

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, CEAA  
Ms. Lucille Jamault, CEAA  
Mr. Peter Geddes, NSEL

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1 Meteghan, Nova Scotia  
2 --- Upon resuming on Sunday, January 9, 2005 at  
3 1:10 p.m.

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

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

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

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

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

22 On my right is Jill Grant, who is  
23 a professional planner. On my left is Gunter  
24 Muecke. He is an earth scientist, and I'm an  
25 oceanographer by profession.

1                   The Secretariat is over at the  
2                   other table. On my far left is Steve Chapman, who  
3                   is with the Canadian Environmental Assessment  
4                   Agency, and then in the middle is Peter Geddes, who  
5                   is with the Nova Scotia Department of Environment  
6                   and Labour. And then, on our very far left, is  
7                   Lucille Jamault. She's also with CEAA, the  
8                   Canadian Environment Assessment Agency.

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

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

25                  The role, or our role, the role we

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1 have been asked to perform, is identified in a  
2 document which is available at the front door which  
3 is called the agreement, and the agreement is the  
4 formal relationship that exists that has been  
5 signed off on by the Minister of Environment and --  
6 federally and the Minister of Environment and  
7 Labour provincially.

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

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

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

25 And the proponent for that  
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1 proposal is Bilcon of Nova Scotia, so when you hear  
2 me use the word "proponent" or if you hear me use  
3 the word "Bilcon" they're synonymous. They're the  
4 same.

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

8 The first is that every single  
9 document that we receive -- actually, they're  
10 received by the Secretariat and passed to us.  
11 Every document which we use to make a decision, to  
12 reach a conclusion and make a recommendation is  
13 available to you. It's available presently in  
14 paper form at the Isaiah Wilson Library over in  
15 Digby, and it's also available on line as well for  
16 those of you who prefer to approach it that way.

17 So everything we receive is  
18 available to you.

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

24 And the specific task is to review  
25 a document which is also at the front door, and  
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1 this is called the Draft EIS Guidelines. Now, I  
2 won't go into this just -- I'll come back to this  
3 in just a moment.

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

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

13 So all four of those were scoping  
14 sessions.

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

21 The document that the proponent is  
22 asked to produce is called an EIS, an Environmental  
23 Impact Statement. That's the statement by the  
24 proponent as to the expected impact that the  
25 project and the infrastructure and all aspects of

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1 the proposal will produce on the environment.

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

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

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

16 I should tell you also that we  
17 have, in fact, visited the site on December the  
18 10th. The panel plus the Secretariat went to  
19 Whites Point and walked down the road, went to the  
20 shore, looked around and generally familiarized  
21 themselves with the place where the proposal is  
22 focused.

23 Now, coming back for a moment to  
24 the scoping sessions, which is what today is, as I  
25 said, the focus of today's event is on this



1 document.

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

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

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

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

25 The input to the formation of this

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1 document will end on the 21st of January, so on the  
2 21st of January we'll close off the input and the  
3 three of us will then put our heads together, begin  
4 to take all the advice that we've been given, and  
5 to refine this from a draft to a final document.  
6 Okay?

7 What are our expectations for  
8 today?

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

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

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

23 So what we will do is we'll  
24 receive the input from the four scoping meetings,  
25 plus written inputs. If -- those of you who wish

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1 to send us something written, that's fine as well.

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

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

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

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

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

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

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

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

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

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

24                  If -- I suppose the only negative  
25                  comment I have to make is that if somebody gets off

## PANEL - Opening Remarks

1 track and gets off on a tangent and is generally  
2 going on at some length about something other than  
3 this, then I'll ask them to stop. I'll ask them to  
4 slow it down, to terminate, to come back on focus.  
5 Okay?

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

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

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

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

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

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

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

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

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

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1 with an organization, tell us what it is, and then  
2 speak into the microphone. And the reason for  
3 that, again, is so that it will be recorded so that  
4 we can then transcribe it. Okay?

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

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

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

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

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

25 Now, she was -- there she is.

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1 Yes, good. She was at a previous meeting, so I  
2 recognize her from a previous meeting.

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

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

13 SUBMISSIONS

14 MS TRUDY BENGIVENNI:

15 My submission is respectfully  
16 offered by myself, Trudy Bengivenni, of Concession,  
17 Clare Municipality, Nova Scotia.

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

22 I am here today to show my respect  
23 to my ancestors, the Acadians of Par-en-bas and  
24 Par-en-haut of southwest Nova Scotia, the Métis  
25 people of the Eastern Woodlands Association, and

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## SUBMISSIONS - Bengivenni

1 the Nations of the First People represented by the  
2 Confederacy of Mainland Mi'kmaq, the Union of Nova  
3 Scotia Indians, and the Nova Scotia Native Council.

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

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

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

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

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1 are the words, and some of the words are theirs.

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

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

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

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

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

1 Nations.

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

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

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

22 During that period, the innovative  
23 farming methods of the Acadians secured their  
24 eminence as the most abundant harvesters of wheat  
25 and other commercial grain crops in North America,

1 and possibly the world.

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

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

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

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

22 On a different note, but certainly  
23 relevant to this issue, is the issue of possible  
24 shipping of hazardous waste materials to this  
25 coastline should this quarry proponent be permitted

1 to do so.

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

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

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

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

25 THE CHAIRPERSON: Thank you.

1 Don't step down.

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

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

9 Was this ---

10 MS BENGIVENNI: Well, the  
11 traditional ---

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

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

19 MS BENGIVENNI: Yes.

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

25 MS BENGIVENNI: Well, in the

1 guidelines it was clearly stated that traditional  
2 knowledge of Aborigines and Afro-Canadians be  
3 observed. There was no mention of the Acadians  
4 anywhere in this document.

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

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

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

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

25 The second -- I think there were

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1 two issues that I perhaps combined too readily.

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

4 THE CHAIRPERSON: Yes.

5 MS BENGIVENNI: Okay. You did  
6 understand that.

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

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

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

17 THE CHAIRPERSON: Yes.

18 MS BENGIVENNI: --- risk of being  
19 lost.

20 THE CHAIRPERSON: Yes.

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

25 And I may add that Professor  
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SUBMISSIONS - Bengivenni

1 Lavois' actual mandate -- I spoke to him, and he is  
2 available to be consulted with, and that would be  
3 through arrangements with him and whatever  
4 conditions that would entail on your part.

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

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

15 So have I made that clear enough?

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

23 MS BENGIVENNI: Yes.

24 THE CHAIRPERSON: In other words,  
25 the full range of people in this area ---

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1 MS BENGIVENNI: Exactly.

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

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

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

10 THE CHAIRPERSON: Yes, by all  
11 means.

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

14 MS BENGIVENNI: Oh, sorry. Yes.

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

17 DR. GRANT: She has more to  
18 present.

19 THE CHAIRPERSON: Oh, you have  
20 more to present?

21 MS BENGIVENNI: Well, I'm  
22 presenting documentation to you. I'm giving you  
23 ---

24 THE CHAIRPERSON: But aside from  
25 presenting the documents to the Secretariat, do you

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1 have anything more verbal?

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

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

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

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

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

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

25 In other words, we could be sued

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

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

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

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

15 MS BENGIVENNI: Professor Lavois  
16 from University Ste-Anne?

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

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

22 MS BENGIVENNI: Well, this was to  
23 be directed to the proponent, then, I guess,  
24 whoever would be responsible to pursue the  
25 knowledge of traditional values and community

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1 values such as were discussed at the meeting I  
2 attended in Digby.

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

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

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

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

16 MS BENGIVENNI: Yes.

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

19 MS BENGIVENNI: And that's my  
20 intention.

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

23 MS BENGIVENNI: That's my  
24 intention, that whoever that responsibility is  
25 directed toward that it be directed accordingly.

