PUBLIC HEARING

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

VOLUME 8

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

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Monday, June 25, 2007

PRESENTERS:
- Bilcon of Nova Scotia
  Ms. Susan Sherk
- Nova Scotia Tourism, Culture and Heritage
  Mr. Robert Ogilvie and Ms. Darlene MacDonald
- Municipality of the District of Digby
  Warden James Thurber
- Town of Annapolis Royal
  Mayor John Kinsella
- Municipality of the County of Annapolis
  Warden Peter Newton
- Mr. Michael Hayden
- Ms. Jan Hermiston
- Paradise Women’s Institute
  Ms. Phyllis Nixon and Ms. Kim Grimard
- Mr. Clytie Foster
-Fundy Fixed Gear Council
  Mr. Chris Hudson
-Canadian Parks and Wilderness Society - N.S.
  Ms. Laura Hussey

Recorded by: A.S.A.P. Reporting Services Inc.
200 Elgin Street, Suite 1004 Ottawa, Ontario  K2P 1L5
130 King Street W., Suite 1800  Toronto, Ontario  M5X 1E3
613-564-2727 (Ottawa Office) / 416-861-8720 (Toronto Office)
613-564-7756 (Ottawa Fax) / 416-946-1693 (Toronto Fax)
1-888-661-2727 (Toll Free)

Per: Hélène Boudreau-Laforge, CCR
Upon resuming on Monday, June 25, 2007, at 1:00 p.m.

THE CHAIRPERSON: Ladies and gentlemen,

we would like to begin.

For those of you who are new to these
sessions, I’d like to introduce the Panel to you. On my
left is Dr. Jill Grant, who is a Professional Planner; on my
right is Dr. Gunter Muecke, who is an Earth Scientist; and
my name is Robert Fournier, I am an Oceanographer and the
Chairman of this group.

Some of you will notice that some
individuals in the audience are wearing headphones. That
may be for simultaneous translation, which is underway, but
many people wear these headphones because the acoustics are
not very good, and thereby they enhance the acoustics by
listening through the English version through their
headphones. So if anybody has difficulty, please go back
there and avail yourself.

I would like to urge the audience to
restrain from any kind of emotional outbursts. I know
emotions run high in this process, but at the same time,
when presentations are made for either side, for the
Proponent or for others, it is really not appropriate for
these proceedings for those kinds of applause or cheering or
anything of that sort. So please, do not do that.
We had some difficulty with computers last week. We had a presentation that we had to cancel because the computer, there was a glitch that we couldn't overcome in the proper time.

One of the things we would like to urge, anyone in the audience who is planning to produce a presentation using Power Point or any computer assisted process, to bring their presentation to the Secretariat ASAP, as soon as possible, so that they can fit it into the computer and work the glitches out ahead of time.

Unfortunately, the person that we had to turn away last week handed it in at the last minute, and even through the problem wasn't very difficult, it stymied us and we couldn't have the presentation.

So as soon as possible, the day before if at all possible, or at the beginning of the day in which you're going to present, if at all possible or whenever it is possible.

One thing I would like to identify are some undertakings. Undertakings are requests for information that cannot be accommodated during the session itself, and so a request is made to the Proponent, to a government organization or even to a private citizen: "Would you please provide this information by this time?"

And last week, on Saturday, we had two
undertakings, which I will just go over briefly.

Actually, it was undertaking number 46, directed June Swift, and it was to provide reference material relating to blasting and the mass beaching of whales.

She suggested that beaching of whales was related to blasting and that she could provide some additional information, so Ms. Swift is supposed to be providing that to us by the 29th of June.

The second one, which was undertaking 47, was directed at the Green Party of Canada, and it was to provide the position of the Green Party of Canada on aggregates in general, and that was to be delivered on the 29th of June as well.

Now today, there are four undertakings that are due, all of whom are directed at Bilcon, and none of which have been received as yet, but hopefully they will come before the end of the day.

Bilcon has agreed to provide us today a measure of the precision of the concentrations of copper occurring in the basalt found at the quarry site.

The second one...

Or I should say undertaking number seven is the one I just read to you.

Undertaking number eight was to provide

A.S.A.P. Reporting Services

(613) 564-2727       (416) 861-8720
estimates of the volumes of fines to be generated and to be
used as part of the reclamation process.

Undertaking number nine is to provide
references to the three to four percent figure for the
production of fines during quarrying.

And then the final one, which is
undertaking number 10, is an accounting of greenhouse gas
emissions for marine transportation over the life of the
Project.

So there are four undertakings that have
been agreed to by Bilcon which should be provided to us
today if possible.

Now today, we'll begin with a
presentation by Bilcon. But before we come to that, I would
like to refer back to something which is outstanding, and
that has to do with the fact that Mr. Buxton, on Thursday
last, you made a reference to...

We were talking about the flow of water,
and I'll read this to you. This is from the transcripts
from Thursday last, it says:

"But the catchment area is 143 hectares
(referring to the catchment area for the
site) that involves the sort of
retention ponds. 64 hectares of that
(of the total site) is actually above
the quarry. It is fresh water, it's

clean water.

That flows down through the site, as it

always has, and that has been part of

our calculations with respect to

retention for our operation but, in

fact, if we got into or a severe storm

were predicted, it has always been our

intention to bypass the water (in other

words that 64 hectares), that clean

water from outside the quarry, straight

into the Bay. It would not go into any

part of the operation."

THE CHAIRPERSON: Now the question to you

Mr. Buxton is that in the EIS, there is no mention of that

at all.

Or to put it in another way, the Panel

has gone back and looked at the documents, and we have

examples of them here, in which the 64-hectare bypass from

the Project into the Bay has never been described.

It's never been part of the water

calculations, and we'd like you to respond to that please

Mr. Buxton.

Mr. PAUL BUXTON: It's not in the

calculations because in the work that CRA did for us,
specifically for example the amount of water that was
available in drought conditions or the amount of water that
could come into the site under storm conditions, we've
always assumed the worst case scenario, so we in fact
included that.

So where we're talking about storm
conditions, we have included that 64 hectares in the
calculation.

I think what I was doing was responding
to a more specific question, and if you like, this is a...
It's a mitigation measure if you like, but we had not put it
in there because we were dealing with the worst case
scenario.

It's certainly... It is included in all
the calculations, in the responses prepared by CRA, which
are in the responses to the EIS, in other words the whole of
the catchment area is considered for storm conditions.

THE CHAIRPERSON: I think the Panel's
response to that is that at this late date, that information
should not come as a surprise to us.

In other words, in re-reading the EIS
very carefully, there is no indication of that, that is
there's no reference to it, there's no allusion to it.

We're led to believe that all water on
the site will converge on the sediment ponds, be dealt with

A.S.A.P. Reporting Services
(613) 564-2727
(416) 861-8720
in the sediment ponds and then be released through the sediment ponds, and suddenly at this late date, what we hear is that now, 64 hectares of catchment basin water will then bypass the sediment ponds.

Mr. PAUL BUXTON: I think we may be getting perhaps a little caught up in the definition of site.

The catchment area extends beyond the quarry site, so this 64 hectares that we are talking about is in fact not on the quarry site, it's in the catchment, it's in the general catchment area, but it's not on the quarry property.

Does that help at all?

Dr. JILL GRANT: I'm just looking Mr. Buxton at the illustration quarry infrastructure plan in IR-7, that's in the revised project description booklet that you gave us, and it shows drainage on the site.

It does not indicate any kind of bypass, it shows drainage from off site. The 64 hectares that you're talking about is either going underneath...

Some drainage is going underneath the sediment pond to the bog, and other drainage going to sediment pond five, and therefore into the loop.

So we're just not clear at all on where this bypass diversion is that you mentioned the other day
that we didn't see in earlier documents.

Mr. PAUL BUXTON: The 64 hectares is not
on the site, okay? The site that we have, the 380 acres or
152 hectares, does not contain the whole of the catchment
area.

There's 64 hectares of that catchment
area that lie outside of the site itself, all right?
They're actually now, I think, almost exclusively on lands
of Bilcon, I think that that's correct, but they're not on
the quarry site so if you were to take a look at the east
property line of the Project, water coming from the
catchment area would be picked up before it reaches the
quarry site proper, and we would consider that as a part of
the water available to us, for example in drought
conditions.

Because I think we made it clear we have
as much concern about having sufficient process water as we
are about storm conditions.

So we are assuming that we can make use
of that water for process.

However, we also have the option of not
bringing it onto the site if a storm is anticipated, and
simply letting it go in its natural course down into the Bay
of Fundy.

Dr. JILL GRANT: With respect, the
diagrams that have been provided for us indicating drainage
on the site, do not reflect what I hear now, so there's a
question as to whether the diagrams provided are inaccurate
or whether the Project description is changing in some way
that allows a different pattern of drainage than what we
have been given previously.

Mr. PAUL BUXTON: I'm fairly sure that
it's in the text from the...in the Information Responses
from CRA.

