands.

The tourism committee is a
committee of Digby Neck Community Development
Association, of which I'm also a member.

THE CHAIRPERSON: I see. Now you're speaking as Harold Rowe.

MR. ROWE: Yes. I came -- I got up this morning about 4 o'clock and I had these thoughts going around in my head, and I sat down at my word processor and I felt I had to get them down on paper, so I'm going to spill them out.

There's a lot of emotion in this and whatever.

So, first of all, as I said previously, I was astounded at how little attention is paid in the draft guidelines to the tourism industry, which is the second most important one next to the fishing industry on Digby Neck and Islands.

The first mention of tourism is in Section 8.2.6, where the guidelines say that:

"The proponent should discuss the level of existing and planned recreation and tourism activities."

My question is, how can the proponent possibly do this to our satisfaction when
they are -- have been unwilling to talk to us in a
civil manner about our businesses and concerns.

At no time in the process so far
has the proponent made any attempt to talk one on
one to us or to any other operator in the tourism
business, for that matter.

The citizens liaison committee
meetings have been carried out mainly because the
proponents were required to do so. They have
resulted in hurt feelings because of put downs of
local people by employees of the proponents.

The proponents have acted like
colonizers, giving one the impression that "these
local yokels don't know anything. We alone have
the facts."

In my opinion, the community
liaison meetings have been an extremely useless
exercise.

Yesterday, when I approached Mr.
Buxton and the two others who were with him at the
intermission at the Wolfville meeting, I was
treated with scorn.

When I inquired about how they
thought the meetings were going, Mr. Buxton asked
me, "Where did you earn your living?" When I
replied, "In Canada, of course," he asked, "Where in Canada?" When I replied, "Mostly in Ontario," he said, "Well, that proves my point. The people who are speaking out against the quarry are not the people who were born here. They are people who have moved here from away."

He went on to ask me, "How did you get to this meeting?" When I said, "I drove my car down here, of course," he said, "Where do you think the asphalt -- or the particulate comes from that goes into asphalt that builds the roads?"

My reply was another question, "How much of the rock to be taken out of the quarry will be used on our roads?"

His reply was another question, "Where do the fishermen sell most of their lobsters?"

Surely there's a difference between marketing a renewable resource and removing the bedrock of Digby Neck.

Next, one of the three of them said, "If the people on Digby Neck are so against the quarry, why have we received so many applications for jobs?"

My question was, "How many have
you received?" Mr. Buxton replied that I could find out when I read their response to the EIS guidelines.

I then asked, "Why is this such a big secret?" He replied that the number was 215, of which at least two-thirds of them were from Digby Neck.

You may well be asking at this point, "Why are you telling me all this?"

The answer is that the proponent just doesn't get it. The people down here, whether they've been here for a short or a long time, don't want this proposed mega-quarry and marine terminal. It would be disastrous to our two main industries, fishing and tourism. It would destroy our way of life.

It has already started to do so.

It would destroy our beautiful ecotourism area, which has been recognized the world over, if not by the corporate interested in the United States.

I'll be interested in how the proponent will discuss the level and value of the existing and planned recreation and tourism industries on Digby Neck and Islands.
The next section in the guidelines that concerns tourism is Section 9.2.6, Recreation and Tourism.

This section asks the proponent to describe the predicted effects with rationale the quarry development will have on recreation and tourism, and it goes on to say:

"Include a discussion of the effects of the quarry operation on the landscape aesthetics and view planes."

What a superficial treatment of this whole topic. The quarry operation is going to have a negative effect on the world view of our pristine area.

It is already having this effect, and the draft guidelines or whoever wrote them wants to make sure that the proponent tells us about landscape aesthetics and view planes. What nonsense.

The proponent should have to address the issue of how this mega-quarry operation is going to affect the world view of our entire area from a tourism standpoint.

Ask the tourists. The operation
of a quarry on a strip of land that is recognized
the world over as an ecotourism marvel and a place
to escape the blackboard jungle such as the one
that the proponents come from will destroy our
beautiful area forever.

No amount of mitigation will
repair this and should not even be talked about, in
my opinion.

The operation of a mega-quarry and
marine terminal on Digby Neck has absolutely
nothing to do with creating jobs for the local
people.

It has everything to do with
globalization and some Americans' theory that they
can do what they want, where they want, for their
profit.

They have the misguided Free Trade
Agreement to back them up. It's all about making
money and to hell with the effects on the people
and place where they are making it.

You must understand the emotion
that went into spilling my thought out on these
pages. The thoughts come not only from my brain,
but from my heart.

Sure I moved to the end of Digby

Drake Recording Services Limited – Certified Court Reporters
(Serving Atlantic Canada Since 1983)
Neck from Ontario just six years ago, but who cares? Certainly not the residents down here, whose families have lived here for generations and generations and have accepted me and my wife with open arms.

It's astonishing that the proponent would stoop to using the fact of some people who have moved to Digby Neck being against the quarry as an argument for the quarry.

This is the old colonial theory of divide and conquer, and will not work, in my opinion. And after all, the proponent is the one that is using our government's views on globalization and free trade to do what they want, not us.

Thank you very much.

THE CHAIRPERSON: Thank you, Mr. Rowe. Mr. Rowe, are you going to give a copy of that?

MR. ROWE: Yes, I am.

THE CHAIRPERSON: And anybody wanted to question Mr. Rowe?

DR. MUECKE: Mr. Rowe, would you like to give us some specific ideas of how you would like our document -- the document ---
MR. ROWE: Well, I think they're in here. I think if you read this -- I went through it fairly quickly, but I think if you read through this I've addressed both items.

And if you -- I'm not about to be as presumptuous to try to put language that should be included in the EIS guidelines. I think you can -- you gentlemen who have a little more education than I do should be able to arrive at the words that will express my sentiments for each of the sections that I've mentioned in here.

I don't know if that's -- you feel that's cropping out, but ---

DR. MUECKE: No, no. That's fine.

Thank you.

THE CHAIRPERSON: The next person to speak is Matthew Granger, who represents the Green Party of Canada.

MR. MATTHEW GRANGER:

Hello. Thank you very much for having me here today. Some of you probably had the pleasure or displeasure of listening to me back in June when we had our federal elections, and I stated then that I was opposed to blowing up the...
Digby Neck and putting it on to one of Mr. Martin's boats and taking it to the States.

I remain dedicated to that cause.

I have come all the way up from Yarmouth. I have many friends and neighbours who are fishermen in Yarmouth, and we all know that the fishing industry is Southwest Nova's No. 1 industry, followed closely by the tourism industry.

And tourism is No. 2 right now, but the day may come when tourism is No. 1.

I think it's rather appropriate that we sit here in the Meteghan fire hall and that Digby Neck is in view as we look out the window.

There is only one in the world, and we are lucky enough to have it right here in West Nova.

I am trained as a geological technician. I know a little bit about geology. I happen to know that the basalt that is in the Digby Neck is one of the most common rocks on the planet, and the only reason they want it from there is because it will be cheap to put it onto a boat and ship it to where it needs to go.

One of the disadvantages of speaking so late in the day is that many of the
things that I have down on my list to say have
already been said, but maybe that's an advantage
because that makes me realize that there are very
intelligent people right here who see the problems
that lie ahead with this.

And the biggest problem has been
mentioned numbers -- a number of times, and that is
non-indigenous species in the ballast water from
boats.

Someone mentioned that there are
new protocols now for the ships to dump their
ballast water at sea where it won't have an effect
on the local ecosystem, but even these new
initiatives are flawed because if, in the Captain's
opinion, is it unsafe to dump the ballast water at
sea, he can then dump it at port when he arrives
safely.

All it takes is one discharge of a
non-indigenous species and not only are the fish
stocks of Digby Neck and Meteghan threatened, this
could be something that affects my friends and
neighbours all the way down in Yarmouth.

The time to act is now. We can't
wait until we open the Pandora's box. It'll be too
difficult to rectify the situation.
I think that if we have 25 more years of whale watching on the Digby Neck and people who are here to enjoy its natural beauty, that will bring far more money to the local economy than any sort of mining operation is going to do. I'd just like to make one more point on the bilge water.

A couple of weeks ago, if anybody watched a program "Land and Sea" you would have noticed that the Bras d'Or Lakes in Cape Breton have faced a similar problem.