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1 THE CHAIRPERSON: And you will be  
2 submitting a written statement to us?

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

5 THE CHAIRPERSON: That's fine.

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

8 MS BENGIVENNI: Yes.

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

15 MS BENGIVENNI: Yes.

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

18 MS BENGIVENNI: That's very good.  
19 I thank you for stating it that way because the --  
20 in the eventual circumstance that they should be  
21 encroached upon, there is still no specific  
22 knowledge as to where the homesteads are at this  
23 point in time, and that research has been conducted  
24 for two years and will continue indefinitely, so  
25 that's -- yes.

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1 And you stated it very well.

2 Thank you.

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

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

10 So are there any further requests,  
11 information? No.

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

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

18 SUBMISSIONS

19 MR. L. WAYNE SPINNEY:

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

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

2 THE CHAIRPERSON: Oh, yes. Yes.

3 I remember.

4 MR. SPINNEY: I'd like to first  
5 start off with a letter I wrote on March the 21st,  
6 2003, and these documents have been presented about  
7 our concerns about this quarry.

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

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

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

25 This traffic brings with it



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1 ballast water, possibly from anywhere in the world.

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

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

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

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

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

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

1           that ballast.

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

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

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

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

24                                How far will this silt travel in  
25          the Bay of Fundy tide? Where will the sediment

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1 settle, and how deep will this settlement be?

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

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

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

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

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

22 The fishing industry concerns  
23 regarding habitat, water quality, social and  
24 economic concerns, issues to be incorporated into  
25 the guideline development for the preparation of

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1 the Environmental Impact Statement to be carried  
2 out by Bilcon of Nova Scotia Corporation.

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

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

14 THE CHAIRPERSON: Yes, that's  
15 correct.

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

23 The runoff, could it be comparable  
24 to the Sydney tar ponds, as an example that we do  
25 not want to bring to our region.

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1                   The toxic runoff from the quarry  
2 wash cannot enter either the fresh or salt water  
3 systems or there will be disruption of fish habitat  
4 from the runoff.

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

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

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

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

23                   And lobster larvae, once it --  
24 once a lobster releases their eggs that collect  
25 underneath their tail, they float to the bottom of

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1 the ocean and they travel there for five, six,  
2 seven, eight weeks.

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

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

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

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

23 At this particular time, they  
24 noticed they were digging up juvenile lobsters in  
25 this gravel coming off of Belliveau's Cove, so what

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1 happens to the silt from this runoff and the  
2 lobsters are in this pebble ground, and now it  
3 becomes no pebble. It becomes silt.

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

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

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

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

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

25 These hurricanes, these enormous

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1 storms that we have around here, have an impact on  
2 everything, whether it's on the earth here or if  
3 it's in the ocean.

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

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

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

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

23 We must take into consideration  
24 the whole tidal zone. The North Mountain range is  
25 one fresh water shed from Digby Neck to the



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1 islands, to the Minas Basin and Saint Mary's Bay  
2 and Fundy towards Yarmouth.

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

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

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

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

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

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

6                   I don't have the documentation on  
7 it here, but as I speak I tell you the truth.

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

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

22                   And of course, with all the  
23 controversy and well-meaning controversy about the  
24 whales, and it was only a matter of Hubert three  
25 weeks ago today, perhaps, a whale just five miles

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1 off here was caught up in ropes, and my boat was  
2 instrument with Hubert's crew and a crew from  
3 Sanford.

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

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

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

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

24 It is a known fact that areas in  
25 close proximity to the proposed product are

1 hatchery and juvenile grounds for various fish  
2 species.

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

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

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

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

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

24 And the economic impact. It is  
25 crucial that any impact study include local,

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1 traditional ecological knowledge of fishermen. So  
2 many times you write up these guidelines and  
3 whatever the impact is or whatever, the fishermen,  
4 the local community, the local leaders, the local  
5 residents, the local helpers, the crews, employees  
6 of local business are left out. They have to be  
7 included.

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

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

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

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

25 Will they be compensated for the loss of their

1 livelihood?

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

4 THE CHAIRPERSON: Exxon Valdez.

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

13 There's many people getting rich  
14 on the idea.

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

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

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

25 And it watched the next day's feed spread.

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

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

7                   So what does this quarry have?  
8                   The one day operation a week multiplied by seven  
9                   24s, after one week, two weeks and months and  
10                  years, yeah, the runoff will just go from here to  
11                  that chair, perhaps, the first hour of the  
12                  operation. Where's it gonna end up and what's it  
13                  doing in its path?

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

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

22                  These transports, hauling it to  
23                  the vessel, this vessel carrying it, there's going  
24                  to be leakage. And I think it's a very, very  
25                  important thing that has to be carefully evaluated.

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1 I mean, we're not in the middle of  
2 a desert where it never rains and there's no  
3 environmental storms. We're right on the edge of  
4 the ocean, the strongest tides in the world passing  
5 right here. Thank you very much for your time.

6 THE CHAIRPERSON: Thank you.  
7 Please don't go.

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

11 DR. MUECKE: Could I start?

12 THE CHAIRPERSON: Yes. You please  
13 start.

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

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

21 MR. SPINNEY: Oh, absolutely.  
22 Yes.

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

25 MR. SPINNEY: Yes. There's gill



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1 netting and there's long line fishing. There's  
2 clam, scallop, lobster, especially lobster in the  
3 fall and spring.

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

6 MR. SPINNEY: Yes.

7 DR. MUECKE: --- these  
8 communities, too.

9 MR. SPINNEY: Yes.

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

11 MR. SPINNEY: Yes.

12 DR. MUECKE: Could -- give me just  
13 a rough estimate of how many boats would be going  
14 and working in that area?

15 MR. SPINNEY: Do you have any  
16 idea, Hubert?

17 HUBERT[?]: That would include  
18 herring seiners as well.

19 MR. SPINNEY: Herring seiners.

20 HUBERT[?]: Thirty, forty.

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

23 DR. MUECKE: And how do -- this is  
24 just for my benefit, right.

25 How do you get there from here?

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1 MR. SPINNEY: By boat.

2 DR. MUECKE: No, I know that.

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

6 DR. MUECKE: Okay. I get the  
7 message.

8 What route do you take in a boat?

9 MR. SPINNEY: Water. What route?  
10 No, depending on the area you're fishing.

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

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

15 MR. SPINNEY: The Petite Passage,  
16 usually.

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

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

23 MR. SPINNEY: This is considered  
24 the Gulf of Maine in the lobster industry. When  
25 there's a RAP session, a science evaluation of the

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1 stocks of the lobster, it's done as Saint Mary's  
2 Bay, Bay of Fundy, Gulf of Maine. It's all one.

3 It's all incorporated into one,  
4 the Gulf of Maine.

5 DR. GRANT: Thank you.

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

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

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

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

23 If we were to give recommendation  
24 to the proponent that a fishery study was to be  
25 done, they would go up and do it. And when they

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1 did it, they would produce the EIS. The EIS would  
2 then come forward and be given to the public, in  
3 other words, you and you. You could both have a  
4 chance to go through it.

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

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

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

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

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

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

25 THE CHAIRPERSON: Well ---

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1 MR. SPINNEY: We fight DFO 365  
2 days a year, and if there's a leap year then we  
3 fight it that extra day, too.

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

7 THE CHAIRPERSON: We don't write  
8 the report.

9 MR. SPINNEY: No, I realize that.

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

13 MR. SPINNEY: Right.

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

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

23 MR. SPINNEY: Well, I suggest that  
24 it be drawn up that the fishermen and the local  
25 residents be in on the ground floor.