THE CHAIRPERSON: Let me read to you the
Information Response dated February 27th. It says:

"With the exception of infrequent
releases of storm water collected in the
sediment ponds, there will be no other
water releases since the quarry will be
operating on the basis of a closed loop
water system.

Emergency water releases are considered
an extremely rare event."
So "no other water releases" is what it
says.

Mr. PAUL BUXTON: I think that is true
from the quarry site, but water off the quarry site would
just simply not be brought onto the quarry site.

Process water would be just simply
allowed to go into the Bay of Fundy as it does at the
present time.

Dr. JILL GRANT: Once the Project is in
place however, you've got a series of sediment ponds, a
series of drainage ditches, a constructed wetland, so the
either drainage of the site has changed quite dramatically,
so how can it continue in the same way that it does at
present?

Mr. PAUL BUXTON: No, it's not on the
quarry site at all. The area that we're talking about here
is not on the quarry... It's not in the footprint.

It lies outside of the footprint, and at
the present time it just simply comes down and goes into the
Bay of Fundy.

Dr. JILL GRANT: Across...

Mr. PAUL BUXTON: It would be available
to...

Dr. JILL GRANT: But it comes into the
Bay of Fundy across the Project site at present?

Mr. PAUL BUXTON: No. No, no. That's
the whole point, it doesn't. It lies outside the quarry
site.

We can use that water, potentially, and
bring it onto the site for process water, otherwise it just
simply goes into the Bay of Fundy.
Dr. GUNTER MUECKE: I'd like to clear up one other point. As a result of one of our inquiries, we now have received confirmation that the smallest fraction in the aggregate that will be produced was mentioned to be 140 mesh, and that that is 0.1 millimetre.

Now depending on the classification you use, that places it into fine sand to very fine sand, and so you're stockpiling... One of the products that you're stockpiling has material down to grain size of 0.1 millimetre. I would call it very fine sand, in the classification I would use.

And you told us previously that these stockpiles at times will be dry, for a couple of feet at least.

So the question that arises is very fine sand under the wind conditions that are present at the site, and we referred a lot to that, one would expect it to be windblown and to be transported.

So my question is where can we find some information about this windblown sand and its impact, and in particular its possible impact on the environmental protection zone?

The second part of my question is this material is going to be loaded, is going to go on a conveyer.
Are there provisions that the finest aggregate... And that's what I'm talking about, the material in the 0.1-millimetre range.

Is there any protection on the conveyor so that it doesn't get windblown? And what about the material falling into the holes under strong wind conditions?

How much can one expect of that material to end up in the water column?

Mr. PAUL BUXTON: I think I got about three quarters of that. Perhaps we could revisit the last little piece.

It would be the intent to spray the stockpile with the fine material, and on the conveyor itself, the conveyor is covered and basically on the conveyor, all the material is wet because it's sprayed at each transfer point, it's sprayed at the crusher, and of course at the wash process it is wet, so we would not expect any blow from the conveyor belt itself.

And I'm sorry, I think there was a second part to that question?

Dr. GUNTER MUECKE: No, that basically covers it but... So you're saying the information you gave me before, that the stockpiles would at times be dry, you qualify this now by saying: "Except the one which has the
finest product", is that right?

Mr. PAUL BUXTON: No, it will be
stockpiled wet, but I think what I said before was that if
we got into an extended period of hot, dry weather, there
could certainly be some drying of the surface, and if that
took place, we would have a spray system which would just be
turned on to spray the stockpile.

Dr. GUNTER MUECKE: Thank you.

THE CHAIRPERSON: Mr. Buxton, this now
takes us to your presentation. I believe it will not be you
this time, is that correct?

Mr. PAUL BUXTON: That's correct Mr.
Chair, Ms. Susan Sherk will make the presentation.

THE CHAIRPERSON: Okay.

PRESENTATION BY BILCON OF NOVA SCOTIA - Ms. SUSAN SHERK

Ms. SUSAN SHERK: Dr. Fournier, Dr.
Muecke and Dr. Grant, ladies and gentlemen, my name is Susan
Sherk, I work for AMEC Earth and Environmental.
I have worked there for the past 11
years, and I have been involved in SEA assessments over
that period of time and for a total of approximately 15
years. I have also worked internationally on socio-economic
panels and public hearings.

I’m the former Assistant Deputy Minister
of Tourism and Economic Development for the province of
Newfoundland and Labrador, and I was the Socio-Economist
Manager for Mobile Oil (former Mobile Oil) and for Michelin
Tires Canada based in Nova Scotia.

I would like to present an overview
today of the socio-economic assessment for the Whites Point
Quarry, and basically just to give a characterization of the
socio-economic and cultural environment, the effects
assessment and the overall conclusion.

Working on the socio-economic component
for this quarry was AMEC Earth and Environmental, Elgin
Consulting and Gardener Pifold economists.

These are the project team members down
below who are with us today, with the exception of John
Schupner, who unfortunately, due to family illness, cannot
be here until Wednesday.

And then you have the Bilcon
representatives who have been here regularly for the past
week.

I'd like to just give you a brief
outline of what we're going to talk about in the next 30
minutes.

These are the VECs, the valued
environmental components that have been decided upon by
Bilcon, but also based on the guidelines that were provided
to them, and that is the Heritage Resources, Aboriginal Land
and Resource Use, Aesthetics, transportation, economy, socio-cultural environment and human health and community wellness.

Some of these topics will have been touched upon in the previous week, but from this point of view we are bringing the socio-economic considerations as opposed to the biophysical.

Just briefly, and I won't spend much time on this because most people are from here and they are very familiar with their communities, but this is the community profile.

We're dealing with approximately 1,000 people on Digby Neck and the Islands, a majority of whom are of a British Descent, and over 98 percent speak English as their first language, and a high percentage have been here for three generations or more.

In terms of population change, these stats are not available for Digby Neck in particular because Stats Canada will be about another year before it breaks it down into that smaller level, so unfortunately the Digby Neck itself, we don't have the most recent population.

We do have it for Digby County and Digby Annapolis Valley and Annapolis Royal.

In all cases, you can see the trend downward on the population. This is as a result of out-
migration, but also an increase in deaths over births and a lack of in-migration in the area.

In terms of income in the area, you'll see that in fact due to a good fishery, Digby Neck and the Islands, particularly amongst the male population, exceeds the Nova Scotia average, but is slightly below the Canadian average.

Females, because they have not been directly involved in the same way in the lobster fishery, earn much less income than they do for Nova Scotia and for Canada in general.

Now you'll notice that income transfers are fairly high, at almost 35 percent. That is part of social income assistance, as well as old age pension and alike.

So your wages and salaries are about 50 percent of the population.

Now I'd like to talk a little about the effects and running through each of the VECs, we'll start with the Heritage Resources.

There's a fair amount of information, and it is all in the EIS, but to summarize, studies were undertaken by archaeologists approved by the Nova Scotia Museum.

They approved the final documents, and
there were no significant findings in either the marine or land areas, and there we mentioned the "Hersey" house foundation, but nothing of significance according to the definitions used by the Museum of Nova Scotia were found. Nonetheless, and this is true for all construction projects or any significant buildings, there will be a marine construction, archaeological investigation of the nearshore waters.

Bilcon itself has agreed to do briefings for all of its employees, and archaeological recording and testing will be done at the Hersey house, if required. In other words, if there is construction taken in that particular area.

In terms of Heritage Resources, there was nothing of special historical significance or historical properties found on the site.

However, mitigation will include upgrading and landscaping to maintain the existing rural aesthetic qualities, and there will be ongoing monitoring for heritage resources.

Again, based on the definitions used for significant and adverse residual effects, there are no significant adverse residual effects for historic resources.

Bilcon was also asked to look at

---

_A.S.A.P. Reporting Services_

(613) 564-2727 

(416) 861-8720
Aboriginal land and resource use.

In this case, there is as you are well aware First Nation Communities, number 6, 6A and 6B, with a total population of 272.

There was a report submitted in 2006 to the Panel by the Confederacy of Mainland Mi'Kmag stating:

"The use of Digby Neck and shore of St. Mary's Bay before European arrival may have occurred. There may be pre-contact burial sites there."

And an archaeological study, as a result of this letter, was carried out by Bilcon, but no sites were discovered.

It's not to say they didn't exist at some point, but they were not discovered.

And again, just as we referred to earlier, if artefacts are discovered, the work will be stopped and an investigation will be conducted by a qualified archaeologist under the Nova Scotia Museum direction.

I also would like to add that any of the mitigation measures suggested for the biophysical VECs also apply to the socio-economic VECs, where appropriate, and continued involvement of the First Nations communities will occur.
In terms of aesthetics, which is a concern I think of many of the residents, we do know that Highway 217 is designated as a scenic drive.

Little River, which is a very picturesque community, is located nearby, and the Bay of Fundy and St. Mary's Bay are popular eco-tourism attractions, primarily for whales and seabirds.