An actual acquaintance of mine invested his life savings into a mussel farm and, at the same time, gypsum was being mined from Cape Breton.

The boats were coming past his mussel farm and it takes four years for the mussels to come to market size, and he waited his four years, opened his mussels up and realized there was nothing inside them.

And the disease was known to exist in the Chesapeake Bay where the ships were coming from to pick up the gypsum and, although he couldn't prove that those boats had brought this non-indigenous species, he lost everything and they
SUBMISSIONS - Granger

didn't have to pay him any compensation whatsoever.
And this type of thing could very
easily happen here.
And the thing that scares me is
what can happen that we can't foresee right now?
What have we all missed today that in 10 years'
time we are ruing the day that we allowed mining to
take place on our beautiful Digby Neck?
Thank you.

THE CHAIRPERSON: Thank you, Mr. Granger.

DR. GRANT: Are there any specific
suggestions of things that you want us to add to
the guidelines that you think haven't been ---

MR. GRANGER: Yes.

DR. GRANT: --- covered by anybody
else?

MR. GRANGER: An infallible bilge
water exchange program, which is impossible to
implement, so I basically can't see how this could
ever work with guarantees.

THE CHAIRPERSON: You mean ballast
water. Not bilge water, ballast water.

MR. GRANGER: Sorry. Ballast

water, yes.
I can't see how it could proceed and give us that assurance that this will not happen here.

DR. GRANT: Thank you.

THE CHAIRPERSON: Anybody, comment from the audience?

We have Terry Farnsworth.

SUBMISSIONS

MR. TERRY FARNSWORTH:

Yes. My name's Terry Farnsworth, and I guess I'm speaking as an individual today.

THE CHAIRPERSON: Mr. Farnsworth spoke earlier as representing a fishermen's group.

MR. FARNSWORTH: Fixed Gear Council. And with my involvement with management and as a husband and as a father and a number of things in the community, I'm speaking as an individual today.

Mr. Chair, to the panel and all who are listening, politicians and all that are concerned with what I have to say today.

So many times it's the little things that are often rejected, nevertheless, I speak.

It's hard to take part in a
process that you can neither be able to say yes or
no. It's even harder when we hear common sense is
not being used.

But let's be more clear. Who can
say that the air emissions put out won't, in fact,
affect the other side of the planet? From the
beginning of time sail ships followed these air
currents around the world.

Other examples of fires out west
have made its way, the smoke, all the way to our
Bay of Fundy. How can we say because we have the
strongest tides in the world that all the nasty
things will just wash out there somewhere and
everything will be okay?

We all got some hard facts to face
at some point, and my feeling is that's going to be
very global.

Looking at science, very much so
to me it's like when they give a weather forecast
or maybe something worse, like maybe they'll give
you their horoscope. Sometimes they get it right.

Sometimes they get it right, yeah,
and we ask ourselves, is this science, fact or
fiction or is most of it common knowledge, even
better term, let's say common sense would be better
use of word and definition.

The weather jet stream that runs
across Canada and along the coast, the storm
follows these currents, interacting with tide and
all the moving things when life forms.

I've come to realize a very wicked
thing, why we don't much trust in our politicians
and the events that prevail. In my opinion, it's
not impossible for a government to say, okay, it's
all right to do this or that here as long as you
take part in restoration somewhere else.

In my opinion, in the case of
seeking or researching excess on track records and
so on and so forth, it would be difficult to
address these concerns even if it is my opinion of
concern.

Straight from the heart, you know,
there has been a lot of curves taken and we must
take this process very, very careful.

You know, I attended one meeting
on Digby Neck, and I said, "How can it be? I'm a
hand liner. I signed a waiver and contract. I
need a hail out number. I need to call observer
company, dockside monitoring. All this cost --
download costs and everything that the world don't
want to take care of has all been through in our lives."

And because I love fishing and because it is my life, I wanted to be part of the resolution. And so, by golly, we become a part of the resolution in order to have excess to be able to go do something common as hand lining to make a living.

I have more costs now to do something as simple as making an honest living with hand lining than I ever looked at in my life to which we are landing a product at the wharf that we don't even know the processed value of it. Thirty cents ($.30) for pollack and so on and so on and all this wharf fees.

The list goes on and on. I have all these costs. I have all this monitoring and I have all these oppressions. And when I confront the component that hasn't got a very good track record here in the community already, not from the day I saw that dear old lady with the tears in her eyes in the paper where she was being charged for standing up and having a social say of opinion and feeling and concern.

That picture was not a very good
picture, I gotta tell you, for anybody that opened it up is not a good track. And I hope when they're looking for track records, they take that one because that is something we see.

When we're talking about looking at the big picture about the wind currents, that carriage of smoke all the way from out west to the Bay of Fundy, that wasn't just an opinion. That is not something that can be ignored because we've seen the smoke from that fire.

So everything that we do here, we must take the precautionary approach. I don't think this community can handle any more curves.

Not too -- with politicians, not with fancy words or change in politicians' face or change in parties or anything. The infrastructure now in the world is a very different one than we once knew.

So I guess I realize that you guys are trying diligently to go with the process in trying to find, yes, we must focus on doing things to prepare guidelines, but when I asked that gentleman about monitoring, he said they're just guidelines.
to me you could take it or you can leave it, and
that wasn't a very good demonstration.

How is it our own federal
government of Canada has some back door entrance in
the shipping industry? They can get by taxes or
whatever, and perhaps I'm getting a little bit
biased here. Someone probably could take it as
being biased, but I'll back up a little bit.

He's admitting he's got guidelines
to the rafters that he can either take or leave.
We certainly know guiding lines, guiding
principles, code of conduct, all these things are
supposed to be something that we're going to
practise.

We know it hasn't been practising
with raising cows. We know it hasn't been
practised with raising chickens. And we know it
ain't been practised in some cases with health
care, and on and on and on we see this rupture. We
see all the curves.

So I only hope that the God given
talent that's in this room and beyond are fished
out, and because we are talking about -- you know,
it makes me nervous to hear people talking about
compensation and all the rest of that that can be
taken as somehow you're admitting, perhaps, or
leaning a little towards, yeah, they're accepting
that a little bit.

But you gotta understand what I
been through in the fisheries.

THE CHAIRPERSON: Mr. Farnsworth,
your comments are all valid, but they're -- you're
really off track and I sense that they're
important, clearly, but relative to the task of --
I mean, you've mentioned precautionary principle
and emphasized it, and that's certainly a valid
point, but do you have specific advice for us that
we can use that we can -- that would help us to
modify these guidelines?

MR. FARNSWORTH: Well, I guess, if
nothing else, I've had my opinion as a civilian on
this.

I mean, I realize that there's not
much we can put trust into these days and I realize
at some point there would be a media presentations
on all this, but I hope that we have a support in
our community that can counter-suit all of our
concerns.

THE CHAIRPERSON: We appreciate
your input. We really do. But as I said, our task
is a bit more sharply defined than what we've been hearing, so ---

MR. FARNSWORTH: You know, if nothing else, maybe you don't have what you need for your guidelines, but hopefully I've given the people that are listening something to think about when they're talking about guidelines.

Thank you.

THE CHAIRPERSON: Thank you.

Anybody have any comment? No.

This lady over here has expressed an interest in speaking.

SUBMISSIONS

MS CHRISTINE IGOT:

My name is Christine Igot, and I live in Saint Bernard. Et je vais m'exprimer en français, and I'll do my own translation.

THE CHAIRPERSON: Okay. If you wish.

MS IGOT: It's just as easy.

THE CHAIRPERSON: All right.

MS IGOT: Alors, tout d'abord vous avez dit au début que vous êtes un comité impartial, et ça c'est très bien.

THE CHAIRPERSON: Could you come a
little closer?

MS IGOT: Alors, vous dites que vous êtes un comité impartial, mais nous savons que le promoteur n'est pas impartial, donc je me demande si vous avez un -- quelle garantie vous pouvez nous donner que le document fourni par le promoteur sera impartial.

So when we met this afternoon, you introduced yourself as saying you were an impartial joint committee, which I trust that you are, but we know that the proponent is not impartial, obviously, so how -- what kind of a guarantee do we have, first of all, that the document that will be proposed by the proponent will be an impartial document?