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1 THE CHAIRPERSON: Except that when  
2 the EIS is reviewed ---

3 MR. SPINNEY: Yes.

4 THE CHAIRPERSON: --- and you --  
5 let's say you're unhappy with it, you can, in fact,  
6 specify that and a request can go back to the  
7 proponent where it's further modified and adjusted.

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

13 MR. SPINNEY: Are you suggesting  
14 that this is a different process than government?

15 THE CHAIRPERSON: Well, this is a  
16 specific process which has been defined by the  
17 Canadian Environmental Assessment Agency, so it's  
18 within the Department of the Environment, so it's  
19 through government, yes, but the process we follow,  
20 we don't have the option of fiddling with it.

21 We've been given our Terms of  
22 Reference ---

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

25 THE CHAIRPERSON: Well, you and

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1 everyone else in this room and everyone else on the  
2 coast is going to see that document and have a  
3 couple of months to look at it.

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

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

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

17 MR. SPINNEY: Yes, I realize that.

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

20 MR. SPINNEY: But usually -- yes,  
21 but usually once it's typed up, once the policy's  
22 been drawn up and it's gone from the companies and  
23 the government and environment and everything else  
24 and it comes back to the public, I told you at the  
25 beginning it's one of the first times I appear on

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1 an issue such as this.

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

5 THE CHAIRPERSON: And that's fine.  
6 I'm prepared to accept that challenge, if it is,  
7 because that's the way the process goes.

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

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

17 MR. SPINNEY: Okay.

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

21 MR. SPINNEY: Yes.

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

25 So what I'm trying to say is that



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1 all of your concerns have been registered. I'm not  
2 suggesting that -- they're all valid as far as  
3 you're concerned. They've been absorbed, and there  
4 is a process that will deal with them.

5 MR. SPINNEY: Yes.

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

8 MR. SPINNEY: Thank you very much.

9 THE CHAIRPERSON: And I thank you  
10 for coming forward.

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

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

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

19 MS JAMAULT: Christine will be  
20 speaking in French.

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

23 MS IGOT: Well, I can translate  
24 for myself.

25 C'est que je m'appelle Christine

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1 Igot and je désire m'exprimer en français. Je suis  
2 tout à fait d'accord avec la présentation de  
3 Monsieur et je pense pour les guides, pour le  
4 "draft outlines" peut-être qu'il fait référence à  
5 9.2.3.

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

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

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

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

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

18 THE CHAIRPERSON: Okay. Fine.

19 MS IGOT: C'est ce que je voulais  
20 dire. Merci.

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

23 MS IGOT: Well, I have other  
24 things, but I think I'll -- I might wait till a  
25 more appropriate time.

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1 THE CHAIRPERSON: Okay. Fine.

2 MS IGOT: Okay. Merci.

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

5 MR. HAYNES-PATON: Tom Haynes-  
6 Paton.

7 With regard to Mr. Sweeney ---

8 THE CHAIRPERSON: Spinney.

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

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

21 THE CHAIRPERSON: No, it's not  
22 written in stone. What it means is that when the  
23 EIS is -- has been formulated and it's presented to  
24 the communities, we'll accept written comments from  
25 the community and then there will be public

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1 meetings, and that information will come forward  
2 much in the form that it is here.

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

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

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

19 THE CHAIRPERSON: That's fair  
20 enough.

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

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

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

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

5 How do you feel?

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

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

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

20 We're left out of everything.

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

25 And it comes down as a finished

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1 document from Ottawa, and then it comes to the  
2 advisory committee, "Oh, you guys gotta like this."

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

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

17 MR. SPINNEY: Yes.

18 THE CHAIRPERSON: Okay. Very  
19 clear. Thank you.

20 And thank you for your assistance.

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

25 THE CHAIRPERSON: Are there any

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1 other comments to Mr. Spinney? A question directed  
2 to Mr. Spinney?

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

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

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

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

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

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

19 THE CHAIRPERSON: Correct.

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

1 to meet these protocols.

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

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

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

12 Do you have a specific one you  
13 want to mention?

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

16 THE CHAIRPERSON: Would you  
17 provide that to Steve?

18 MR. WALLACE: Yeah.

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

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

25 THE CHAIRPERSON: Yes. Thank you.



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1                   Anyone else that has anything to  
2                   offer? If not, then thank you, Mr. Spinney.

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

6                   SUBMISSIONS

7                   MS JANET LARKMAN:

8                   Thank you, Dr. Fournier and panel.

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

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

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

25                  And examples of this outside

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1 recognition include recognition by UNESCO that the  
2 Digby Neck and Islands area is a paradigm of a  
3 North Atlantic community that is developing  
4 community driven solutions to address the impacts  
5 of global change.

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

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

15 We therefore ask that the EIS  
16 address the impacts of the proposed quarry on the  
17 health of the environment, economy and communities  
18 of Digby Neck and Islands, and the region as a  
19 whole, as integrated and interconnected elements.

20 And I think this is an important  
21 point to make in the EIS.

22 There are various elements of  
23 economic impact study that are to be done, but at  
24 no point does it actually indicate that these  
25 should be addressed in an interconnected way.

1                   To effectively address this, we  
2                   would propose that the concept of full cost  
3                   accounting be introduced to address the net  
4                   benefits of the quarry to the region, and we would  
5                   suggest that in developing an appropriate framework  
6                   for a full cost accounting it would be useful to  
7                   refer to the work of Dr. Ronald Coleman and GPI  
8                   Atlantic.

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

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

15                                 "The GPI links the economy  
16                                 with social and environmental  
17                                 variables to create a more  
18                                 comprehensive and accurate  
19                                 measurement tool. The GPI  
20                                 accounts for the value of  
21                                 human, social and natural  
22                                 capital in addition to  
23                                 standard measures of produced  
24                                 capital and assigns value to  
25                                 assets like population

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1 health, educational  
2 attainment, community safety,  
3 voluntary work and  
4 environmental quality."

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

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

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

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

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

25 We would be interested to know

1           whether or not residents of the local communities,  
2           that's the communities most affected by the quarry,  
3           will be given priority in the hiring process.

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

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

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

19                          We would like the EIS to address a  
20          number of points under this theme, including but  
21          not limited to developments that are currently  
22          under way to enhance ecotourism and ecological  
23          research capacity, diversification of the  
24          fisheries, including potential harvesting,  
25          processing and aquaculture developments.

1                   We're interested in addressing  
2                   manufacturing opportunities that are currently  
3                   being pursued, including the manufacture of newly  
4                   developed technologies.

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

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

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

19                  Given that there are many new  
20                  developments being explored and pursued by  
21                  entrepreneurs and organizations in the region, we  
22                  would like to know the methodology that the  
23                  proponent will use to inventory those developments  
24                  and assess their potential opportunities given that  
25                  not all of these developments are currently in the

1 public domain and then, of course, to address  
2 whether or not the quarry will impact positively or  
3 negatively these various opportunities.

4 The second section is in the area  
5 of ecotourism.

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

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

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

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

25 But also, we would be interested

1 to know how this is -- how the presence of a large  
2 quarry is going to impact on the perception of  
3 Digby Neck and Islands as an ecotourism destination  
4 and will that alter people's intentions in terms of  
5 tourism visitation and will it have any impact on  
6 the commitment of investors in investing in new  
7 tourism related infrastructure in the future.

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

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

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

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

25 So we're very interested to know



1           what will be the impact of depositing ballast water  
2           into the marine ecosystem in the Bay of Fundy and  
3           how will that, in turn, impact on the fisheries and  
4           ecotourism industries, both of which are dependent  
5           on a healthy marine ecosystem.