The other sites along 217 and both St. Mary's Bay and Bay of Fundy, there's the rock trail at Tiverton and the marina at nearby Digby.

Looking at the effect of this Project on the aesthetics and on the major areas that have just been noted, there is minimal boat tour activity near Whites Point.

It's not to say it doesn't exist in the other areas, but in terms of where people go to see whales, it is generally not in the Whites Point area.

The quarry is not visible from Highway 217. It will not be in the future, it is not so now. And part of the proposed infrastructure and marine terminal is visible from the Bay of Fundy.

In terms of mitigation, as mentioned previously the quarry property entrance from 217 will be upgraded and landscaped to maintain its rural character.

A minimum 30-metre environment
preservation zone will be around the property perimeter.

A site disturbance will occur at 2.5 hectares per year, and the incremental reclamation of disturbed areas is on a five-year schedule.

There will be an ongoing land management program and land restoration program.

This is the view today of Little River.

It is also the view of Little River in three years from now or in 10 years from now. In other words, it will not be visible from the road, the quarry. It is on the other side of the hill.

In terms of transportation now. As we know, Route 217 is the only land transportation route on Digby Neck.

It has current commercial usage as well as private car usage by residents. There was a traffic count done in 1996, 1997 and 2000, and you can see that there has been a slight increase in 1997. It decreased in 2000. Those are normal variations.

However, the variation between seasons is not considerably different, in other words between the wintertime and the summertime.

And these were statistics provided by the Department of Tourism I believe. Transportation, I'm sorry.
There will be some increased truck traffic during construction. It's estimated to be one to two trucks a day over an 18-month period, but the majority of equipment will be delivered by marine and will not be by road.

Once the construction period has ceased, delivery of goods will occur on a weekly/biweekly basis, but again no quarry products will be delivered by road.

So the increase in traffic is primarily during this construction period, but it is one to two trucks a day over that 18-month period.

In terms of mitigation, as mentioned the shipping will occur wherever possible by water, and this is to avoid traffic on Highway 217.

The Whites Cove Road from Highway 217 to the quarry entrance must meet the Department of Transportation and Public Works standards. The access road will be paved to reduce dust, and there will be ongoing community consultation to address future issues in terms of whether there is an increase in traffic or if people have issues regarding dust or something else.

So again, in the assessment there are no significant residual adverse effects. They can be managed.

In terms of marine transportation, the

---

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
Bay of Fundy is a vessel and major shipping route, both
inbound and outbound. The shipping lanes are approximately
13 kilometres offshore from the proposed Whites Point
terminal.

Currently, there are 800 rule vessels
(in other words they have to report in and out) per year
entering and leaving the shipping lanes, and the breakdown
of that is approximately 600 tankers, transporting crude and
refined oil to Saint John; 100 to Bayside and Eastport, and
110 to Hantsport.

Non-rule vessels, which includes
ferries, fishing vessels, government vessels, tour boats and
pleasure crafts, it's difficult to estimate the number
because they aren't required to say where they are going and
what time.

The analysis is that this will increase
in terms of rule vessels by 45 vessels per year,
approximately, which is less than one a week.

They will be transporting rock products
by water. There will be a 24-hour turnaround time, and
there will be a one-mile radius required for manoeuvring and
docking of vessels, depending on weather and tides.

There will be some inconvenience that
could be caused to lobster, herring and sea cucumber
fishers.
In terms of mitigation, there will be advanced notice of shipping schedules. There will be the designated shipping route from the shipping lanes and the docking radius requirements provided to fishermen and tour boat operators.

There will be ongoing public consultation regarding any issues that should occur, with both the fishers and the tour boat operators, and there is going to be a gear-replacement fund that will be provided by Bilcon if there was any disturbance to the lobster fishery, the lobster traps, in terms of equipment.

Monitoring for the loss of fishing gear as a result of shipping. There will be a local fishers group, and there will be ongoing public consultation and complaint records will be compiled.

Again, there will be no significant residual adverse effects, provided that mitigation measures are put in place.

In terms of the economy, I think you’re aware that there will be approximately 18 months in length for construction, where there will be 225 person years involved in that construction period from the local area.

The operations will last approximately 50 years, and there will be 34 people working two shifts, approximately 44 weeks per year.
The payroll quarry will be 1.13 million dollars in 2007 figures. This of course will increase over the period of time due to natural increases in wages.

In terms of costs, the construction will cost approximately $40.6 million and the operations, for ongoing operations and maintenance, it will be $20 million annually.

The contribution to the GDP in terms of construction will be $14.5 million, directly and indirectly, which translates for Digby County at $2.4 million. The operations, it will be approximately $6.3 million annually.

In terms of taxes, the construction will be to the Federal Government, $2 million, and the Provincial Government, $1.6 million. Again, this will increase over time.

Operations, it will be... Sorry, not during the 18-month period, but during operations, it will be Federal for approximately $1 million and for the Province, $0.8 million, and to the municipality, $0.4 million.

In terms of mitigation measures, it is to hire locally, to buy locally, and that all training of new hires and ongoing training will be done by Bilcon of Nova Scotia.

And I just want to point out that it
often is assumed by people that there's an interest in
bringing workers in from the outside. That's not a cost-
efficient method for companies or for most companies I
should say.

They want to hire locally because then
they have a commitment to the local people who are living
there, and this is the kind of work that can be done very
much locally.

The training would need to be... The
basic training would be done by the Community College, but
the ongoing and specialized training would be done by
Bilcon.

In terms of aquaculture, there are two
sites that are located 2.5 kilometres and 8 kilometres
respectively away from the Project site.

There has been some concern related to
blasting on these two operations.

The analysis is that given the location
of how far away a quarry can be from an aquaculture site,
the quarry is sufficiently far away from both sites so as
not to be a disturbance.

However, in terms of monitoring, the
weights of explosive charges will be kept to a minimum.

With the multiple charges, the time-delay detonators will
occur.
The larger charges will be subdivided into a series of smaller charges in the blast holes, and also the blast holes will be backfilled with sand or gravel to grade. The setback distances as mentioned is based on the maximum weight of explosive charge.

These are in compliance with the Nova Scotia Department of Environment and Labour, and it's the kind of compliance that applies to all quarries and mines in Nova Scotia.

In terms of the fishery and the intertidal fishery located immediately adjacent to the proposed site, there is some harvesting of periwinkles along the Whites Point Quarry property. This is now accessed by all-terrain vehicles.

In terms of mitigation and monitoring, the Whites Cove Road is a public road and people can still continue to access the periwinkle sites through that road. There will be ongoing community consultation and any issues that arise would be discussed with the Community Liaison Committee.

In terms of the fishery itself, and you're all familiar with this information, but there are 13 ports in St. Mary's Bay and the Bay of Fundy with 132 registered vessels active, mostly between 35 and approximately 45 feet in length.
There are 309 licensed fishermen, of which 103 are core fishers and 206 are non-core fishers. 71 percent of the fishers live and operate out of Little River, Tiverton, Freeport and Westport. And you can see that the value of the lobster fishery has increased between 1998 and 2004.

In terms of the effects on the fishery, when near shore, the Project may cause some inconvenience to fishers, but the frequency of ship arrival/departures diminishes during the height of the lobster season.

In other words, when most of the ships are arriving, it's when the lobster season is not at its height.

Herring nets set within a one-mile radius of the terminal may be affected by ship arrival/departures, but nets generally are set closer to the coast line than in the course of the vessels.

In terms of mitigation and monitoring, there are shipping lanes designated both within the Bay of Fundy, and then on the shipping lane, and then from the shipping lane into the terminal.

At the request of fishermen, a wider approach departure area has been included to allow the traps to be set at an area currently fished in the immediate nearshore.

A.S.A.P. Reporting Services

(613) 564-2727          (416) 861-8720
There will be advanced notice of shipping schedules to be provided to the fishers. And monitoring, well shipping records will be kept by Bilcon just in case of any issues. There's going to be ongoing community consultation and there will be the recording of complaints, and particularly for compensation claims.

The compensation, as mentioned previously, is that there will be a lobster-trap fund to compensate for lost traps and related gear due to shipping activity.

In terms of tourism, unfortunately we don't have the more recent numbers. They are not available directly for Digby Neck and the Islands, but the value of the tourism industry was approximately $3 million in 2004. It employed 80 people, and the payroll for tourism, direct and indirect, was $1.2 million in 2004, which is approximately the same as the payroll, direct payroll of the Bilcon project.

So they are equal in monetary value, but we're not equating the two in terms of their importance to people here.

Primary attractions as mentioned are whale and seabird cruises from East Ferry, Tiverton and Westport.
Again, these figures are old. We do know what's happened to tourism generally in the Maritimes, as a result of outside factors, and that has to do with the strong value of the Canadian dollar, plus the loss of Americans to the Maritimes partly because of the dollar, but also because of 9-11 and also the increase of gas.

So tourism has generally suffered throughout the Maritime provinces. It has gone down.