Is there any guarantee as to that?

THE CHAIRPERSON: I certainly can't provide you any guarantee.

I mean, the process that we're using in this overall process is one which has been used many other times in many other places in Canada. This is certainly not the first.

The steps involved are steps that allow a kind of orderly progression because it's clear that in all these other cases there are two
sides.

There are people who want something to happen and people who don't want something to happen.

The Joint Panel was brought together to bring three people who have no vested interest. We have some experience. We have no vested interest. And we've been chosen because we've satisfied the people who chose us that we are impartial, that we will bring an honest, fair, unbiased judgment to this process.

The guidelines are instructions to produce the EIS. We did not prepare them, but we will, in fact, modify them based on documentation and these presentations, of which we've heard a great deal of information over the last four days.

Those guidelines, once modified, will go to the proponent and then it is the proponent's task to adhere to those guidelines. He doesn't -- he or they don't have to, if they don't want to, but, of course, the resulting document will reflect that lack of consideration.

That document then will be evaluated by us. It'll be evaluated by some government agencies. It'll be evaluated by the
public.

So at that time, our ability to determine where this project is going to go and how it deals with social issues or the precautionary principle or a whole host of factors that have been raised, that's where we will judge the process.

In other words, we're putting together the guidelines which we think best reflect the interests of the community. They will then have a chance to respond.

Their response is the EIS, and as I said earlier today, you're going to get it back. you're going to have a good look at it.

If, in fact, it measures up, we move on. If it doesn't measure up, we'll try and make corrections. If it still doesn't measure up then, of course, there are difficulties.

MS I GOT: Je crainte est que les documents que le promoteur vous présentera ne comprendra pas les documents, les études qui ont déjà été faites par les associations.

I'm afraid that the documents that will be sent back to you by the proponent to study after the guidelines have been approved and they have gone on to do their work that the information
and the studies that they will go and get will not
include studies done by, as you were talking about
the fishermen earlier on.

You yourself said hopefully the
proponent will go and talk to the fishermen. There
is nothing in the guidelines that says that the
proponent must get documents from both sides of the
story. That means people who are for and people
who are against the quarry.

And my fear, of course, and
probably that of many other people, especially
those with associations because I'm just speaking
on my own name today is that the proponent will not
go and get documents that have been prepared
already by those people, the people on Digby Neck
who have studied a little bit about the archaeology
of the site, about those worried about, you know,
the First Nations people, as Trudy explained, and
the Acadian things.

I'm afraid that in the document
that you have, the guidelines, and that's my
specific question in regard to the guidelines is
that it says nothing in there, and I would like to
see that in, that the proponent must provide
documents to be studied by you as a committee from

*Drake Recording Services Limited – Certified Court Reporters*
*Serving Atlantic Canada Since 1983*
people representing both sides of the question.

That the proponent be obliged to use information provided by the Digby Neck Association, by fishermen, by those people. I think that that is a must in the guidelines.

THE CHAIRPERSON: Yes. But, I mean, the proponent will put together a document that it judges to be the best document for its purposes, right.

So when we get it, let's say that it is biased or incorrect or insufficient. We then have the ability to take that document and put it into various places for independent analysis.

Just a moment.

We have the ability to assess the various components so, in effect, we could even hire an expert to judge it on our own as well.

So, in essence, you're suggesting that it will come back as face value and that we take it as that. I don't think that is necessarily the case.

DR. GRANT: I just wanted to add that there's a mechanism within the process for participation from the community, so there's participant funding available to assist the
community to prepare studies that it thinks are relevant.

MS. IGOT: And those are presented at the same time as the proponent's return of the guidelines?

DR. GRANT: There are different steps in the process and I'm not sure exactly what -- there's a draft -- there's a draft response that comes from the proponent, and at that point it's -- the statement is looked at for whether there are deficiencies or not that need to be remedied, and I'm not sure whether the -- Steve can probably tell when, but we'll take a break and then we'll be able to answer that question, if that's okay.

We'll be able to expand on exactly how the process works.

THE CHAIRPERSON: So, in effect, the question -- my sense is you're seeing it in a -- you know, in a manner in which the proponent produces the document and that's the end of it.

And what I'm trying to suggest ---

MS IGOT: No, I understand that the public will be able to come back, but I understand that before the public comes back to comment on the document you will study the
document, the document that the proponent presents
to you.

THE CHAIRPERSON: Yes, but ---

MS I Got: You will be studying it
as a committee.

THE CHAIRPERSON: --- you will
have an opportunity to study it. Specialists in
the government and elsewhere will have an
opportunity to study it.

MS I Got: But shouldn't they have
an opportunity to study it -- other documents other
than the document provided by the proponent at that
specific time instead of waiting until after the
public has a chance to look at -- I mean, shouldn't
there be documents from all parties concerned at
the same time on the table?

Is that not what happens? That's
what I'm unclear about, I think.

You want to answer that question
afterwards.

THE CHAIRPERSON: Well, why don't
-- Steve, why don't you just speak to -- Steve
Chapman is with CEAA, and he understands the
logistics and he's going to amplify what Jill just
said a moment ago.
MR. CHAPMAN: [Inaudible - off mike]

THE CHAIRPERSON: Okay. So he would like to fill us in on some detail.

MS IGOT: Okay. Well, I'll go on to my third point, then.

THE CHAIRPERSON: All right.

MS IGOT: Then you can come back about that.

6.1 qui parle des limites spatiales, okay.

Spacial boundaries on 6.1.

C'est sur que tout cet histoire de l'eau de ballast -- on the ballast water question.

 Ça nous concerne tous. Je me demande si ce n'est pas possible dans les lignes directrices justement que le promoteur élargisse les limites pour aller étudier l'environnement là d'où se rechargait cet eau qui sera dans les navires, l'eau de ballast.

Then we could enlarge the environmental -- the spatial boundaries to include the area where the ballast water will be picked up so that that water can be examined, too, and be part of the environmental study that would go on.

That's one request.
And the last point I have concerning les lignes directrices, c'est 10.1, qui concerne la surveillance, which is monitoring.

That's at 10.1.

 Ça parle de l'approche proposée par le promoteur doit être écrite et aussi je me demande si le promoteur ça sera la seule personne qui va se surveiller. C'est ce que je comprend dans les lignes directrices.

Whether the proponent is going to be the only person supervising what's going on on site, and nobody needs to be told in Nova Scotia the problems we have with inspectors and people inspecting things like mines and quarries and all kinds of sites.

And I have a great concern about 52 boats a year coming here and other environmental things on site and about the monitoring of those things in terms of who from government and partially is going to monitor the goings on at the site.

We all know it's a little out of the way for the people who are from away. It's not out of the way for the people who live there,
But is the site going to be inspected once every three years, once every five years. And if we -- if it's only the proponent himself who is going to supervise, then I really don't have much trust in that myself, but that is the impression I get in the guidelines is that the proponent will be doing his own monitoring.

THE CHAIRPERSON: Well, the guidelines can direct the proponent to outline how the process will work in their best opinion, okay, but once the project is approved, assuming it is approved, the process of monitoring would be a government responsibility.

It would not be the panel's responsibility so, in other words, today we're dealing with the guidelines.

MS IGOT: Right.

THE CHAIRPERSON: And you're suggesting that you have some problems with this.

Then what we should -- what you're -- I think you're saying is that we should write into the guidelines a request to the proponent to define exactly how the various steps which the proponent is saying will come about will, in fact, be monitored.
MS IGOT: Exactly. That's what I would like to see.

THE CHAIRPERSON: Then, in the Environmental Impact Statement, you will have a response to that which will say this is how it is. And at that time, if you're still uncomfortable, that's when you respond. Okay? That's all I can tell you at the moment.

I mean, that's how the process works overall. That's how it works with regard to the fishery issues so, in other words, it's the iterative step that allows people who are interested in each of these topics to address it. And if they're unhappy at that time, they have a document that -- from the proponent that says this is what we're going to do. And if they're unhappy, they can respond to that.

MS IGOT: Okay. So now you want to take five minutes to come up with an answer for me.

THE CHAIRPERSON: Well, obviously he wants to consult with us just so that we can give you the exact information.

And while we take that three or
four minutes off, anyone else wants to speak should

give some -- you do?