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

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

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

22                          And third in the section of  
23          fisheries is blasting.

24                          We'd be interested to know if  
25          particulate matter from washing or from chemical

1 residues associated with blasting could seep into  
2 the ground water or the marine environments in Bay  
3 of Fundy and, if so, how will that impact on the  
4 health of the marine ecosystem.

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

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

17 The next section is royalties.

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

24 However, we do know that many  
25 companies offer voluntary royalties or other forms

1 of financial compensation to communities as a way  
2 of demonstrating good corporate citizenship, so  
3 we're very interested to know what the specific  
4 plans of Bilcon Nova Scotia might be in this  
5 regard.

6 And then, finally, future plans.

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

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

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

24 We took that input and developed a  
25 document which we entitled "Vision 2000: Building  
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## SUBMISSIONS - Larkman

1 will never build an economic  
2 future for ourselves or our  
3 descendants. Communities  
4 across the Western Valley  
5 Region are united by a desire  
6 to see future economic  
7 activity carried out in a way  
8 that protects, preserves and  
9 promotes our ecological  
10 heritage. The residents of  
11 our region wish to see  
12 environmental ethics and  
13 concepts of sustainability  
14 incorporated into every  
15 decision, into every  
16 discussion about our region's  
17 future. They also expect to  
18 see this comment articulated  
19 to the larger world in a  
20 forceful and effective  
21 manner."

22 Thank you.

23 THE CHAIRPERSON: Thank you very  
24 much. That was also an exhaustive list, and I do  
25 have one question for you.

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1                   And that is, you were talking  
2                   about full cost accounting. You mentioned Dr.  
3                   Ronald Coleman, GPI Atlantic, then you mentioned 22  
4                   indicators.

5                   MS LARKMAN: Yes.

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

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

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

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

22                  So I'm not actually asking that  
23                  that be a requirement of the proponent to use that,  
24                  but just offering that as an existing model for  
25                  conducting a full cost accounting.

## SUBMISSIONS - Larkman

1 THE CHAIRPERSON: Okay. Thank you  
2 very much. Jill?

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

6 MS LARKMAN: Yes, I will.

7 THE CHAIRPERSON: Oh, you will.  
8 And those documents you're reading from as well?

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

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

14 MS LARKMAN: Yes.

15 THE CHAIRPERSON: Gunter?

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

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

21 Oh, there's one in the back here.

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

1 ongoing?

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

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

6 If not, then thank you, Ms  
7 Larkman.

8 We had three people requested to  
9 make formal presentations and we're at 2:30, which  
10 is about halfway through the allotted time. What  
11 we've done in the past is to take a break of about  
12 10 minutes to stretch your legs, use the washroom  
13 and just chat if you want to.

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

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

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

25 --- Short recess at 2:30 p.m.



1 --- Upon resuming at 2:40 p.m.

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

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

11 MS INGOT: I would like to speak,  
12 too.

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

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

20 SUBMISSIONS

21 MR. HAROLD ROWE:

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

25 The tourism committee is a

1 committee of Digby Neck Community Development  
2 Association, of which I'm also a member.

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

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

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

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

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

20 "The proponent should discuss  
21 the level of existing and  
22 planned recreation and  
23 tourism activities."

24 My question is, how can the  
25 proponent possibly do this to our satisfaction when

1           they are -- have been unwilling to talk to us in a  
2           civil manner about our businesses and concerns.

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

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

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

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

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

23                        When I inquired about how they  
24          thought the meetings were going, Mr. Buxton asked  
25          me, "Where did you earn your living?" When I

1           replied, "In Canada, of course," he asked, "Where  
2           in Canada?" When I replied, "Mostly in Ontario,"  
3           he said, "Well, that proves my point. The people  
4           who are speaking out against the quarry are not the  
5           people who were born here. They are people who  
6           have moved here from away."

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

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

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

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

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

25                           My question was, "How many have

1           you received?" Mr. Buxton replied that I could  
2           find out when I read their response to the EIS  
3           guidelines.

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

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

10                          The answer is that the proponent  
11           just doesn't get it. The people down here, whether  
12           they've been here for a short or a long time, don't  
13           want this proposed mega-quarry and marine terminal.

14                          It would be disastrous to our two  
15           main industries, fishing and tourism.

16                          It would destroy our way of life.  
17           It has already started to do so.

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

22                          I'll be interested in how the  
23           proponent will discuss the level and value of the  
24           existing and planned recreation and tourism  
25           industries on Digby Neck and Islands.

1                   The next section in the guidelines  
2                   that concerns tourism is Section 9.2.6, Recreation  
3                   and Tourism.

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

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

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

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

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

25                   Ask the tourists. The operation

1 of a quarry on a strip of land that is recognized  
2 the world over as an ecotourism marvel and a place  
3 to escape the blackboard jungle such as the one  
4 that the proponents come from will destroy our  
5 beautiful area forever.

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

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

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

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

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

25 Sure I moved to the end of Digby  
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1 Neck from Ontario just six years ago, but who  
2 cares? Certainly not the residents down here,  
3 whose families have lived here for generations and  
4 generations and have accepted me and my wife with  
5 open arms.

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

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

16 Thank you very much.

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

20 MR. ROWE: Yes, I am.

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

23 DR. MUECKE: Mr. Rowe, would you  
24 like to give us some specific ideas of how you  
25 would like our document -- the document ---



SUBMISSIONS - Rowe

1                   MR. ROWE: Well, I think they're  
2                   in here. I think if you read this -- I went  
3                   through it fairly quickly, but I think if you read  
4                   through this I've addressed both items.

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

12                  I don't know if that's -- you feel  
13                  that's copping out, but ---

14                  DR. MUECKE: No, no. That's fine.  
15                  Thank you.

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

19                  SUBMISSIONS

20                  MR. MATTHEW GRANGER:

21                  Hello. Thank you very much for  
22                  having me here today. Some of you probably had the  
23                  pleasure or displeasure of listening to me back in  
24                  June when we had our federal elections, and I  
25                  stated then that I was opposed to blowing up the  
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## SUBMISSIONS - Granger

1 Digby Neck and putting it on to one of Mr. Martin's  
2 boats and taking it to the States.

3 I remain dedicated to that cause.

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

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

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

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

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

24 One of the disadvantages of  
25 speaking so late in the day is that many of the

1 things that I have down on my list to say have  
2 already been said, but maybe that's an advantage  
3 because that makes me realize that there are very  
4 intelligent people right here who see the problems  
5 that lie ahead with this.

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

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

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

23 The time to act is now. We can't  
24 wait until we open the Pandora's box. It'll be too  
25 difficult to rectify the situation.

## SUBMISSIONS - Granger

1 I think that if we have 25 more  
2 years of whale watching on the Digby Neck and  
3 people who are here to enjoy its natural beauty,  
4 that will bring far more money to the local economy  
5 than any sort of mining operation is going to do.

6 I'd just like to make one more  
7 point on the bilge water.

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

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

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

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

## SUBMISSIONS - Granger

1 didn't have to pay him any compensation whatsoever.

2 And this type of thing could very  
3 easily happen here.

4 And the thing that scares me is  
5 what can happen that we can't foresee right now?  
6 What have we all missed today that in 10 years'  
7 time we are ruing the day that we allowed mining to  
8 take place on our beautiful Digby Neck?