In 2004, there were 2,600 individuals at the Tiverton Visitor Centre, and as we are all familiar, the Brier Islands is an important destination tourism resort.

In terms of the analysis, the quarry is not visible from the main road, from Digby Neck and the Islands Scenic Drive. It's not near any tourist accommodations. It's not near the proposed Discovery Centre, and it's not near the primary whale and seabird viewing locations. There are no commercial tourism infrastructures adjacent to the site.

Nonetheless, the mitigation measures that would be put in place is the preservation zones for sensitive areas, the fact that the quarry will be reclaimed incrementally (every five years), that there will be visual buffer zones along the coast, there will be land reclamation to occur first around the sedimentation ponds and there will

---

*A.S.A.P. Reporting Services*

(613) 564-2727       (416) 861-8720
be ongoing consultation in case there are issues resulting
in something pertaining to tourism.

So again, in conclusions, there are no
significant residual adverse effects. These effects can be
mitigated.

On land values, which is an issue often
associated with mining and other activities, there were in
1999 to 2002 forty properties that were sold on the Neck,
and in 2003 to 2005, 90 properties were sold.

In terms of the time it took to sell, 45
percent were sold in the first one to three months between
1998 and 2002, and 58 percent were sold between 2003 and
2005.

Just in terms of adjacency to the
property, not including Bilcon and what they bought, but
there were four properties sold in Sandy Cove, and in 2003
to 2005, nine properties were sold.

Property assessments have consistently
risen over the last five years.

And just by way of comparison, we look
at three other quarries, we looked at the land values of
them.

Two you would be familiar with, and one
you would not be familiar with. One is the Grandville Ferry
location, and the other is the Canso Causeway, and the third

---

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
is in Branford, Connecticut.

The only reason that one is there is because it is adjacent to 45 percent of the New Haven water supply, and there are three schools within 800 metres of the quarry.

The point of this is that you can locate quarries within other uses, land uses, without necessarily affecting the value of the properties.

Here is a quarry that is somewhat similar to the one that is proposed here. However, the marine terminal, I believe, is larger in this particular case.

You'll see on the left-hand side a number of vacation cottages, so that they have managed to coexist in this particular place.

In terms of land value mitigation, a compensation plan for properties within 800 metres of active quarry face. Also, property acquisition by Bilcon has been taking place.

And again, the mitigation related to the biophysical VECs also apply where appropriate to the socio-economics.

So in terms of land value, there's no significant residual adverse effects.

In conclusion, the effects on the
economy, as already mentioned, there's no significant
residual adverse effects. There are beneficial effects on
employment and local economy.

As mentioned, it would contribute to the
economy in the proportion that tourism does here today.

In terms of recreation, the Whites Point
area has occasionally been used for social, cultural and
recreational activity.

However, since the 1950s, it's been used
less. It is now used occasionally by all-terrain vehicles
and very occasionally by hikers, and there still is the
Whites Cove Road, which is accessible to the public.

For mitigation, the access to Crown
lands was maintained for recreational use.

To ensure safety of recreational users,
a check-in procedure would be required during the blasting
operations. This is generally required for any blasting
operations anywhere.

And in conclusion, no significant
residual adverse effects.

In terms of quality of life, through an
attitude survey that was undertaken, people responded to it
by saying that...

The factors important for them in
determining their quality of life in living here is a

A.S.A.P. Reporting Services

(613) 564-2727          (416) 861-8720
healthy environment, a safe environment, access to healthcare, good income and financial security, and the presence of family.

The statistics there show that over 50 percent felt that they had a good quality of life, either very good or excellent. 30 percent thought that it was good. Close to 20 percent felt that it was poor.

The poorest quality of life when broken down was in the age group of 31 to 40.

Another way of looking at quality of life is essentially social capital, and this is how communities and people engage in each other. The definition is trust, social cohesion, social support and civic engagement.

In undertaking the work for the EIS, it was determined that belonging to a community is important. Attachment to place is important. Distrust of projects developed by people "from away" occurs, as we all know. Social networks are strong, although can be temporarily disrupted by possibility of change, such as the proposed quarry. Health and safe environment rated as important. Residents expressed concern about water and air quality, as well as noise and aesthetics.

As far as mitigation, there will be ongoing community consultation. The mitigation proposed by

\textit{A.S.A.P. Reporting Services}

\textbf{(613) 564-2727} \hspace{1cm} \textbf{(416) 861-8720}
the biophysical environment would also apply. The
discussion and monitoring of environmental issues such as
water quality, air quality and noise would continue.

   In terms of community infrastructure,
basically it was looked at the capacity of each of these
area infrastructures to see if there was an increased need,
and could it be handled by the area.

   In terms of fire service capacity, for
the most part there are sufficient volunteer capacities, but
insufficient equipment in Digby Neck and in general, there's
insufficient volunteer resources.

   In waste service, there is a sufficiency
to handle further volume.

   In terms of search and rescue, there's
adequate volunteer service. Access road to Fundy shore at
Whites Cove would assist in the EMO.

   In Ferry service, there is sufficient
capacity if new workers lived on the Islands.

   In terms of the EHS Expanded capacity,
there is sufficiency there.

   In terms of health, it's sufficient but
physician shortage is generally a problem in rural areas.
This is no different than the rest of Nova Scotia, which is
experiencing a shortage of health workers.

   In schools, there's sufficient capacity
because there's been a decline of 27 percent in enrolment over the last decade.

Analysis now. In terms of roads, there will be some increase in traffic as mentioned earlier, but most heavy equipment will come by the sea.

In terms of electricity, the supply line from Digby to Little River will be upgraded.

In terms of First response, firefighting and first aid will be provided on site.

Mitigation means that improved power service will come to the residents of Digby Neck. There will be increased firefighting capacity on Digby Neck and with employment, a more stabilized population, it will possibly affect the school enrolment and volunteer capacities.

In conclusion, the effects assessment is that there are no significant adverse residual effects that will occur that can't be mitigated by the measures that have been proposed.

Moving on to human health and wellness, some of these issues have been discussed previously, but we're looking at this from a socio-economic context and also because it's the kinds of things that have been brought up by the public, in public consultation.

In terms of drinking water, and I'll
just quickly run over these, because you have seen most of them.

The groundwater samples were taken at the quarry site. They do meet the Canadian guidelines. In terms of mitigation, as previously discussed, a domestic well survey will be completed prior to construction, and there will be ongoing public consultation.

In terms of monitoring, chemical, physical and biological well water parameters, meaning that there will be monitoring of all wells and on-site wells.

In terms of marine contaminants, the research found that the marine sediments in water, the concentrations of metals are within the Canadian Sediment Quality Guidelines and the U.S. Water Quality Criteria.

The analysis is that the quarrying will unlikely result in increases of contaminants in the marine environment.

However, for mitigation, Bilcon has said that it will have sediment retention ponds and it will recycle the aggregate wash water.

Monitoring. There will be effluent discharge quality, including metal concentrates, and it will also monitor for contaminant levels in periwinkles.

In terms of land contaminants and country foods, the research has shown that the

___

A.S.A.P. Reporting Services

(613) 564-2727  (416) 861-8720
concentrations of metals are within the soil quality
guidelines. The on-site concentrations in berries were
analysed because water and soil were considered possible
pathways.

The analysis is that possibility for
contaminants entering human food resources on land, beyond
that due to the background, is considered extremely low
based on the proposed project design and operation.

The mitigation is site reclamation and
sediment retention ponds.

The monitoring will continue using
raspberries as an example, and the soil chemistry for soil
storage and reclamation sites.

In terms of air quality, the key
considerations are air quality and noise levels, the
potential emission sources, the guidelines and standards,
the noise level modelling.

Mitigation measures: significance of
effects and environmental management.

I won't go through all of these because
I believe they have been covered previously, but it is what
Bilcon has looked at, and I just want to emphasize the
enclosures for all processing equipment, which will cut down
on both noise and dust levels; the hooded conveyor system;
the use of dust suppressants; and the blasting that will
occur on regulated hours also.

The compliance monitoring on site, it will be done for particulate matters, noise and vibrations, and all of these results will be made available to the public.

So in conclusion on human health, drinking water, the marine and land contaminants, the air quality and country foods, there are no significant residual adverse effects.

They meet the Canadian guidelines, all applicable guidelines.

So in conclusion, the socio-economic effects can be managed resulting in no significant adverse residual effects.

The beneficial effects are stable, ongoing employment; the benefits to the economy; and also to the provision of goods and services from local business and supplies.

Thank you.

PRESENTATION BY BILCON OF NOVA SCOTIA - QUESTIONS FROM THE PANEL

Dr. JILL GRANT: Thank you very much. Could we perhaps have a couple of clarifications on points offered in the presentation that I think differ a little bit from what was presented before?
In that presentation, it indicated 45 ships per year. I believe in response to an Information Request, we got an indication of the potential from 44 to 50 ships per year.