You're also -- you spoke earlier,

so you're going to speak as an individual as well.

All right.

So we'll just take two or three

minutes while we become informed.

--- Short recess at 3:20 p.m.

--- Upon resuming at 3:25 p.m.

THE CHAIRPERSON: All right,

ladies and gentlemen.

We just put our heads together and

attempted to understand why we are -- you were

having this conflict, and ---

MS IGOT: It's not a conflict.

THE CHAIRPERSON: Well ---

MS IGOT: It's just a ---

THE CHAIRPERSON: --- let me ---

MS IGOT: It's just trying to

understand.

THE CHAIRPERSON: Let me explain

what we've -- we went back to the original Terms of

Reference in the guidelines, and we think that the

problem that you're having is that -- the belief

that the EIS all by itself presented on the table
is the only document that will be evaluated by the panel.

And as I ---

MS IGOT: No. I understand that's not try. I understand.

THE CHAIRPERSON: Let me continue, then.

MS IGOT: That's not my problem.

THE CHAIRPERSON: When the EIS comes forward, it will be reviewed by federal and provincial agencies. It will be reviewed by some experts, and it will be reviewed by the panel.

And when it -- in order for the process to unfold properly, the guidelines will have been given to the proponent and the proponent will be judged against the guidelines.

If, in fact, the document does not measure up to the guidelines, it won't go forward to a hearing process. In other words, it will not continue.

Only when it has measured up to the guidelines will it continue.

When it goes to the hearing process when you, as an individual, will be able to see what's going on, you'll have the EIS in front.
of you. You'll have all of the responses from the provincial and government agencies.

If there are any special experts which have addressed the document, that response will be visible to you. And anything that the panel sees as a problem will be available as well.

Now, all that information will be on the table to be evaluated at the same time.

MS IGOT: Yeah, that's perfectly clear for me.

The problem that I have is backing up just before we come to the public hearings about the document that you will all have read and will have had feedback from the different -- as you say, the different agencies.

I'm concerned about the guideline document that the proponent is going to prepare, okay, after you -- we have gone over the guidelines, the guidelines have been modified whichever way you choose to -- they are chosen to be modified after these particular meetings, goes back to the proponent and they're going to prepare their document according to the guidelines.

Right so far?

Now, the documents they are going
to use to prove their points in the guidelines, this is where I have the problem, my problem, is that the documents that they are going to produce to go with their guidelines are obviously going to be in their favour. It's logical. We all know that.

But my question is, is why can't there be, at that step -- why cannot the proponent be obliged to include in the documents to promote their project, documents that do not promote their project.

THE CHAIRPERSON: Both sides, you mean?

MS IGOT: Yeah. Is that just totally illogical?

I mean, it is because they don't want to not promote their project, but I'm concerned that the first reading of information that the committee will see, that the different government agencies will see will all be for, and it's only until public hearings come back again that an against will be able to be presented after all kinds of documents that have been read, documents that may be from associations including fishermen, including tourism associations that are
for the quarry project.

But included there will obviously
not be documents against, and the documents against
will only be presented at a later date and not at
the same time.

So that's the timing problem that
I have.

Do you understand what I'm saying?

Do you understand what I'm saying?

THE CHAIRPERSON: Yes, I
understand it, but I mean, in any other
circumstance do you -- when you make a case to your
boss or you make a case to somebody, you -- do you,
in addition to making the case, also provide all
the documentation for the case against?

MS IGOT: No, obviously not.

THE CHAIRPERSON: Well, under ---

MS IGOT: Obviously not.

THE CHAIRPERSON: --- these
circumstances I don't think that's going to be
done, either, but the experts who will review the
EIS are experts in those areas. They're experts in
ballast water. They're experts in whales. They're
experts in this.

MS IGOT: And my question is, are
they impartial experts? I'm afraid that that ---

THE CHAIRPERSON: Are they impartial?

MS IGOT: --- that that has to be -- that's a major question that all people who are against the quarry project will ask about documents being provided for the proponent is that the experts ---

THE CHAIRPERSON: But the individuals, the scientists, for example, who work in Fisheries and Oceans or Department of the Environment or university professors who are asked.

I mean, you're suggesting that there's a collusion or -- of some sort?

MS IGOT: Well, I'm suggesting that it's certainly a possibility.

THE CHAIRPERSON: I beg your pardon?

MS IGOT: I mean, I talked to Robert Thibault myself about the quarry project and he told me -- he said, "Christine, Nova Scotia's in the business of mines and quarries. Nova Scotia will have a mine or a quarry," doesn't care how many thousands of people say they are against it.

And that's -- you know ---
SUBMISSIONS - Igot

THE CHAIRPERSON: So what you're saying is -- I don't want to put words in your mouth, but ---

MS IGOT: No.

THE CHAIRPERSON: --- it sounds to me like you're saying that this is a conspiracy.

MS IGOT: No. I would not go as far as to say it's a conspiracy, and I hope that you will not include that in your remarks -- in your notices.

But I'm certainly saying that people in general don't feel confident. I mean, we feel confident about the whole idea of the process and we're very glad -- I'm sure everyone's very glad about public meetings.

But people express fear about the impartiality of the process, and that's just -- does anybody here fear about impartiality of the process? Am I standing up all by myself?

So, I mean, I just want that to be noted as a point, that the impartiality of the process is perhaps questionable.

And that is my own personal opinion, and I don't impose that on anybody else at all.
SUBMISSIONS - Igot

If anybody else wants to support me in that opinion, that's fine, but I just wonder about documents to be used and I hope that when the public hearings come, which I know they will and we will all have input to do then, and I'm very grateful for that and I'm sure we all are, that we will be able to have the opph and the money and the power to put together as important documents as the proponent itself will be able to in its quest for.

That those of us who are against -- it's a small people -- will be able to do that, and so that's -- and I know, Mr. Fournier, that you do not have an answer for me on that and that you, of course, and your committee will and are obliged to say that you are impartial, and I certainly have no reason to believe that you are not and I hope that the whole process will be impartial.

But, in conclusion, I would say that I'm -- personally am a little afraid of that, and I was wondering if, in the guidelines, there could be mention of something like that.

That's all I have to say.

DR. GRANT: I'd just like to

respond a little bit, too, if you don't mind.
MS. IGOT: Sure.

DR. GRANT: At the time at which the EIS guidelines become public, obviously there's an opportunity to for participant funding for community groups to respond to it and -- but there's also any time along the process before we get to there opportunities for the community to put information into the process.

And we will be looking at everything that comes in and considering everything that comes in, so that studies that the community may know of that they believe are relevant to the study -- relevant to this question ---

MS IGOT: And they would be looked up at the same time.

DR. GRANT: They will certainly be looked at by us at ---

MS IGOT: Okay. Well, there's an answer. That's the answer I was looking for.

DR. GRANT: --- the same time and we will be considering all of that kind of information ---

MS IGOT: Okay.

DR. GRANT: --- at the time that we make our decisions.
SUBMISSIONS - Igot

MS IGOT: Good. That clears that for me. Thank you.

DR. MUECKE: You know, just to put it in slightly different language and -- is that we will have the proponent's Environmental Impact Assessment sitting on one side of the desk and anything that has been submitted by the community, be it reports, be it outside studies, be it any material that they consider should be considered in the process that will be sitting right beside it.

MS IGOT: Okay. At the same time.

DR. MUECKE: And when we look at it, we look at both piles.

MS IGOT: Well, that clarifies that for me because I admit that in my way of thinking I was -- I assumed that we would only have the input after we came back to public hearing, so thank you for clearing that up for me.

MS BENGIVENNI: Yes. It's Trudy Bengivenni. I'd like to address a question to the speaker, Christine Igot.

Christine, I'm wondering if there would also be an additional concern that should the need arise for additional research to be done that at the point that the community would be responding...
to the proponent's paperwork that that might be a factor, that proper research -- we have no way to know in advance what kinds of issues the proponent's research will raise and there may not be adequate numbers of research documents already available that will apply specifically to those concerns.

So may I suggest that perhaps there be an additional factor, that the time frame must reflect the need of communities to assess this fully and properly with the freedom and access to time to prepare documentation.

If I may suggest that that might be an additional factor.