9 Thank you.

10 THE CHAIRPERSON: Thank you, Mr.  
11 Granger.

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

15 MR. GRANGER: Yes.

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

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

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

24 MR. GRANGER: Sorry. Ballast  
25 water, yes.

## SUBMISSIONS - Granger

1 I can't see how it could proceed  
2 and give us that assurance that this will not  
3 happen here.

4 DR. GRANT: Thank you.

5 THE CHAIRPERSON: Anybody, comment  
6 from the audience?

7 We have Terry Farnsworth.

8 SUBMISSIONS

9 MR. TERRY FARNSWORTH:

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

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

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

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

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

25 It's hard to take part in a  
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## SUBMISSIONS - Farnsworth

1 process that you can neither be able to say yes or  
2 no. It's even harder when we hear common sense is  
3 not being used.

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

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

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

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

22 Sometimes they get it right, yeah,  
23 and we ask ourselves, is this science, fact or  
24 fiction or is most of it common knowledge, even  
25 better term, let's say common sense would be better

1 use of word and definition.

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

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

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

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

20 You know, I attended one meeting  
21 on Digby Neck, and I said, "How can it be? I'm a  
22 hand liner. I signed a waiver and contract. I  
23 need a hail out number. I need to call observer  
24 company, dockside monitoring. All this cost --  
25 download costs and everything that the world don't



1 want to take care of has all been through in our  
2 lives."

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

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

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

25 That picture was not a very good

## SUBMISSIONS - Farnsworth

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

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

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

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

19 So I guess I realize that you guys  
20 are trying diligently to go with the process in  
21 trying to find, yes, we must focus on doing things  
22 to prepare guidelines, but when I asked that  
23 gentleman about monitoring, he said they're just  
24 guidelines.

25 In other words, he was admitting  
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## SUBMISSIONS - Farnsworth

1 to me you could take it or you can leave it, and  
2 that wasn't a very good demonstration.

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

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

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

21 So I only hope that the God given  
22 talent that's in this room and beyond are fished  
23 out, and because we are talking about -- you know,  
24 it makes me nervous to hear people talking about  
25 compensation and all the rest of that that can be

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1 taken as somehow you're admitting, perhaps, or  
2 leaning a little towards, yeah, they're accepting  
3 that a little bit.

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

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

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

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

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

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

8 Thank you.

9 THE CHAIRPERSON: Thank you.  
10 Anybody have any comment? No.

11 This lady over here has expressed  
12 an interest in speaking.

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14 MS CHRISTINE IGOT:

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

18 THE CHAIRPERSON: Okay. If you  
19 wish.

20 MS IGOT: It's just as easy.

21 THE CHAIRPERSON: All right.

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

25 THE CHAIRPERSON: Could you come a

1 little closer?

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

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

16 Is there any guarantee as to that?

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

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

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

1 sides.

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

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

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

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

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

1 public.

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

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

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

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

18 MS IGOT: Je crainte est que les  
19 documents que le promoteur vous présentera ne  
20 comprendra pas les documents, les études qui ont  
21 déjà été faites par les associations.

22 I'm afraid that the documents that  
23 will be sent back to you by the proponent to study  
24 after the guidelines have been approved and they  
25 have gone on to do their work that the information



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1 and the studies that they will go and get will not  
2 include studies done by, as you were talking about  
3 the fishermen earlier on.

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

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

20 I'm afraid that in the document  
21 that you have, the guidelines, and that's my  
22 specific question in regard to the guidelines is  
23 that it says nothing in there, and I would like to  
24 see that in, that the proponent must provide

25 documents to be studied by you as a committee from  
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1 people representing both sides of the question.

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

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

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

14 Just a moment.

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

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

22 DR. GRANT: I just wanted to add  
23 that there's a mechanism within the process for  
24 participation from the community, so there's  
25 participant funding available to assist the

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1 community to prepare studies that it thinks at  
2 relevant.

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

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

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

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

21 And what I'm trying to suggest ---

22 MS IGOT: No, I understand that  
23 the public will be able to come back, but I  
24 understand that before the public comes back to  
25 comment on the document you will study the

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1 document, the document that the proponent presents  
2 to you.

3 THE CHAIRPERSON: Yes, but ---

4 MS IGOT: You will be studying it  
5 as a committee.

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

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

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

19 You want to answer that question  
20 afterwards.

21 THE CHAIRPERSON: Well, why don't  
22 -- Steve, why don't you just speak to -- Steve  
23 Chapman is with CEAA, and he understands the  
24 logistics and he's going to amplify what Jill just  
25 said a moment ago.

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1 MR. CHAPMAN: [Inaudible - off  
2 mike]

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

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

7 THE CHAIRPERSON: All right.

8 MS IGOT: Then you can come back  
9 about that.

10 6.1 qui parle des limites  
11 spatiales, okay.

12 Spacial boundaries on 6.1.

13 C'est sur que tout cet histoire de  
14 l'eau de ballast -- on the ballast water question.  
15 Ça nous concerne tous. Je me demande si ce n'est  
16 pas possible dans les lignes directrices justement  
17 que le promoteur élargisse les limites pour aller  
18 étudier l'environnement là d'où se rechargait cet  
19 eau qui sera dans les navires, l'eau de ballast.

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

25 That's one request.

1                   And the last point I have  
2                   concerning les lignes directrices, c'est 10.1, qui  
3                   concerne la surveillance, which is monitoring.  
4                   That's at 10.1.

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

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

16                   And I have a great concern about  
17                   52 boats a year coming here and other environmental  
18                   things on site and about the monitoring of those  
19                   things in terms of who from government and  
20                   partially is going to monitor the goings on at the  
21                   site.

22                   We all know it's a little out of  
23                   the way for the people who are from away. It's not  
24                   out of the way for the people who live there,  
25                   obviously.

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1                   But is the site going to be  
2                   inspected once every three years, once every five  
3                   years. And if we -- if it's only the proponent  
4                   himself who is going to supervise, then I really  
5                   don't have much trust in that myself, but that is  
6                   the impression I get in the guidelines is that the  
7                   proponent will be doing his own monitoring.

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

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

17                  MS IGOT: Right.

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

20                  Then what we should -- what you're  
21                  -- I think you're saying is that we should write  
22                  into the guidelines a request to the proponent to  
23                  define exactly how the various steps which the  
24                  proponent is saying will come about will, in fact,  
25                  be monitored.

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1 MS IGOT: Exactly. That's what I  
2 would like to see.

3 THE CHAIRPERSON: Then, in the  
4 Environmental Impact Statement, you will have a  
5 response to that which will say this is how it is.

6 And at that time, if you're still  
7 uncomfortable, that's when you respond. Okay?

8 That's all I can tell you at the  
9 moment.

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

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

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

25 And while we take that three or



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1 four minutes off, anyone else wants to speak should  
2 give some -- you do?

3 You're also -- you spoke earlier,  
4 so you're going to speak as an individual as well.  
5 All right.

6 So we'll just take two or three  
7 minutes while we become informed.

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

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

10 THE CHAIRPERSON: All right,  
11 ladies and gentlemen.

12 We just put our heads together and  
13 attempted to understand why we are -- you were  
14 having this conflict, and ---

15 MS IGOT: It's not a conflict.

16 THE CHAIRPERSON: Well ---

17 MS IGOT: It's just a ---

18 THE CHAIRPERSON: --- let me ---

19 MS IGOT: It's just trying to  
20 understand.

21 THE CHAIRPERSON: Let me explain  
22 what we've -- we went back to the original Terms of  
23 Reference in the guidelines, and we think that the  
24 problem that you're having is that -- the belief  
25 that the EIS all by itself presented on the table

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1 is the only document that will be evaluated by the  
2 panel.

3 And as I ---

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

6 THE CHAIRPERSON: Let me continue,  
7 then.

8 MS IGOT: That's not my problem.

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

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

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

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

23 When it goes to the hearing  
24 process when you, as an individual, will be able to  
25 see what's going on, you'll have the EIS in front

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1 of you. You'll have all of the responses from the  
2 provincial and government agencies.