Can you give us an idea of why there’s that range and whether 45 is a more likely number?

Mr. PAUL BUXTON: The number of ships really depends upon the type of ship and probably or principally where it is going.

A Panamax ship that is fully loaded can probably take 65,000 tonnes. Generally speaking, we cannot use the full capacity because the port that we would anticipate using cannot take 65,000 tonnes, so essentially we expect something in the order of say 45,000 tonnes per shipload.

Our target is 2 million tonnes a year, so it’s... I can’t tell you whether it’s 43 ships or 44 or 45, but our best estimate typically, from what we know at the present time, is 45 ships.

If a port becomes available or if dredging were to take place in the existing port that would allow us to take a larger shipload per voyage, we would certainly take advantage of that and cut it down.

It’s a great advantage to us to use the minimum amount of vessels, but we are restricted by the
ability to get a full load into existing ports where we
would like to deliver.

Dr. JILL GRANT: Thank you. And the
other clarification is around the number of workers to be
employed during the construction period.

Now I believe that on the first day,
the presentation indicated 65 to 80 workers during
construction, but what was presented today said 225 person
years, so can you clarify what the difference is in those
figures?

Mr. PAUL BUXTON: Yes, we expect 60 to 85
people on site. In terms of the total Project, it would
amount to 225 person years, so for example if we had
conveyor systems welded and partially erected in Halifax,
that counts, if you like, in the economic generation of
person years of work, but they would not be on the site.

So the 6285 refers to the people that
would actually be at the quarry site doing construction.
The 225 refers to the total man-years of work to create the
facility.

Dr. JILL GRANT: And what proportion of
that 225 is Nova Scotia-based workforce? What proportion of
that work is being done in Nova Scotia? Do you have a
percentage?

Mr. PAUL BUXTON: Could you just give me
one moment on that? Thank you.

--- Pause

Mr. PAUL BUXTON: Mr. Fraser will answer that. He is our economist. Thank you.

Mr. ROBERT FRASER: The 225 is a total person years of employment attributable to the project that includes the direct employment and then the spin-off employment from construction activity as well.

And the 225 is the total employment that will occur in the Province of Nova Scotia.

In Digby County, it would be approximately 45 person years of employment, with the balance of Nova Scotia being the 180 person years of employment.

Dr. JILL GRANT: So can you clarify, then, the 45 person years in Digby versus the 65 to 80 people on site that was cited earlier?

I'm not quite getting these figures.

Maybe you could clarify that.

Mr. PAUL BUXTON: Some people will come, and I will perhaps use an example, for the marine terminal.

We would not expect, and I don't think we have the machinery nor the equipment nor, perhaps, the trained personnel in Digby County, for example, to drive piles for the marine terminal, so they would come from

---

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720
Dr. JILL GRANT: Okay. Thank you.

That's clearer.

In the Environmental Impact Statement Guidelines that the Panel issued, there was a request to describe how socio-cultural patterns and social organization in the community is affected.

And one of the elements in that was a request to describe social relations between residents, among generations, and between seasonal and year-round residents.

We don't find too much on that, so I wonder if you're able to comment a bit more on what your studies found about social relations in this category, between residents and among generations, and between season l and year-round residents.

Mr. PAUL BUXTON: Ms. Sherk will answer that question.

--- Pause

Ms. SUSAN SHERK: My apologies.

We had to summarize for both the attitude survey and for social capital, and both of those were done through an attitude survey that we undertook. It was done by an outside consulting firm called Market Quest. And we summarized those in both the EIS.
and what we had out here.

   It's difficult to translate, I guess
you'd say, or getting at some of those characteristics of
community relations because people were fairly sensitive
about them.

   But nonetheless, we felt that we were
able to do that pretty much through impartial attitude
survey that was fairly removed, well, completely removed
from the actual project.

   Dr. JILL GRANT: I note in going through
the attitude survey that there's very little there about
social relations and further discussion in the EIS
Guidelines asks you to consider implications of the project
on things like social relations between those who support
and oppose the project.

   One of the things that has come out in
the discussions already, the presentations, is the feeling
that the project has split the community.

   And so I wonder if you could comment
more on what you've found in the study about the effect of
the project on the community, the social relations in the
community.

   Ms. SUSAN SHERK: There was also another
study, which was a health study, and that got at some of the
information.
And without going into very detailed discussions of it, which we'd be glad to supply, but it was in the EIS, we tried to summarize it again on the overhead slide.

And I think that it is what we discussed there, which is detachment took place, distrust of outsiders, distrust of change, that these were all natural phenomena whenever there is a project that's foreign to an area that looks at coming in.

And it certainly is heightened.

But this is an area in transition as well. People are moving away, and that has caused stresses on families as well, and this has been brought up to the health study.

This adds to that particular kind of stress.

Dr. JILL GRANT: Another item in the Guidelines requested an evaluation of potential effects on measures of health such as respiratory health that may be affected by the project.

Can you give us an idea of what the study found about the potential effects on respiratory health?

Mr. PAUL BUXTON: I believe that in the EIS we did look at the regional situation with respect to

---

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720
respiratory health, and I think we've certainly recognized it as an important issue, certainly allied to air quality. And I think that what we've tried to do is to ensure that we carry out mitigation measures on the site so that we, in fact, don't affect air quality. So I think we're coming at it perhaps from the other way around, certainly to not only meet the guidelines, the thresholds, but to exceed them. But I don't have the section on health at hand. I could bring it up if you'd like to pursue that further.

I'm quite sure that we described the Department of Health or the Regional Health Board's health statistics with respect to respiratory health, but perhaps nothing further than that. Just a statistical analysis of the Regional Health Board with respect to the current state of health and respiratory illnesses.

Ms. JILL GRANT: Thank you. The next topic I wanted to talk to from the Guidelines were asking how project-related impacts may affect harvested resources or harvest activities, thereby affect household economies and the sustainability of traditional economic activities. Some of that was discussed, but we've
had some discussion already around the fisheries.

And so I'm wondering what you can offer in the way of discussion about the potential or the project on the overall household economies and the fisheries, given the kind of adjustments that we've heard fishermen may need to make here.

We're wondering about compensation.

I mean, there's discussion about compensation for lobster traps, but there may be losses of opportunity here, so what impacts might those have on the household economics of those harvesters?

Mr. PAUL BUXTON: We've heard very little from fishermen who are either in the dragging industry or the longline industry, and that's perhaps a reflection of the state of that element of the fishery at the present time, nor has anybody brought to our attention any concerns with respect to the scallop industry.

However, the access to the beach for harvesters of periwinkles was an issue, and the spokesperson for that group did speak to us as long as four or five years ago.

And we indicted to them that they would have beach access as they have now. We can't prevent beach access.

And should the Whites Cove Road in the
future be transferred to Bilcon of Nova Scotia, that we
would create a trail specifically down to the beach for
beach harvesters.

    We were unable to find people, at least
recently, who still harvested dulce in the area, although we
know that that has taken place in the past.

    With respect to sea cucumbers, there is
an experimental sea cucumber harvest, I believe, still under
way, and we believe that there will be or could be some
inconvenience for shippers coming in when there's a sea
cucumber harvesting going on at the time.

    I think the major concern, quite
clearly, is from the lobster fishermen, both from the point
of view of damage to gear and possibly inconvenience or, as
you say, loss of opportunity.

    We did have a series of three meetings
with people that we had identified as fished in Whites Cove
pretty much exclusively.

    We heard that there were five or six or
seven or possibly even eight. We could never seem to get
quite the numbers.

    But we did invite those people to
meetings to discuss how we could change our operation to
cause a minimum of interference or inconvenience, and also
to ameliorate the damage to gear, principally traps.
The two principal things that came out of that was that they requested a much larger turning, manoeuvring circle for the ship to come in, whether it's coming in from the north or the south, depending upon the winds and the tide so that they could, in fact, set traps inside this big turning circle.

And we changed the turning circle to try to take care of that.

The other thing that was very significant is that there was some concern that the ship would come in, as it were, randomly from the shipping lanes, depending upon, perhaps, tide, winds, currents, time of day, et cetera, that they would approach as it was most convenient to the ship.

And we assured the fishermen that, in consultation with them, we would designate a lane, both for inbound and outbound voyagers.

And of course, that has to be also in consultation with Transport Canada and the Fundy Traffic Authority.

But once that lane is established, then ships will not come in unless they can use that lane, and they must use that lane coming in and going out so that the area of interference is defined.

Really, that is about as far as

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720
discussions went.

My last communication with the fishers who, again, traditionally fish in Whites Cove for follow-up meetings to perhaps become more definitive was that, well, I thought that we'd resolved all that.

Well, I think we'd resolved at least some of the things in principle, but we did not get down to specifics.

I think that's probably where we sit with that. We do realize that there may be damage to gear and there may be some inconvenience.

And I think that that, perhaps, has to be defined and quantified.