MS. IGOT: Well, I would -- I will filter that question through myself to the committee because I cannot, of course, answer that question.

I think it needs to be a question asked to the committee ---

MS BENGIVENNI: Your initial concern is not my own, so ---

MS IGOT: --- about time constraints.

MS BENGIVENNI: --- I'm just
suggesting it because now I do have this concern
because of what you've raised.

    It's a very valid point that I
support you wholly in.

    MS I GOT: So your point is that
the community may not have enough time to respond
to the research presented by the proponent ---

    MS BENGIVENNI: Exactly.

    MS I GOT: --- afterwards for
public hearings.

    MS BENGIVENNI: That there may not
be sufficient research ---

    MS I GOT: There's 60 days, I
believe. Is it 60 days?

    THE CHAIRPERSON: Sixty days, and
this is the planned period.

    MS BENGIVENNI: I can be even more
---

    DR. GRANT: At least 60 days.

    THE CHAIRPERSON: It's the planned
period. No less than, but it could extend out
depending on ---

    MS I GOT: Depending on whether
there's a request for additional time.

    THE CHAIRPERSON: Depending on
whether there is conformity between the EIS and the guidelines and whether the panel is satisfied that the EIS has been developed properly.

In other words, there will be judgments made along the way and only go to hearings -- it will only go to hearings after it has conformed to the guidelines that we have produced.

DR. MUECKE: And it is a minimum of 60 days. Not a maximum.

MS BENVENNI: Then perhaps I should rephrase what I've said, that will the public indeed have time to extend the deadlines if, indeed, we needed to approach a group such as Ronald Coleman's Genuine Progress Index group who requires a certain timeframe in order to provide adequate research.

Am I permitted to suggest it to the panel, or do I need to address it through Mme Igot?

THE CHAIRPERSON: Well, I think we just answered that question a moment ago.

What we said was they will be given guidelines. They will be asked to respond to the guidelines.
The document they produce will be their best guess, best estimate of their adherence to the guidelines.

We will then, through evaluation, determine whether it has or not. And if it has -- if it has adhered to the guidelines, then it will go forward to the hearings and then it will be made available.

MS BENIVENNI: I'm sorry. I must not be clarifying myself.

In the event that the -- if the proponent's research documentation is not satisfactory to the public, the public would then need a certain period of time to identify ---

THE CHAIRPERSON: Yes.

MS BENIVENNI: --- the new issues that have arisen.

And what I'm suggesting is that would -- I'm not suggesting. I'm asking would the public then be entitled to ask for an extension that would be reasonable in order to access pertinent research that would be raised by the proponent's response that we can't possibly predict or have foreseeable knowledge of in advance?

THE CHAIRPERSON: Will there be
more than 60 days? Is that what you're asking?

MS BENIVENNI: Yes.

THE CHAIRPERSON: Yes, I believe so. I believe that's ---

DR. GRANT: I would imagine that you would need to make a case and ---

THE CHAIRPERSON: Exactly.

DR. GRANT: --- make a request.

THE CHAIRPERSON: It's hard to be definitive because what we're saying is it will depend on the argument made. I mean, if the argument made is a very forceful argument, then clearly there will be more time required.

If the argument is just not so forceful, then perhaps it won't be.

So there is a minimum of 60 days, but it will depend on the circumstances.

MS BENIVENNI: And it can be also determined by the public, not only by the proponent. Is that true?

THE CHAIRPERSON: It'll be determined by the panel. You will be addressing the panel. The panel is doing -- the panel is doing the -- is assessing the process and will be making the recommendations, so then the process is
through the panel.

MS BENGIVENNI: Okay. I just

wanted that clarified to understand that. Thank

you.

THE CHAIRPERSON: Was there

another question? I saw another hand. Yes.

MS MCCARTHY: This is ---

THE CHAIRPERSON: Is this a

response?

MS MCCARTHY: It's -- yes. The

same question, actually.

I've been sitting there trying to

balance this equation of an impartial panel, which

I've no reason to doubt, and the studies produced

by the proponent now has been qualified by for

their purposes how that could equal an impartial

decision, but I have got some enlightenment on

that.

Included will be studies and

concerns of the community. Now, that satisfies me

to a certain extent, the problem that I have, but I

come back to the funding which is, I understand, in

the region of seventy-five thousand dollars

($75,000) for the community, and the time factor.

Now, from an experience that I
SUBMISSIONS - I got

have with one of the experts of the community -- I
will be specific, the archaeologist.

Now, he applied for his permit and
it was certainly more than six months before he got
his study completed. After completing his study,
he told us at a CLC meeting -- and this is as well
as I remember it. I have it on tape. I can
produce the exact words. That he had completed his
study, submitted it to the Nova Scotia Museum, was
-- and to the proponent and came back to the
community saying what he had found and what he had
not found.

But what he did say was -- and
this is in connection with money that is needed.
He said -- when he had completed his study, he told
us that if he had an extra twenty thousand plus
guidance from the community that he would be able
or have a good chance of locating a grave confined
to one to five acres.

Now, we are concerned that the
whole 400, 500 acres that the -- is in their quarry
boundary, the possibility of First Nation graves
plus documentation that we have for local family
graves in the Hersey family and their descendants.

Now, I just -- I mean, I'm not
going into the archaeological study part of it. I'm only mentioning the time and the funding.

If an archaeologist, with guidance from the community, needed twenty thousand dollars ($20,000) -- that's what he said he would need extra. That's after completing what he had done.

So I would -- I put forward a plea that we have more time and certainly more money available to the community so that we can pay experts in the geological, geophysical sciences and other sciences to be able to match what the proponent puts forward for its purposes.

That's my request, Dr. Fournier, and panel.

THE CHAIRPERSON: It's a difficult question to answer. I mean, it's a ---

MS MCCARTHY: It's straightforward if you follow my question.

THE CHAIRPERSON: Yes, but it's a what if question, in a sense.

MS MCCARTHY: Sorry.

THE CHAIRPERSON: And what I mean is that it's difficult under the circumstances --

the response to the community will come in response to the EIS. Right? The document will come
forward, and so the community -- you're asking whether it will be possible at the front, at the beginning whether, in fact, the community can do the research it wants before the EIS has even been prepared.

And I'm suggesting to you that when the EIS has been prepared, that's when you decide whether more research needs to be done, you see.

MS MCCARTHY: Right.

THE CHAIRPERSON: So I can't tell you if twenty thousand dollars ($20,000) will be available.

I think we have to wait and ---

MS MCCARTHY: I am not -- sorry.

I'm not asking for twenty thousand dollars ($20,000).

I am asking for a comprehensive sum that will take into account all the studies that are required because the project manager for the proponent has been telling us for the past two years that their studies are practically complete.

We, as a community, do not have time, resources or finances to put all that effort into it, so we have -- we need help from somewhere,
and we cannot match -- that's why we cannot balance this equation, proponent studies versus community input. Even with an impartial panel.

DR. GRANT: The panel doesn't have any ability to influence the funding ---

MS MCCARTHY: Right. Right.

DR. GRANT: --- so that's a political question.

MS MCCARTHY: I'm just putting it forward.

DR. GRANT: Right. That's a political question that you would need to deal with in other venues.

MS MCCARTHY: Yeah. I'm putting it forward because we are helpless, incapable of matching ---

DR. GRANT: Yes.

MS MCCARTHY: --- the resources of the proponent, so how can we say, then, that our concerns will be taken care of when, first of all, we are not even able to detail our concerns?

Yes. It's a question I put forward, and a problem.

DR. GRANT: It's not unusual ---

MS MCCARTHY: It's more of a
problem than a question.

DR. GRANT: Yes. It's not unusual
in these kinds of situations, but we aren't in any
position to deal with the financial question.

MS MCCARTHY: Right.

DR. GRANT: And in terms of the
time line, you know, we are bound to respond in a
reasonable time.

MS MCCARTHY: Right. So how do we
balance this equation?

DR. GRANT: When your response ---

MS MCCARTHY: We have spent a lot
of time this afternoon talking about an impartial
panel, which I don't doubt, but studies produced by
the proponent to balance an impartial decision.

So, okay, I think ---

DR. GRANT: A rhetorical question
is a difficult one, yes.

MS MCCARTHY: --- that will take
time to sort itself out. Thank you.