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

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

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

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

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

24 Right so far?

25 Now, the documents they are going

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

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

12 THE CHAIRPERSON: Both sides, you  
13 mean?

14 MS IGOT: Yeah. Is that just  
15 totally illogical?

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

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1 for the quarry project.

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

6 So that's the timing problem that  
7 I have.

8 Do you understand what I'm saying?  
9 Do you understand what I'm saying?

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

16 MS IGOT: No, obviously not.

17 THE CHAIRPERSON: Well, under ---

18 MS IGOT: Obviously not.

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

25 MS IGOT: And my question is, are

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1 they impartial experts? I'm afraid that that ---

2 THE CHAIRPERSON: Are they  
3 impartial?

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

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

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

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

17 THE CHAIRPERSON: I beg your  
18 pardon?

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

25 And that's -- you know ---

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

4 MS IGOT: No.

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

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

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

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

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

23 And that is my own personal  
24 opinion, and I don't impose that on anybody else at  
25 all.

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

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

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

23                   That's all I have to say.

24                   DR. GRANT: I'd just like to  
25 respond a little bit, too, if you don't mind.

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1 MS. IGOT: Sure.

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

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

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

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

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

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

23 MS IGOT: Okay.

24 DR. GRANT: --- at the time that  
25 we make our decisions.

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

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

11 MS IGOT: Okay. At the same time.

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

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

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

22 Christine, I'm wondering if there  
23 would also be an additional concern that should the  
24 need arise for additional research to be done that  
25 at the point that the community would be responding

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1 to the proponent's paperwork that that might be a  
2 factor, that proper research -- we have no way to  
3 know in advance what kinds of issues the  
4 proponent's research will raise and there may not  
5 be adequate numbers of research documents already  
6 available that will apply specifically to those  
7 concerns.

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

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

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

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

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

23 MS IGOT: --- about time  
24 constraints.

25 MS BENGIVENNI: --- I'm just

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1 suggesting it because now I do have this concern  
2 because of what you've raised.

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

5 MS IGOT: So your point is that  
6 the community may not have enough time to respond  
7 to the research presented by the proponent ---

8 MS BENGIVENNI: Exactly.

9 MS IGOT: --- afterwards for  
10 public hearings.

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

13 MS IGOT: There's 60 days, I  
14 believe. Is it 60 days?

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

17 MS BENGIVENNI: I can be even more  
18 ---

19 DR. GRANT: At least 60 days.

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

23 MS IGOT: Depending on whether  
24 there's a request for additional time.

25 THE CHAIRPERSON: Depending on

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1           whether there is conformity between the EIS and the  
2           guidelines and whether the panel is satisfied that  
3           the EIS has been developed properly.

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

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

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

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

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

23                          What we said was they will be  
24          given guidelines. They will be asked to respond to  
25          the guidelines.

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1                   The document they produce will be  
2                   their best guess, best estimate of their adherence  
3                   to the guidelines.

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

9                   MS BENGIVENNI: I'm sorry. I must  
10                  not be clarifying myself.

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

15                  THE CHAIRPERSON: Yes.

16                  MS BENGIVENNI: --- the new issues  
17                  that have arisen.

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

25                  THE CHAIRPERSON: Will there be

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1 more than 60 days? Is that what you're asking?

2 MS BENGIVENNI: Yes.

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

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

7 THE CHAIRPERSON: Exactly.

8 DR. GRANT: --- make a request.

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

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

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

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

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

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1 through the panel.

2 MS BENGIVENNI: Okay. I just  
3 wanted that clarified to understand that. Thank  
4 you.

5 THE CHAIRPERSON: Was there  
6 another question? I saw another hand. Yes.

7 MS MCCARTHY: This is ---

8 THE CHAIRPERSON: Is this a  
9 response?

10 MS MCCARTHY: It's -- yes. The  
11 same question, actually.

12 I've been sitting there trying to  
13 balance this equation of an impartial panel, which  
14 I've no reason to doubt, and the studies produced  
15 by the proponent now has been qualified by for  
16 their purposes how that could equal an impartial  
17 decision, but I have got some enlightenment on  
18 that.

19 Included will be studies and  
20 concerns of the community. Now, that satisfies me  
21 to a certain extent, the problem that I have, but I  
22 come back to the funding which is, I understand, in  
23 the region of seventy-five thousand dollars  
24 (\$75,000) for the community, and the time factor.

25 Now, from an experience that I

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

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

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

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

25 Now, I just -- I mean, I'm not

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1 going into the archaeological study part of it.

2 I'm only mentioning the time and the funding.

3 If an archaeologist, with guidance  
4 from the community, needed twenty thousand dollars  
5 (\$20,000) -- that's what he said he would need  
6 extra. That's after completing what he had done.

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

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

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

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

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

21 MS MCCARTHY: Sorry.

22 THE CHAIRPERSON: And what I mean  
23 is that it's difficult under the circumstances --  
24 the response to the community will come in response  
25 to the EIS. Right? The document will come

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1 forward, and so the community -- you're asking  
2 whether it will be possible at the front, at the  
3 beginning whether, in fact, the community can do  
4 the research it wants before the EIS has even been  
5 prepared.

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

10 MS MCCARTHY: Right.

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

14 I think we have to wait and ---

15 MS MCCARTHY: I am not -- sorry.  
16 I'm not asking for twenty thousand dollars  
17 (\$20,000).

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

23 We, as a community, do not have  
24 time, resources or finances to put all that effort  
25 into it, so we have -- we need help from somewhere,

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1 and we cannot match -- that's why we cannot balance  
2 this equation, proponent studies versus community  
3 input. Even with an impartial panel.

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

6 MS MCCARTHY: Right. Right.

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

9 MS MCCARTHY: I'm just putting it  
10 forward.

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

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

17 DR. GRANT: Yes.

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

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

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

25 MS MCCARTHY: It's more of a

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1 problem than a question.

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

5 MS MCCARTHY: Right.

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

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

11 DR. GRANT: When your response ---

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

16 So, okay, I think ---

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

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

21 THE CHAIRPERSON: Thank you. Mr.  
22 Farnsworth.

23 MR. FARNSWORTH: I would just  
24 somewhat -- would like to relieve this lady of some  
25 of her fears and concerns.

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1                   For some of us, we realize that  
2                   there's fundings -- global fundings for concerns of  
3                   right whales, World Wildlife Fund, and a number of  
4                   environmental fundings that are there to help with  
5                   these kinds of community concerns of environmental  
6                   impacts and all that.

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

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

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

19                  DR. MUECKE: Maybe I could just  
20                  make just a suggestion to you, and that is the  
21                  proponents, of course, will hire professionals to  
22                  do -- address the concerns that are in the  
23                  guidelines now, and many of these professionals  
24                  will be professional associations, so when they  
25                  produce reports for the proponent a professional --

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1 a professional engineer, a professional geologist,  
2 when they sign their document, put their reputation  
3 right on the line.

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

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

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

20 I'm not ---

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

23 MS MCCARTHY: Well, we would like  
24 that because I have looked that up for certain  
25 people who are working on this, and I couldn't find

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1           them in the associations.

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

6                           MS MCCARTHY: Well, we will watch  
7           for that.

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

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

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

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

20          SUBMISSIONS

21          MR. TOM HAYNES-PATON:

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

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

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

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

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

22 I tried to write it out. I called  
23 a number of people. I was still confused and I  
24 still am.

25 If you could make this impartial  
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1 study for dummies one page clearly outlined step by  
2 step, the next step is this, and the proponent and  
3 this public is expected to do what in that step, I  
4 would appreciate that very much.