One of, perhaps, the mitigating factors, and it's not really us doing the mitigation, but the lobster season is a winter season. It's 1st of December, approximately, or I think last Monday in November, until the end of May.

And again, this doesn't apply to all fishermen, but I think there is a tendency to fish in St. Mary's Bay for perhaps the first two or three weeks of the season. That seems to be the hot spot.

And then gear is moved over to the Bay of Fundy as the lobsters move.

I believe that that is also true, we
have had a significant number of conversations with lobster
fishermen, for May.

   I'm quite sure that every year is
different, but there is a tendency for lobster fishermen to
go to St. Mary's Bay for the first two or three weeks of the
season and for perhaps the last two or three weeks of the
season.

   In that period, we will also be
experiencing a shutdown period, depending upon weather and
maintenance, which could last for a two-month period.

   So I think that some of those periods
may not be much of a difficulty, and we would certainly
expect the number of ships coming in from December to the
end of May to be significantly less than those that are
there in the summer months, just purely weather-related, and
also because the demand for aggregate is significantly less
in the middle of the winter than it is in the middle of the
summer.

   So we recognize that there will be some
gear loss, some inconvenience.

   I think in general principles, the
people that we have spoken to and, admittedly, it was not
all of them. Some would not come to the meetings.

   That we need to get into more specifics.

We have written to the, I'm not quite sure their proper
name, the Bay of Fundy Inshore Fisheries Association or
whatever their correct title is, on a number of occasions
asking them if we can open consultations on this matter, and
so far that has not happened.

Dr. GUNTER MUECKE: Mr. Buxton, I guess
throughout your presentation, you referred to inconvenience

to the fishermen.

There's a bit of a perspective involved
here because when we're talking about loss of opportunity,
we are talking, really, about loss of income.

And I think that was made quite clear to
us on Saturday when one of the fishermen who lobsters in
that region made it quite clear, okay, that he was looking
at a loss of income.

I think loss of income most of us would
not characterize as an inconvenience. Would you?

Mr. PAUL BUXTON: No. I think that we
were talking about was, really, opportunity losses.

If a ship were coming in and it just
happened to be a period of time when traps could be pulled
or set because the weather conditions were good, then yes,
that would be a lost opportunity.

I think in general terms the waters of
the Bay of Fundy are generally shared waters. There is a
fairly significant amount of lobster fishing, as I am led to
believe, that takes place, actually, in the shipping lanes, where possibly as many as 800 major vessels travel up the shipping lanes.

And I think, from what I'm able to gather, it's a question of the level of risk. If the lobsters are there, is it worth setting the traps there because there may be two or three ships coming in the lanes on that particular day? And I suppose that that's one of the things that fishermen have to take into account throughout their season.

When there were fish in the Bay of Fundy, then draggers were out in the Bay of Fundy, and I'm sure that there was some degree of conflict between fish draggers and lobster fishermen.

It is a shared resource. We feel that if we can bring our ship in and out on a very narrow, precise line and that we are granted, perhaps, a little bit of space to bring a ship in and out... A ship is 100 metres wide.

My understanding is that, with the latest navigation systems, a ship can position itself within a very few feet, so this might be, then, a lane that is 150 metres wide that the ship can come in and go out.

Yes, there might be some bottom that
might be lost to the fishermen.

Again, I've talked to fishermen that sort of say, well, you know, 150 metres, yes, but perhaps the lobster move around.

Certainly lobsters are caught when they move, not when they're stationary.

And I don't want to in any way give the impression that we think that this is a zero problem. We think it is an issue.

I think we certainly want to resolve the issue with fishermen, but I think that the company does, in fact, have riparian rights, which is an entitlement to bring a vessel, a boat, into the shore.

And I think what we need to do is to find out how we can best operate with minimum losses to lobster fishermen and to establish a reasonable regime where we can compensate for those losses.

I don't think, for example, that Bay Ferries, for example, who operates a ferry service to Saint John, as you know, during the lobster season, does not compensate for trap loss.

They certainly cut a large number of lines. In fact, I believe the ship was disabled fairly recently by lobster gear around its propeller.

They do not compensate.
The ships in the shipping lane do not compensate.

I think that we would like to be seen as a good corporate citizen, and we would like to sit down and negotiate something which is fair and reasonable to both sides.

THE CHAIRPERSON: Mr. Buxton, I have a couple of requests, several requests for clarification. They are a direct result of the presentation by Ms. Sherk. My sense is that you presented statistics with regard to reductions in the size of the community locally, and I think it's consistent with the argument that the community is diminishing in size and diminishing in vitality and that the project will offer some encouragement or sustenance to the community.

But is it not true that, in Nova Scotia and in the Maritimes and Atlantic Canada and much of North America, that there's a general out-migration from rural areas to urban areas?

And wouldn't you say the statistics in which you've identified the young person's category between about, I don't know, I can't remember the numbers, but 25 to 40, thereabouts is characteristic of many urban areas throughout North America and is in no way unique to this area?
Mr. PAUL BUXTON: I'm sure it's not. As a matter of fact, I believe it's a concern in all of rural Nova Scotia.

I think the statistics here are somewhat more dramatic because of the decline in the ground fishery. And I do not want to introduce new material. The reason that we did not give population statistical changes beyond 2001 is that Statistics Canada changed its dissemination area between 2001 and 2006. And the dissemination boundary, which starts just east of Little River, which encompasses all of Long Island, has, in fact, changed.

But I can offer population change statistics, and you do not have these, and I would not have introduced them had you not asked, for Freeport, for example.

The 2006 figures are out because it just happens to be in the same boundaries as Statistics Canada used in 2001. And the population decline for Freeport is 36 percent since 1981, virtually to date, to the last census. And for Brief Island, it's 29.9 percent.

So these are pretty hefty numbers. And I think perhaps what is more apparent, and we did use these numbers because they apply

---

_A.S.A.P. Reporting Services_

(613) 564-2727 (416) 861-8720
from 1981 to 2001, on Digby Neck and Islands the young work
force, that is, from 15 or 34 years of age, has declined by
53.6 percent.

So I think that there are other areas in
the Province of Nova Scotia, Guysborough, I think, has
suffered in a similar sort of manner, with that level of
decline.

But my sense is that that would be at
the higher end of the range of declines.

THE CHAIRPERSON: You do agree it's a
rural phenomenon, though.

Mr. PAUL BUXTON: Absolutely.

THE CHAIRPERSON: Second question as a
result of Ms. Sherk's presentation is, you mentioned and
have mentioned repeatedly that there are 34 full-time jobs,
but is it appropriate to refer to these as full-time jobs
when two months out of 12, which is one out of six, which is
16 percent of the year, they will be unemployed?

Mr. PAUL BUXTON: I think we've tended to
call them family-sustaining jobs rather than full-time jobs.

Typically, in the construction industry,
the work is concentrated in the summer. Not necessarily so,
but most construction work is concentrated in the summer and
it is not unusual for construction workers to work longer
hours in the summer.
And I think if you took the number of hours that each one of our workers would be anticipated to work, it would be considered to be a full-time job.

So if, for example, one were to take a standard 40-hour week or a 37.5 or whatever measure it is and multiply it by 52, we would certainly achieve that number of hours.

So in terms of number of hours worked per year, it would be the equivalent of a full-time job.

THE CHAIRPERSON: would you anticipate that those people, those employees who are not employed for two months of the year would go on Unemployment Insurance or Employment Insurance?

Mr. PAUL BUXTON: That would certainly be an option.

Some of them, particularly the trades, would stay on site for most of that time.

We would certainly try to encourage most people to take some of their vacation time during that period and, again, this is one of the drawbacks of the construction-type industry, that one doesn't get summer vacations because that's when the work is done.

But I would think that they would certainly be eligible. There is a two-week waiting period, of course, when one doesn't get paid, but they would
certainly be eligible for Unemployment Insurance until they
received their call-back.

THE CHAIRPERSON: Would it be fair to say
that Employment Insurance would offset the taxes paid?
Mr. PAUL BUXTON: I certainly haven't
done a calculation of that, and it is a choice thing.
I think that probably here, most people
would, but I do know people that are eligible and do not.
THE CHAIRPERSON: A third question I have
for you or, actually, on the basis of Ms. Sherk's
presentation, has to do with operational expenses.
You indicated that 40-some million
dollars would be spent on construction, then it would be
operational after that at $20 million.
I think the implication is that that
would be disbursed into the community.
But is it not true that two-thirds of
that operational money would be spent on shipping and that
the shipping company you've identified, Canada Steamship
Lines, is not necessarily a Canadian company. It's an
international company.
It has offices in Boston and so forth,
so that 20 million would not necessarily be spent locally,
would it?