THE CHAIRPERSON: Thank you. Mr.
Farnsworth.

MR. FARNSWORTH: I would just
somewhat -- would like to relieve this lady of some
of her fears and concerns.
For some of us, we realize that there's fundings -- global fundings for concerns of right whales, World Wildlife Fund, and a number of environmental fundings that are there to help with these kinds of community concerns of environmental impacts and all that.

Yes, it's true that we haven't had a lot of funding from our own Canadian government, but there are others out there that are reaching out.

Like they're demonstrating now with the concerns of Asian countries that's undergo a terrible event in Asian countries, so like there is a number of funding groups that are reaching out, helping our communities in the stresses that we're feeling because it is a global thing.

THE CHAIRPERSON: Thank you. Any other comments with regard to ---

DR. MUECKE: Maybe I could just make just a suggestion to you, and that is the proponents, of course, will hire professionals to do -- address the concerns that are in the guidelines now, and many of these professionals will be professional associations, so when they produce reports for the proponent a professional --
a professional engineer, a professional geologist, when they sign their document, put their reputation right on the line.

They have to answer professional societies if these reports are deficient, so I would suggest to you that in the first case the proponent will have to pay for these studies by professionals and that in many cases it may not be up to the community. The community may not have to bear the costs of that.

What you may have -- want to bear the costs of is an examination of these studies, but it may not be necessary to carry them out, and that -- you're talking in terms of financing a different ballpark.

MS MCCARTHY: So are you telling us that all the professionals who do the studies must be members of a professional -- they will be members of a professional association?

I'm not ---

DR. MUECKE: I cannot say that in every case, but in most cases ---

MS MCCARTHY: Well, we would like that because I have looked that up for certain people who are working on this, and I couldn't find
them in the associations.

DR. MUECKE: Well, if it was a
blasting study, for instance, it would be
professional engineers that would have -- would
write it and they -- and any geological study ---

MS MCCARTHY: Well, we will watch
for that.

DR. MUECKE: In Nova Scotia you
cannot, as a consultant, do consulting geological
studies without being a professional geologist.

MS MCCARTHY: Thank you. We'll
watch for that. Thank you.

THE CHAIRPERSON: So there is some
time left and I did have a hand raised over here
earlier to make another intervention. Is that the
case?

Yes. Before we took that little
five minute break, this gentleman asked to make an
intervention, so come forward, please.

SUBMISSIONS

MR. TOM HAYNES-PATON:

My name is Tom Haynes-Paton, and
I'm speaking as an individual small business owner
on Saint Mary's Bay.

I have attended three of the four
sessions, and I've done that as a member of the Board of Enviro-Clare, and of the special team that was designated to follow this process of which Trudy is also a member. But I'm doing this now as an individual.

The confusion that was expressed even within the panel gives me encouragement to share my own confusion in all this, particularly with regard to reading the guidelines and understanding what is happening, what is expected of us in this session on guidelines, what is the time line and the actual steps down the road.

I'm still confused, but I hope to make some suggestions that will clarify that confusion.

No. 1, I would like the -- Steve or whoever to produce in the newspapers and on the -- on your web site a one page clear for us dummies schedule of the various steps, the various estimated time elements as well of this whole process.

I tried to write it out. I called a number of people. I was still confused and I still am.
study for dummies one page clearly outlined step by
step, the next step is this, and the proponent and
this public is expected to do what in that step, I
would appreciate that very much.

Secondly, I would like in the area
of transparency -- I guess I have a question. If
the proponent hires a company on blasting and that
legitimate scientific study is not to the
proponent's liking, I would like the guidelines to
suggest that we be made -- that the results of that
study be made available to us and not hidden by the
proponent simply because they paid for it.

I'd like all studies asked for by
the proponent in transparency to be made available
-- publicly available.

Next, I would like -- I would
like. That's not a strong enough term. But I
would urge that regarding the guidelines and the
suggested guidelines that a list be made of all of
the recommended additions or amendments to the
guidelines, that list be made public as soon as
after the 21st as that list can be made, that when
-- as soon as the accepted guideline changes are
agreed upon by the panel that the accepted
guidelines and the rejected amendment guidelines
also be published for us all, and that some
indication as to why certain guideline
recommendations which we have made to the process
were rejected.

I'd like transparency in that
process and the other night in Digby Neck asked for
an interim report of that process, and that -- you
very nicely said -- said it very well, said what
you're saying is what is being done in secret will
be done publicly. And I would like that very much.
In private will be done publicly and revealed to
all of us.

Regarding what we have all done
here in input, as I read the guidelines I was
confused as to just what was being asked of us at
this stage in this round of hearings. And as I
hear the rest of us speak, I think we're all
confused.

I must confess that, as I read the
document and it said scoping sessions, my spelling
is one of the world's worst and I read it "scooping
sessions." And I thought in my experience scooping
is something I do very privately with my cat's
litter box, and I wondered what scooping is going
to be done around our area with regard to this
problem.

That was just one indication of
the bureaucratic language that I ran into that made
it very, very difficult for me to sort out not only
the time line, but to sort out what was expected.

So, I finally realized that what
we were supposed to be doing here is making
specific suggestions for the draft of the
guidelines so that they can be accepted or rejected
in the final guidelines that then go to the
proponent.

As I've listened to three of the
four sessions and all the speakers, I would
estimate that 85 to 90 percent of the input that we
have made were not specific suggestions of
amendments or additions to the guidelines, and my
question for the panel is what happens to the 90
percent of our sincere input, including a great
deal of very relevant information.

What happens to those because they
were not specifically couched in terms of an
amendment or addition -- additional guideline?

Now, I did notice, Mr. Fournier,
that you were very helpful, particularly in the
first session, in drawing out people's comments and

*Drake Recording Services Limited – Certified Court Reporters*
*(Serving Atlantic Canada Since 1983)*
encouraging them to put them in to guideline language, and I thought that was very helpful, but it still simply went from -- that may have covered 2 or 3 percent.

Most of the fishermen who spoke here spoke eloquently, essential information, essential common knowledge, common wisdom for the panel, but had zero input for specific guideline recommendations.

We of Enviro-Clare would be happy to meet with any of the fishermen who would like to have their comments put into specific guideline application language. We'd be happy to do that, but I realize that it really is in your hands to do that, and I'm wondering whether it's your mandate to take our vague suggestions or our specific input and turn them into guideline suggestions.

My guess is the answer is no, that unless we put it specifically, "I want this guideline" that that will not happen, and today I was disappointed, Dr. Fournier, when our fisherman friend said, I thought, very clearly that he wanted a guideline for fishermen input into the -- into the proponent's gathering of scientific data regarding fisheries and you urged him to simply
bring that up at a later date rather than saying, "Do I hear you say that this is a guideline?"

It's -- I think there were some clear guidelines there that you didn't hear as a guideline. So my question is what happens to the 90 percent of our input that were not specific guidelines when this guideline step is really our only source of power in this process, I feel.

We've talked about later we have a chance to speak up after the proponent has produced their document, etc., etc. and we can ask the proponent to rewrite a section, but I think this is really the last minute for the people of Southwest Nova to impact the process itself by changing the actual information we require from the proponents.

And I ---

THE CHAIRPERSON: Can I respond?

MR. HAYNES-PATON: Yes. I'd like to know what happens to the 90 percent that was not couched in those terms.

THE CHAIRPERSON: I think you greatly, greatly, greatly underestimate the information transfer that has occurred over the last four sessions.

Yes, on some occasions we asked
people to specifically say does this affect 6.1 or
where in the document, but every one of the
presentations we have been reading -- reading the
presentation in the context of its applicability to
the guidelines.

And I would -- you used the number
90 percent as not being couched. I would say that
number is much, much, much, much smaller.

I mean, the three of us have
discussed these meetings as we go, and we think the
information content, that is, guidance to us as how
these topics should be addressed and how detailed
they should be and the slant they should have in
order to put the guidelines together to give to the
proponent, I think it's been very, very
significant, I mean, not insignificant.

And I think maybe you worry as a
citizen whose interests are at heart thinking that
maybe the process hasn't worked as well as it can
for your interests, but I would say that we've been
very impressed.