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

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

16 Next, I would like -- I would  
17 like. That's not a strong enough term. But I  
18 would urge that regarding the guidelines and the  
19 suggested guidelines that a list be made of all of  
20 the recommended additions or amendments to the  
21 guidelines, that list be made public as soon as  
22 after the 21st as that list can be made, that when  
23 -- as soon as the accepted guideline changes are  
24 agreed upon by the panel that the accepted  
25 guidelines and the rejected amendment guidelines

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1 also be published for us all, and that some  
2 indication as to why certain guideline  
3 recommendations which we have made to the process  
4 were rejected.

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

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

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

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1 problem.

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

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

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

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

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

1 encouraging them to put them in to guideline  
2 language, and I thought that was very helpful, but  
3 it still simply went from -- that may have covered  
4 2 or 3 percent.

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

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

18 My guess is the answer is no, that  
19 unless we put it specifically, "I want this  
20 guideline" that that will not happen, and today I  
21 was disappointed, Dr. Fournier, when our fisherman  
22 friend said, I thought, very clearly that he wanted  
23 a guideline for fishermen input into the -- into  
24 the proponent's gathering of scientific data  
25 regarding fisheries and you urged him to simply

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1 bring that up at a later date rather than saying,  
2 "Do I hear you say that this is a guideline?"

3 It's -- I think there were some  
4 clear guidelines there that you didn't hear as a  
5 guideline. So my question is what happens to the  
6 90 percent of our input that were not specific  
7 guidelines when this guideline step is really our  
8 only source of power in this process, I feel.

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

16 And I ---

17 THE CHAIRPERSON: Can I respond?

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

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

25 Yes, on some occasions we asked

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1 people to specifically say does this affect 6.1 or  
2 where in the document, but every one of the  
3 presentations we have been reading -- reading the  
4 presentation in the context of its applicability to  
5 the guidelines.

6 And I would -- you used the number  
7 90 percent as not being couched. I would say that  
8 number is much, much, much, much smaller.

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

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

22 First of all, the four -- I was  
23 involved with a series of scoping sessions for the  
24 Sable project which was back about 8 or 9 years  
25 ago, and I was involved with 20 scoping sessions,

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1 of which the average attendance at those meetings  
2 might have been 15 or 20 people.

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

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

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

15 MR. HAYNES-PATON: I appreciate  
16 that.

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

23 Let's say it was all on my part.  
24 I didn't completely understand.

25 I thought we resolved it at the  
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1 end where I took his suggestion and said, "Yes,  
2 well, I agree with that."

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

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

12 MR. HAYNES-PATON: Right.  
13 Excellent.

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

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

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

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1 by the public.

2 THE CHAIRPERSON: Oh, no.

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

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

8 MR. HAYNES-PATON: Yes.

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

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

24 MR. HAYNES-PATON: Good to hear.

25 THE CHAIRPERSON: It's helped us

1           immensely.

2                           MR. HAYNES-PATON: Good hear. I  
3           appreciate that.

4                           THE CHAIRPERSON: Just a moment.  
5           There are people who have been raising their hands  
6           right and left here.

7                           There was a chap in the -- Mr.  
8           Rowe, was it?

9                           MR. ROWE: I rest my case.

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

12                          MS. THERIAULT: I have a comment  
13           to make on Mr. Haynes-Paton's.

14                          He did ask the question, but I  
15           don't believe that it was answered, that there has  
16           been a number of concerns brought to the panel over  
17           the last few days, and I've attended three of the  
18           meetings. And I still do not -- in my mind, cannot  
19           -- I don't think the question has been answered of  
20           what is the criteria that the panel will use to say  
21           whether something will be included in the  
22           guidelines or will be excluded from the guidelines.

23                          And I realize that you have a  
24           whole bunch of information and they're not specific  
25           to the guidelines, but there were a number of

1 issues that were raised that aren't, so that  
2 question I don't believe has been specifically  
3 answered.

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

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

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

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

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

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

23 Remember, our interaction with the  
24 community started on Thursday and it's been one  
25 series of meetings, and we're digesting as we go.

1 I mean, I -- it would be nice if I  
2 could give you a sharply defined, definitive  
3 answer, but I don't have it for you at the moment.

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

7 THE CHAIRPERSON: Well ---

8 MS THERIAULT: --- if ---

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

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

21 And we have been asked as  
22 individual -- professional individuals with  
23 presumed integrity to make some decisions. I mean,  
24 at some point individuals do make decisions, and so  
25 what you do is you take three individuals and the

1 presumption is that they will go forward to deal  
2 with the information and make the best impartial,  
3 objective, fair, unbiased process.

4 And as far as I'm concerned, the  
5 three of -- that's what we're intending to do.

6 MS THERIAULT: I have one more  
7 comment.

8 DR. GRANT: Can I just make a  
9 comment in response as well?

10 MS THERIAULT: Sure.

11 DR. GRANT: Our mandate is to work  
12 through this process to determine what the impacts  
13 are from this project and to assess those to  
14 determine whether they can be mitigated, whether  
15 the project should be rejected, whatever.

16 So our criteria in setting out the  
17 guidelines is to make sure that the guidelines are  
18 developed in a way that will allow us to answer  
19 that question, to know what the environmental  
20 impacts are, and to determine whether some of those  
21 may be mitigated by measures.

22 So as we look at the guideline,  
23 we'll be saying what do we need to know to be able  
24 to answer that reasonably and we'll be setting the  
25 guideline to be sure that that's what we can do at

1 the end of the process.

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

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

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

20 When you guys go home to Halifax,  
21 we still have the problem that pits one family  
22 against each other. That can't be measured in  
23 guidelines or -- but we still have to live next  
24 door to people that are against the way our thought  
25 processes.

1                   And if you're not open with us,  
2           then that -- the mistrust will still be there long  
3           after you're gone whether the quarry is there or  
4           not.

5                   THE CHAIRPERSON: Thank you for  
6           that insight.

7                   MR. SPINNEY: Can I speak on this  
8           here?

9                   THE CHAIRPERSON: I beg your  
10          pardon?

11                  MR. SPINNEY: Can I speak here?

12                  THE CHAIRPERSON: Sure.

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

15                  THE CHAIRPERSON: Yes.

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

18                  THE CHAIRPERSON: Oh, I'm sorry.

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

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

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

25                  THE CHAIRPERSON: Oh, I see.



1 MR. SPINNEY: A clarification  
2 earlier when you -- when Gunter here asked how many  
3 fishermen travel or whatever, fish from this area  
4 over there to the Islands. There's approximately  
5 40 or 50. But the total number of fishermen  
6 fishing over there, it could be somewhere -- Diane,  
7 I don't know if you know. It may be 200 boats. It  
8 may be more than that.

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

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

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

22 THE CHAIRPERSON: Oh, yes.

23 MR. SPINNEY: So tonight, when we  
24 go home or in two or three days, we'll be able to  
25 download it off of the internet.

1 THE CHAIRPERSON: We don't do  
2 anything that's not public.

3 MR. SPINNEY: That's not legal.

4 THE CHAIRPERSON: No. Public.

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

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

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

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

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

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

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

24 THE CHAIRPERSON: They won't be  
25 produced until into February.

1 MR. SPINNEY: Yeah, but we're --  
2 we can't digest anything that's been said here  
3 today or the previous three days or three sessions  
4 for another two to three weeks.

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

7 MR. SPINNEY: That's what I mean.

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

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

15 THE CHAIRPERSON: Yes, but ---

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

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

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

1 before you get home, you don't feel like sitting  
2 down doing -- looking at a document and your wife  
3 or your partner don't feel like doing much on their  
4 own when they don't have the input that you want to  
5 put on paper.