Mr. PAUL BUXTON: That is correct, and I
1 think that in the EIS, and I can certainly turn to Mr.
2 Fraser I think we did indicate how much money we anticipated
3 being spent in Nova Scotia, actually local Nova Scotia and
4 Canada.
5 And I believe that those statistics are
6 in the EIS in Gardner Report.
7 THE CHAIRPERSON: Thank you.
8 Mr. PAUL BUXTON: But if I could have
9 just one moment, I could confirm that.
10 Mr. ROBERT FRASER: Yes, Paul's correct
11 that where expenditures are made and they're not in Digby
12 County, it is indicated.
13 Quarry operation impacts on GDP on an
14 annual basis in Digby County is $2.64 million.
15 The rest of Nova Scotia is $3.67
16 million. And then the total Nova Scotia is 6.31.
17 THE CHAIRPERSON: So approximately $2.5
18 million would be spent out of that operational budget
19 locally, and the remainder of it, about $3.5 million, would
20 be spent in Nova Scotia, and then the lion's share of it,
21 more than $16 million, 15, $16 million, would be spent
22 outside the Province entirely.
23 Mr. FRASER: There is a table with total
24 operating direct expenditures which shows shipping at $13
25 million.

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
THE CHAIRPERSON: I'm sorry. I stand correct.

THE CHAIRPERSON: I have one final question. In the AMEC survey that was put together, the response survey, the 2006 survey, there's a comparison made.

It says:

"The number of respondents who support the project has increased to 42.5 percent compared to just 28.9 percent in 2005. Number of respondents who do not support the project has declined from 40.3 percent to 31.8 percent."

I'm curious to know about the change in numbers, if there was any change, that occurred in this area, that is, in the Digby Neck and local environs, as opposed to the broader area because those numbers reflect the total, and the total includes Bear River and a whole host of other outlying communities.

But in this particular area here, was there a change? And if there was a change, I'd like to know what it was 'cause it's not isolated out.

Ms. SUSAN SHERK: Your question was on the first survey?

THE CHAIRPERSON: The comparison of the second survey to the first survey.
Ms. SUSAN SHERK: Yeah. On the first
survey, we did not do that. We weren't asked to do that.

Normally you do it for what we call an
employment catchment area, which is a larger area, and
that's what we did it for.

It was a random sample based on the
telephone exchanges within the employment catchment area, so
we can't equate them directly.

For the second survey, we were requested
to take out those with the telephone exchanges for Digby and
Digby Neck, and that we did do.

But we couldn't go back and re-create it
from the previous one.

So there is a difference in terms of the
responses or a change, but we could not go back and ask the
same people again because then it would not be a
statistically valid survey.

So we can't equate it directly that way.

We can only say in general, on a random sample, this is
what has occurred.

THE CHAIRPERSON: So it's fair to say we
don't have any information for the local area from...

Ms. SUSAN SHERK: Not from the first one.
The information is there, but it's
embedded in the employment catchment area.
THE CHAIRPERSON: Okay.

Dr. JILL GRANT: Just to follow up with this, the second survey had a sample size of 200 respondents, so you can't really generalize very effectively from that, can you, with that small sample size?

Ms. SUSAN SHERK: We weren't trying to equate the first or the second, necessarily.

The second one was because we were asked to look at just the Digby and Digby Neck area, so we concentrated in on that.

Dr. JILL GRANT: And can you tell us what the refusal rate was? How many people did you have to call to get a sample of 200?

Ms. SUSAN SHERK: I can find that out. I don't have it with me.

Dr. JILL GRANT: We'll take that as an undertaking, to have that.

Ms. SUSAN SHERK: Okay.

THE CHAIRPERSON: We have a few more questions, but I think we'd like to take a break now.

So we'd like to take a break for 15 minutes. That'll bring us up to 10 minutes to 3:00.

--- Recess at 2:36 p.m.

--- Upon resuming at 2:52 p.m.

THE CHAIRPERSON: We would like to resume
now. As I said before we broke, we still have a few
additional questions we would like to ask the Proponent, so
Jill?

Dr. GUNTER MUECKE: Mr. Buxton, regarding
the attitude survey, was there any cross-tabulation done of
the data?

Mr. PAUL BUXTON: Just one moment please.
Ms. Sherk will address that question.

Dr. GUNTER MUECKE: Thank you.
Ms. SUSAN SHERK: Yes. Reference
document 12, there is a summary of key findings which cross-
tabulates the data between the two surveys.

Dr. GUNTER MUECKE: But in terms of
cross-tabulation, was it of the questions that were in the
surveys?

Ms. SUSAN SHERK: Sorry, the cross-
tabulating of questions?

Dr. GUNTER MUECKE: Yes. For instance,
could the data be used to determine the level of
acquaintance of our respondents with the Project?
Could that be related to the responses
in terms of positive versus negative attitude towards the
quarry?

Am I making myself understood?

Ms. SUSAN SHERK: Not quite, sorry.
Dr. GUNTER MUECKE: Okay. I'll start over again.

Ms. SUSAN SHERK: Okay.

Dr. GUNTER MUECKE: Could the data that you have from these surveys be used to see whether there's any correlation between respondents' attitude towards the quarry, positive or negative, versus the level of acquaintance of these persons with the Project?

Ms. SUSAN SHERK: I understand your question.

Dr. GUNTER MUECKE: Okay.

Ms. SUSAN SHERK: I'd have to go back to the research company that did it to see if they could pull that data out.

It's a very time-consuming task, and it's also the understanding that you are dealing with two different data sets because in a random survey such as this, you are not going back to your same respondents, you are going to different respondents.

It is possible, but again I will have to check with them to see whether they're able to pull that kind of data out.

If you... And it may be useful if you look at the page, the very first page of number 12, which says:
"Data comparisons of 2005 and 2006 attitude surveys."
That might be able to help you decide whether there is sufficient information between the two, the correlation, or whether you want us to go further than that, okay?

Dr. GUNTER MUECKE: Well, can I just quickly consult with my colleagues?

--- Pause

Dr. GUNTER MUECKE: Okay. I'll have another look at that and see whether I can glean from it what I'm looking for, thank you.

Dr. JILL GRANT: A couple of other questions about the attitude survey. I'm trying to make sense of the numbers in it.

On page four in the report, it has... From the exchange 834, it gives a total of 36 respondents, but in the table, it suggests that there are a total of 94 in the 834 exchange.

I'm wondering if you could clarify why there's these differences in numbers, in the different tables?

Ms. SUSAN SHERK: I think I can answer this, and again I may have to go back and take another look at it.
We were asked to expand that survey, so as to include more people, and I just have to go back and look and see whether that is...

The 834 I believe was the area, the exchange, to include more, but I will have to check that as well.

Dr. JILL GRANT: Thanks. And in those two pages where those different numbers appear, we also have the different total. One says 461 were in the employment catchment area, and the other gives a sample size of 457, so...

Ms. SUSAN SHERK: Table one and two?

Dr. JILL GRANT: Well, I...

Ms. SUSAN SHERK: They're different communities. One was the Whites Point... Sorry, the communities closest to Whites Point, and the second is the employment-catchment area. We were asked to break that out here.

Dr. JILL GRANT: Well, there's... I guess it's just confusing to the Panel what exactly is going on because the numbers seem to differ across different tables.

Ms. SUSAN SHERK: H'm.

Dr. JILL GRANT: That presents confusion, and...
Ms. SUSAN SHERK: Excuse me. On page four, this is... We were asked this I believe by the Panel, but table one is the survey of the communities closest to the Whites Point Quarry, and table two is all other surveyed communities within the Whites Point Quarry employment-catchment area.

Dr. JILL GRANT: Right, and then if you go on a few pages, there's another table that has attitude survey results with frequency distributions, and it has different numbers again, so that's the confusion.

Ms. SUSAN SHERK: They would represent the two different years in which the surveys took place.

Dr. JILL GRANT: But in one place, it says that one of the surveys had a sample size of 200, and the other sample size from 2005 is said to have had a sample size of 461, in the employment-catchment area.

Ms. SUSAN SHERK: Right.

Dr. JILL GRANT: So...

Ms. SUSAN SHERK: It's very difficult to get exactly the same sample size again for a variety of reasons.

You are doing a random sample, and people are not home, they have moved away, for whatever reason being, and we cannot always get exactly the same number.
There is almost no survey that would be able to replicate the same figures again.

Dr. JILL GRANT: And the table that has 457 in the sample size versus 461, what is this 457 sample? Why is there a difference there?

Ms. SUSAN SHERK: Can you tell me which page you're on?

Dr. JILL GRANT: It doesn't have a page number on it. It starts with the questions that were asked in the survey, so it's the first page of the answers to the survey questions.

Ms. SUSAN SHERK: Yeah. I'm unfortunately not sure exactly where you're referring to, but I think this is a detailed question, and I'll be happy to... I understand the question, and I'll be happy to provide you with the information regarding the two different surveys, lay it out, the dates, the number of people, all of that for you.

Dr. JILL GRANT: Thank you. We would take that as an undertaking, that you'll get those back to us by the 29th.

Dr. GUNTER MUECKE: This is not on the attitude survey, but on the economics of it, just for clarification, in the presentation you mentioned taxes paid, annual operations, Federal, Provincial and Municipal.