First of all, the four -- I was
involved with a series of scoping sessions for the
Sable project which was back about 8 or 9 years
ago, and I was involved with 20 scoping sessions,
of which the average attendance at those meetings 
might have been 15 or 20 people.

The four sessions that we've been 
involved with in this area, we estimate somewhere 
between 250 and 280 people have been involved. All 
right? So that turn-out is very significant.

All of the input we have received 
has been very, very focused, we think. Maybe it 
has not been in this section of the guidelines you 
should change this word or this phrase or that 
comment, but it's been very, very strong. And we 
have benefited immensely from it.

So I think that your fear is not 
justified, first of all.

MR. HAYNES-PATON: I appreciate 
that.

THE CHAIRPERSON: With regard to 
the fisherman over here, he and I -- I listened 
very clearly and I thought his representation was 
extremely good, but when we came to that particular 
comment I think there was a lack of clarity between 
him and I.

Let's say it was all on my part. 
I didn't completely understand.
end where I took his suggestion and said, "Yes, well, I agree with that."

So, in effect, the idea that fishermen would be involved completely in the process from the beginning, that's a decision by the proponent, but what we can do is we can argue that fishermen should be involved to some extent, you see.

So I thought his suggestion was a good one. We accepted it and, after we clarified the language discrepancy.

MR. HAYNES-PATON: Right.

Excellent.

THE CHAIRPERSON: But the turn-out in the community, the interest expressed by the community, the eloquence by individuals and the subjects touched on has been very broad, and we have benefited immensely from that.

So I do not think that -- in your worst fears that we have ignored or feel that 90 percent of that material is unreasonable because that's not the case at all.

MR. HAYNES-PATON: So there's no way that the proponents can say, for example, that these guideline things were not actually expressed.
by the public.

THE CHAIRPERSON: Oh, no.

MR. HAYNES-PATON: You really are advocating for our intention to shape the guidelines. I appreciate that.

THE CHAIRPERSON: We are impartial in this process ---

MR. HAYNES-PATON: Yes.

THE CHAIRPERSON: --- and impartial in the sense that we are gathering all the information. We are trying to bring it forward and we are trying to make the guidelines reflective of the community interests, yes, of course because the -- I mean, there -- clearly the document has been written by government employees from a template, as I said, so there's some generalities in that.

But what the public input has done is the public has said these are our specific concerns, these are our interests, this is how we see the issue, and it has to be filtered through the panel, but I think it's been exceedingly beneficial for us.

MR. HAYNES-PATON: Good to hear.

THE CHAIRPERSON: It's helped us
MR. HAYNES-PATON: Good hear. I appreciate that.

THE CHAIRPERSON: Just a moment. There are people who have been raising their hands right and left here. There was a chap in the -- Mr. Rowe, was it?

MR. ROWE: I rest my case.

THE CHAIRPERSON: All right. There's a lady here.

MS. THERIAULT: I have a comment to make on Mr. Haynes-Paton's. He did ask the question, but I don't believe that it was answered, that there has been a number of concerns brought to the panel over the last few days, and I've attended three of the meetings. And I still do not -- in my mind, cannot -- I don't think the question has been answered of what is the criteria that the panel will use to say whether something will be included in the guidelines or will be excluded from the guidelines. And I realize that you have a whole bunch of information and they're not specific to the guidelines, but there were a number of
issues that were raised that aren't, so that
question I don't believe has been specifically
answered.

THE CHAIRPERSON: No, we have not
answered it, and I can't give you a definitive
answer at the moment.

We -- I mean, the information we
have received will, as I said, to use the word,
will be filtered through us.

We've been asked two things, what
are the criteria, do we have criteria for that. I
cannot list at the moment 1, 2, 3, 4, 5, I don't
think. I don't think any one of us.

We're going to have to make
professional judgments about these things.

The second question that was
raised in the first meeting and has been restated
several times is will you identify the criteria and
will you tell us what you put in and what you left
out and so forth.

And we haven't made a decision on
that yet.

Remember, our interaction with the
community started on Thursday and it's been one
series of meetings, and we're digesting as we go.
I mean, I -- it would be nice if I could give you a sharply defined, definitive answer, but I don't have it for you at the moment.

MS THERIAULT: Do you not believe that that flaws in some way the process of the criteria for the guidelines ---

THE CHAIRPERSON: Well ---

MS THERIAULT: --- if ---

THE CHAIRPERSON: --- look at it this way. I cannot speak -- I cannot speak for the people who organized the CEAA process. That's -- that goes back in time.

But part of the process is based on the presumption that three individuals -- in this case, three individuals. In the Sable process, it was five. That three individuals who have integrity, who have experience, who have the trust of the community and have -- well, let's say the community from which we were drawn, okay, rather than this community. All right?

And we have been asked as individual -- professional individuals with presumed integrity to make some decisions. I mean, at some point individuals do make decisions, and so what you do is you take three individuals and the
presumption is that they will go forward to deal
with the information and make the best impartial,
objective, fair, unbiased process.
    And as far as I'm concerned, the
three of -- that's what we're intending to do.
    MS THERIAULT: I have one more
comment.
    DR. GRANT: Can I just make a
comment in response as well?
    MS THERIAULT: Sure.
    DR. GRANT: Our mandate is to work
through this process to determine what the impacts
are from this project and to assess those to
determine whether they can be mitigated, whether
the project should be rejected, whatever.
    So our criteria in setting out the
guidelines is to make sure that the guidelines are
developed in a way that will allow us to answer
that question, to know what the environmental
impacts are, and to determine whether some of those
may be mitigated by measures.
    So as we look at the guideline,
we'll be saying what do we need to know to be able
to answer that reasonably and we'll be setting the
guideline to be sure that that's what we can do at
the end of the process.

MS THERIAULT: I just have one more thing to say, is that with all due respect to the panel, and I do respect each and every one of you from what I've heard and seen over the last four days, but we as a community and as a fishery community and my family's been involved for a long time. I've been involved with tourism on Digby Neck and lived there for -- I've been involved in tourism for 10 years and I've lived on Digby Neck for 35 years.

But we have heard this before, and we have heard exactly the same words, "We will do what you say."

You know, the process needs to be open and the decisions that you as the panel make need to be open to the community so that we know your mindset, so that we can -- we have to live there.

When you guys go home to Halifax, we still have the problem that pits one family against each other. That can't be measured in guidelines or -- but we still have to live next door to people that are against the way our thought processes.
And if you're not open with us, then that -- the mistrust will still be there long after you're gone whether the quarry is there or not.

THE CHAIRPERSON: Thank you for that insight.

MR. SPINNEY: Can I speak on this here?

THE CHAIRPERSON: I beg your pardon?

MR. SPINNEY: Can I speak here?

THE CHAIRPERSON: Sure.

MR. SPINNEY: I can't hardly hear from that small mike.

THE CHAIRPERSON: Yes.

MR. SPINNEY: I want to be understood. I want to be understood.

THE CHAIRPERSON: Oh, I'm sorry.

MR. SPINNEY: There was a clarification I wish to make ---

THE CHAIRPERSON: It was a language thing, I think, between us.

MR. SPINNEY: No, no. No. The small mike seems to put a bigger echo.

THE CHAIRPERSON: Oh, I see.
MR. SPINNEY: A clarification earlier when you -- when Gunter here asked how many fishermen travel or whatever, fish from this area over there to the Islands. There's approximately 40 or 50. But the total number of fishermen fishing over there, it could be somewhere -- Diane, I don't know if you know. It may be 200 boats. It may be more than that.

You know, year round the scallopers, the fish draggers, the seiners, the flat beds, the clams. We got a chairman here -- is he gone now? He's gone. Out of Native fisheries who deals strictly in clams, you know, with all the flats up above Digby Neck, you know, going way up.

So therefore, I just wanted to clarify that, that there was more than 40 or 50 boats fishing there and crews and families involved.

The other one, the presentations being made the last -- on these four sessions, are they all public?

THE CHAIRPERSON: Oh, yes.

MR. SPINNEY: So tonight, when we go home or in two or three days, we'll be able to download it off of the internet.
THE CHAIRPERSON: We don't do anything that's not public.

MR. SPINNEY: That's not legal.

THE CHAIRPERSON: No. Public.

DR. GRANT: It may be more than few days before they're on the registry.