6 So not realizing when I got here  
7 today that, hey, I should have been saying when I  
8 did partially and in my document that sometimes  
9 ballast can't be dumped and there are suggestions  
10 50 miles off shore or 10 miles off shore in the  
11 open ocean where this ballast should be dumped.

12 And in some cases along the  
13 coastline, that's the law. Whatever filtration  
14 system they have on board or electronics system  
15 they have on board, that's beyond that. But some  
16 boats can't dock without ballast and if the wind is  
17 blowing proper there ---

18 THE CHAIRPERSON: But I thought  
19 your presentation was very clear. I mean, and I  
20 ---

21 MR. SPINNEY: Not clear enough  
22 because I'm scared to death of ballast.

23 THE CHAIRPERSON: It was clear. I  
24 mean, you made a very clear representation about  
25 your fear about ballast, about the importance of

1 ballast ---

2 MR. SPINNEY: Exactly.

3 THE CHAIRPERSON: --- and that  
4 will translate through us into ---

5 MR. SPINNEY: It will.

6 THE CHAIRPERSON: --- refining the  
7 comment with -- the requirement with regard to  
8 ballast.

9 So it comes back to what Mr.  
10 Haynes-Paton said. You did not say ---

11 MR. SPINNEY: That's right.

12 THE CHAIRPERSON: --- this  
13 particular thing ---

14 MR. SPINNEY: That's right.

15 THE CHAIRPERSON: --- but it was  
16 very clear to me, and I think the others felt it  
17 was clear that ballast was an issue and you went  
18 around the issue and pointed out various ways ---

19 MR. SPINNEY: Yeah.

20 THE CHAIRPERSON: --- so we were  
21 recording that without ---

22 MR. SPINNEY: Well, Mr. Fournier,  
23 the -- last winter -- a short two minute story.

24 Atlantic policy review. A panel  
25 from Ottawa came around with a -- something like a

1 team of people to do what is wrong with the lobster  
2 fishery, the fishery in particular. And there was  
3 -- had to do with the owner-operator and fleet  
4 separation policy.

5 And we were guaranteed more or  
6 less the same line that you're producing --  
7 portraying to us today.

8 The document was produced 100  
9 percent -- almost 100 percent against us, and if  
10 the mail driver of that truck hadn't dropped off by  
11 accident -- the back door of that truck opened and  
12 we got the full report, every presentation that was  
13 made, to this day we would have believed the  
14 report.

15 And there was almost 100 percent  
16 the opposite way in favour of the independent, in  
17 shore fishermen, as I am.

18 And that's the problem once  
19 policies are drawn up, once something is done and  
20 it's not in the public.

21 And I agree with what you're  
22 saying. It's going to take time. It's all manual,  
23 and it's got to be done whichever way they're doing  
24 it. But we need the information that you people  
25 are going to be dealing with.

1                   And when the guidelines are put  
2                   down, we can go back through all the presentations  
3                   and we can see why you did it that way, or try to  
4                   understand it and question you on the next round.

5                   THE CHAIRPERSON: Thank you for  
6                   that input.

7                   Mr. Farnsworth, you've spoken  
8                   twice today already and we're running out of time  
9                   really fast, so I'm going to have to ---

10                  MR. FARNSWORTH: [Inaudible - off  
11                  mike]

12                  THE CHAIRPERSON: Is there  
13                  somebody over here? Okay. Please.

14                  SUBMISSIONS

15                  MR. KENNETH DEVEAU:

16                  My name is Kenneth Deveau. I want  
17                  to make two points.

18                  I'll be very brief, and I want to  
19                  speak to the guidelines specifically.

20                  First of all, I've lived here my  
21                  whole life and I chose to live here, and I'm saying  
22                  this not that I think that it makes my opinion more  
23                  worthwhile than any other. It's just to make my  
24                  point, which is research methodology.

25                  I can't explain why I chose to

1 live here and do the work that I do with  
2 qualitative reasoning -- or quantitative reasoning,  
3 and I think the guidelines should take that into  
4 consideration. When studying social phenomenon,  
5 qualitative methodology should be considered and  
6 the proponent should be guided, I think, to  
7 consider qualitative research as well as  
8 quantitative research, especially with regards to  
9 social phenomenon.

10 And the second one deals with  
11 language.

12 It's very important and the  
13 process the way it's set up, with all due respect,  
14 it is my opinion and actually learned opinion that  
15 we're not respecting Canada's official language  
16 laws here today.

17 It's -- there is an assumption  
18 that we need translation from French into English,  
19 yet we might need some translation from French --  
20 from English into French, yet we did not provide  
21 that. I think that's sad.

22 And that being said, I hope that  
23 the proponent when they do hire their experts to  
24 conduct their research and collect their data that  
25 these people are able to do it in either of the two



1 official languages.

2 And I would go even further, it's  
3 important that in French in this region -- and even  
4 in English, I would say, that there is a unique  
5 variant of language spoken in this region and  
6 there's a culture attached to that, and they should  
7 be sensitized to that and ready to deal with that.

8 I suppose those are my two points.

9 THE CHAIRPERSON: Thank you very  
10 much.

11 SUBMISSIONS

12 MR. ASHRAF MAHTAB:

13 My name is Ashraf Mahtab. I'm  
14 from Sandy Cove.

15 As you may have probably noticed,  
16 I have attended all the scoping sessions and I  
17 would like to thank the panel and the Secretariat  
18 for the generosity and care you have given to the  
19 participants in reserving their comments.

20 You have taken the time to hear  
21 the perspectives from the public, to explain your  
22 mandate and to help the participants to clarify  
23 their points for input to the guidelines.

24 I thank you all very much. Je  
25 vous remercie.

SUBMISSIONS - Mahtab

1 THE CHAIRPERSON: Thank you.

2 Are there any other comments other  
3 than Mr. Farnsworth? Mr. Farnsworth, sure. One  
4 last comment, and then we'll bring the meeting to a  
5 close.

6 MR. FARNSWORTH: Yes. I can  
7 certainly feel that Ms. Theriault and Mr. Payton  
8 and a number of people have expressed a major  
9 concern about what's going to be done with the 80  
10 or, rather, 90 percent of the criteria that may be  
11 categorized as not irrelevant to the guiding  
12 principles.

13 In most of my activities, I just  
14 wanted to say that backgrounders are good in  
15 presentations and I would like to make a comment to  
16 the guidelines that it would be nice to see the  
17 comments in relevance to the guidelines that is  
18 made on the social impact side of our society and  
19 show that the fears and the events that's been  
20 ongoing in the past and all the -- you know, all  
21 the social concerns.

22 We have this tremendous sense of  
23 lack of social justice and it'd be nice to kind of  
24 address through the guidelines this very important  
25 issue that now even the internationalists are doing

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1 studies on social justice, and this is the major  
2 concern of our day, that the these things haven't  
3 been addressed.

4 So somehow it could be, you know,  
5 in the guidelines in some form.

6 And I, too, would like to thank  
7 the panel in this process because unlike the other  
8 process a lot of people didn't want to participate  
9 in that process because of under 3.8 hectares you  
10 didn't have to have an environmental assessment and  
11 a number of things that we didn't want to be a part  
12 of that process.

13 You know, we can say all the bad  
14 things about that process or good things about it  
15 but, I mean, I would just like to say that, if  
16 nothing else, we have representatives and valuable  
17 people participating, as you've earlier commented,  
18 about the outcome in this process.

19 And I, too, would like to thank  
20 the people and I'd like to show my respect for the  
21 Canadian people that they make a very valid point  
22 about their culture and their language, and perhaps  
23 on both sides we have a lot to learn about many  
24 things that surround us.

25 For the most of the trust