THE CHAIRPERSON: Yes. I think we will ---

MR. SPINNEY: How are we going to access ---

THE CHAIRPERSON: I think we were told that the lag time between these meetings and when they appear on the registry is on the order of two or three weeks before they get transcribed, but then it will be all available to you.

MR. SPINNEY: It's going to be that long, so we're going to have four or five days to digest it before the guidelines come out.

THE CHAIRPERSON: Oh, the guidelines -- no. The 21st of January is when we will close the input and then the guidelines ---

MR. SPINNEY: That's what I mean. We have ---

THE CHAIRPERSON: They won't be produced until into February.
MR. SPINNEY: Yeah, but we're -- we can't digest anything that's been said here today or the previous three days or three sessions for another two to three weeks.

THE CHAIRPERSON: You won't be able to see the transcripts from these meetings ---

MR. SPINNEY: That's what I mean.

THE CHAIRPERSON: --- until -- for some time. Well, I mean, they have to be transcribed. It's a physical thing that's taken from the tapes.

MR. SPINNEY: Yeah, I realize that. So which is going to be practically past the cut-off date, you know what I mean.

THE CHAIRPERSON: Yes, but ---

UNIDENTIFIED MALE: My court reporter here has said that there's a good possibility that electronic versions of transcripts will be ready by next Friday.

MR. SPINNEY: Next Friday. See, what I worry about is that there may have been other presentations on ballast, so what's a guideline on ballast.

As we sat home and draw or drew up this -- I mean, when you fish 14 hours, 16 hours

Drake Recording Services Limited – Certified Court Reporters (Serving Atlantic Canada Since 1983)
before you get home, you don't feel like sitting
down doing -- looking at a document and your wife
or your partner don't feel like doing much on their
own when they don't have the input that you want to
put on paper.

So not realizing when I got here
today that, hey, I should have been saying when I
did partially and in my document that sometimes
ballast can't be dumped and there are suggestions
50 miles off shore or 10 miles off shore in the
open ocean where this ballast should be dumped.

And in some cases along the
coastline, that's the law. Whatever filtration
system they have on board or electronics system
they have on board, that's beyond that. But some
boats can't dock without ballast and if the wind is
blowing proper there ---

THE CHAIRPERSON: But I thought
your presentation was very clear. I mean, and I

---

MR. SPINNEY: Not clear enough
because I'm scared to death of ballast.

THE CHAIRPERSON: It was clear. I
mean, you made a very clear representation about
your fear about ballast, about the importance of
ballast ---

MR. SPINNEY: Exactly.

THE CHAIRPERSON: --- and that

will translate through us into ---

MR. SPINNEY: It will.

THE CHAIRPERSON: --- refining the

comment with -- the requirement with regard to

ballast.

So it comes back to what Mr. Haynes-Paton said. You did not say ---

MR. SPINNEY: That's right.

THE CHAIRPERSON: --- this

particular thing ---

MR. SPINNEY: That's right.

THE CHAIRPERSON: --- but it was

very clear to me, and I think the others felt it

was clear that ballast was an issue and you went

around the issue and pointed out various ways ---

MR. SPINNEY: Yeah.

THE CHAIRPERSON: --- so we were

recording that without ---

MR. SPINNEY: Well, Mr. Fournier,

the -- last winter -- a short two minute story.

Atlantic policy review. A panel

from Ottawa came around with a -- something like a
team of people to do what is wrong with the lobster
fishery, the fishery in particular. And there was
-- had to do with the owner-operator and fleet
separation policy.

And we were guaranteed more or
less the same line that you're producing --
portraying to us today.

The document was produced 100
percent -- almost 100 percent against us, and if
the mail driver of that truck hadn't dropped off by
accident -- the back door of that truck opened and
we got the full report, every presentation that was
made, to this day we would have believed the
report.

And there was almost 100 percent
the opposite way in favour of the independent, in
shore fishermen, as I am.

And that's the problem once
policies are drawn up, once something is done and
it's not in the public.

And I agree with what you're
saying. It's going to take time. It's all manual,
and it's got to be done whichever way they're doing
it. But we need the information that you people
are going to be dealing with.
And when the guidelines are put down, we can go back through all the presentations and we can see why you did it that way, or try to understand it and question you on the next round.

THE CHAIRPERSON: Thank you for that input.

Mr. Farnsworth, you've spoken twice today already and we're running out of time really fast, so I'm going to have to ---

MR. FARNSWORTH: [Inaudible - off mike]


SUBMISSIONS

MR. KENNETH DEVEAU:

My name is Kenneth Deveau. I want to make two points.

I'll be very brief, and I want to speak to the guidelines specifically.

First of all, I've lived here my whole life and I chose to live here, and I'm saying this not that I think that it makes my opinion more worthwhile than any other. It's just to make my point, which is research methodology.

I can't explain why I chose to
live here and do the work that I do with qualitative reasoning -- or quantitative reasoning, and I think the guidelines should take that into consideration. When studying social phenomenon, qualitative methodology should be considered and the proponent should be guided, I think, to consider qualitative research as well as quantitative research, especially with regards to social phenomenon.

And the second one deals with language.

It's very important and the process the way it's set up, with all due respect, it is my opinion and actually learned opinion that we're not respecting Canada's official language laws here today.

It's -- there is an assumption that we need translation from French into English, yet we might need some translation from French -- from English into French, yet we did not provide that. I think that's sad.

And that being said, I hope that the proponent when they do hire their experts to conduct their research and collect their data that these people are able to do it in either of the two
SUBMISSIONS - Deveau

official languages.

And I would go even further, it's important that in French in this region -- and even in English, I would say, that there is a unique variant of language spoken in this region and there's a culture attached to that, and they should be sensitized to that and ready to deal with that.

I suppose those are my two points.

THE CHAIRPERSON: Thank you very much.

SUBMISSIONS

MR. ASHRAF MAHTAB:

My name is Ashraf Mahtab. I'm from Sandy Cove.

As you may have probably noticed, I have attended all the scoping sessions and I would like to thank the panel and the Secretariat for the generosity and care you have given to the participants in reserving their comments.

You have taken the time to hear the perspectives from the public, to explain your mandate and to help the participants to clarify their points for input to the guidelines.

I thank you all very much. Je vous remercie.
THE CHAIRPERSON: Thank you.

Are there any other comments other than Mr. Farnsworth? Mr. Farnsworth, sure. One last comment, and then we'll bring the meeting to a close.

MR. FARNSWORTH: Yes. I can certainly feel that Ms. Theriault and Mr. Payton and a number of people have expressed a major concern about what's going to be done with the 80 or, rather, 90 percent of the criteria that may be categorized as not irrelevant to the guiding principles.

In most of my activities, I just wanted to say that backgrounders are good in presentations and I would like to make a comment to the guidelines that it would be nice to see the comments in relevance to the guidelines that is made on the social impact side of our society and show that the fears and the events that's been ongoing in the past and all the -- you know, all the social concerns.

We have this tremendous sense of lack of social justice and it'd be nice to kind of address through the guidelines this very important issue that now even the internationalists are doing.
studies on social justice, and this is the major
concern of our day, that the these things haven't
been addressed.

So somehow it could be, you know,
in the guidelines in some form.

And I, too, would like to thank
the panel in this process because unlike the other
process a lot of people didn't want to participate
in that process because of under 3.8 hectares you
didn't have to have an environmental assessment and
a number of things that we didn't want to be a part
of that process.

You know, we can say all the bad
things about that process or good things about it
but, I mean, I would just like to say that, if
nothing else, we have representatives and valuable
people participating, as you've earlier commented,
about the outcome in this process.

And I, too, would like to thank
the people and I'd like to show my respect for the
Canadian people that they make a very valid point
about their culture and their language, and perhaps
on both sides we have a lot to learn about many
things that surround us.

For the most of the trust
agreements is one of the hardest things for today's
society to comprehend, and trust agreements are
being made and they are impacting other social
living around them and government hasn't been
ignoring that.

And it's a big major topic of the
day, and I would like to thank you for this here.

THE CHAIRPERSON: Thank you, Mr.

Farnsworth.

And in return, may I say that the
panel thanks the community for coming out in such
large numbers and for giving such thoughtful
presentations. They've been extremely useful to
us.

Thank you all.

--- Upon concluding at 4:20 p.m.