A.S.A.P. Reporting Services

(613) 564-2727      (416) 861-8720
I guess what I would be interested in, are these the taxes paid by the company, or by the company and the employees; meaning income tax, for instance?

Mr. PAUL BUXTON: I'm going to ask Mr. Fraser to address that, Dr. Muecke.

Mr. ROBERT FRASER: I believe that those would include the taxes paid by employees, as well as on purchases of goods and services that the company would make.

Dr. GUNTER MUECKE: Thank you.

Dr. JILL GRANT: And a couple of questions around the compensation for property value changes that may happen as a result of the project. Can you just clarify for us, if I think my property value has changed as a result of the project, what do I do? How do I enact a compensation claim?

Mr. PAUL BUXTON: I think what we've indicated there is that we would establish, perhaps in consultation with the Liaison Committee, a boundary where we think that there may be effects to property value. I think that that may require further independent study.

And we would then carry out an appraisal before we carried out any work, and at a subsequent period, if people feel that their houses are being devalued... It's somewhat subjective. I think we would sort of perhaps need some evidence that perhaps a house had been put on the
market at a reasonable price and it was not moving; that we would take a look at that situation.

The other factors that could come in here might be, for example, a general downturn in prices due to increased interest rates. So we would follow these things on a regular basis each year. We would, I think, carry out sort of internal documentation of interest rates, how prices are seen by the real estate community, whether they're going up or going down, and there is certainly some distinct fragmentation in the local market which would need to be taken into account.

Dr. JILL GRANT: Thank you.

Mr. PAUL BUXTON: For example...

Dr. JILL GRANT: Rather than get into too much detail on that, I wonder if you might just clarify for me whether we've understood the proposal and the Environmental Impact Statement correctly.

It suggests that property owners within 800 metres of the working face would be compensated after five years if they can show that the property has lost value. Is that correct?

Mr. PAUL BUXTON: That's our proposition at the present time. We think that those are certainly the sort of properties that could perhaps, even if it's only to the extent that you're trying to sell a house and somebody
BILCON OF NOVA SCOTIA
(QUESTIONS FROM THE PANEL)

1 says: "Well, you know, is there any noise?", and the seller
2 says no, but the buyer thinks, well, maybe there is.
3 And those, we think, are the ones that
4 we would certainly concentrate on, yes.
5 Dr. JILL GRANT: So you've had to have a
6 good baseline survey of the values of the property.
7 Can you give us an indication of how
8 many properties will fall within that distance in the first
9 five years of the project? How many properties are within
10 800 metres of the working face in the time when this
11 compensation would operate?
12 Mr. PAUL BUXTON: I think initially there
13 would not be many, because the working face initially is
14 quite, relatively close to the Fundy Shore.
15 As the quarry moves back, it could
16 include more properties, and so I think it's a little bit of
17 a moving target.
18 It's not a significant number of
19 properties. I'm guessing at the moment that there might be
20 12 or 14 or something like that. Well, I have a number here
21 that says six at the present time. I think we'd want to
22 confirm that.
23 It's not a significant number of
24 properties, recognizing that we have purchased three houses
25 which are in that zone to date.

A.S.A.P. Reporting Services

(613) 564-2727           (416) 861-8720
Dr. JILL GRANT: So are you, did I just hear you say it's not just the first five years; that this will continue through the life of the quarry, this kind of compensation program?

Mr. PAUL BUXTON: That is correct.

THE CHAIRPERSON: Okay. I think that brings to an end the Panel's questions.

Do we have any questions from Government individuals here? No. Okay.

Then we'll... You're all lined up, and you all put your hand up simultaneously. Maybe I'd just start and go down the line, okay?

Mr. Dittrick first.

PRESENTATION BY BILCON OF NOVA SCOTIA - QUESTIONS FROM THE PUBLIC

Mr. MARK DITTRICK: Yeah, and I'll be really quick. It's a very simple question having to do with the discussion earlier about ship capacity, how many ships and how much they'll carry.

And something related to that, if someone in Bilcon knows what the annual maximum capacity of the primary crusher for the site. I didn't find that in the project description, and I'm assuming there's one primary crusher for this project.

Mr. PAUL BUXTON: I don't think we've
necessarily picked the final design of the primary crusher
specifically, but certainly if you thought 500 tonnes an
hour, it'd be very close.

Mr. MARK DITTRICK: Well, the question
is, is the capacity of the... How is the maximum capacity
of the primary crusher relate to the annual production of
the quarry?

Mr. PAUL BUXTON: Well, obviously there's
a relationship between the two. Everything has to go
through the primary crusher in order to end up as product.
So as far as I can say at the moment, it's somewhere in the
order of 500 tonnes per hour through the primary crusher.

THE CHAIRPERSON: I think what you have
to do, Mr. Dittrick, is get down with a pencil and paper and
work it out. In other words, that's what... You've got the
basic number.

Mr. MARK DITTRICK: Well, what would be
the multiplier? I guess that's the question. If it's 50...
--- Pause

Mr. PAUL BUXTON: I think there's a
relationship also between the type of product that we're
trying to produce, as well. If we're going, perhaps to a
finer product that may be a slower operation, as against a
three-quarter-inch product.

But I think that, I think if you, again,
think around that 500 tonnes an hour, I think that's what our primary target is.

THE CHAIRPERSON: Thank you, Mr. Dittrick. Mr. Moir? No? Mr. Ackerman?

Mr. JERRY ACKERMAN: Yes, thank you. My various careers as a farmer, applied economics professor, business analysis, investment analyst, and being in business, has led to a fascination with hard numbers; what we call hard numbers, like real numbers, not just loose estimates.

And I'd like some of those from Ms. Sherk. And I didn't find very many of them. For instance, I didn't find numbers about the effects of the Parker Mountain Quarry on the neighbourhood. I've lived there all that time, and I could provide some of those, but I'm not going to at the moment.

The other example which I want to be more specific about is, in the employment catchment area, how many persons now are licensed to operate heavy-duty equipment, such as Mr. Wall will be using in a quarry?

And are they available? How many of those are there with that kind of licensing, and how many are now available? I'd like to know those hard numbers.

Mr. PAUL BUXTON: I'm not sure, Mr. Chair, that I could pull them off the top of my head.
Certainly, the applicants that have come in specify what their training is.

I do know that at least one person who has done some work for Bilcon went to a specific training course last fall for heavy equipment and is now operating heavy equipment.

I do know that last fall we had four women in the office with forms for a specific training program for women in the operation of heavy equipment, and we indicated that there were, in fact, jobs likely to be available in the future, because they had to demonstrate that there was a need in the area in order to get on the course. Those people did attend the course.

I think we could do a rough run-through, but off the top of my head I would say that at least 30 or 40 and possibly 50 of the people that we have now are qualified to drive, in general terms, that kind of equipment. They will all need to be upgraded for the equipment that will be used, because it will be new equipment, and they will need to go through an upgrading course.

Some of those, I do know, are now working away from home, and we have regular people who come in every month to ask where we are in the process because they're desperate to get back home.
THE CHAIRPERSON: Mr. Buxton, we're running out of time really fast, so I'm going to ask you to keep the questions and answers both as precise as you possibly can.

Are you okay with that, Mr. Ackerman?

Okay.

Ms. McCarthy, did I see your hand up?

Go ahead.

Dr. MARY McCARTHY: Thank you. I'm Mary McCarthy. I would appreciate if Ms. Sherk would tell us the role and the responsibilities, together with the contribution, of her colleague from AMEC, namely Ms. Jacinthe David.

What was Ms. David's contribution to the health and wellness study?

I would also ask what Sections of the EIS documents are Ms. David's findings and recommendations.

Mr. PAUL BUXTON: I think I'm going to jump in here, Mr. Chair. There were allegations and correspondence to the Panel which were put up on the Registry site with respect to the activities of Ms. Jacinthe David. Those were addressed to Health Canada, Health Canada has responded, and I don't believe that we can interfere in that process.

Health Canada has gone on record as

---

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720
indicating their position with respect to this matter, and
it's inappropriate to respond to this.

THE CHAIRPERSON: Ms. McCarthy?

Dr. MARY McCarthy: Mr. Chair, a follow-
up to that.

So was the complete health and wellness
study then conducted by Ms. Sherk, whose qualifications for
that kind of study, I haven't seen on the board just now.

Mr. PAUL BUXTON: I don't think anybody
has doubted the fact that Ms. Jacinthe David in fact
assisted with a part of that study.

Dr. MARY McCarthy: Yes. My question is,
could we know what part of the study? Because I think it is
vitally important for us, as a community to know the
qualifications of the person who was handling an important
topic like the health and wellness.

THE CHAIRPERSON: Mr. Buxton, I think
it's a fair question. I mean, you're being, you're asking
us to accept the data. I think it's a reasonable request to
know who assembled the data or what their background was.

Mr. PAUL BUXTON: We're quite prepared to
provide a C.V., and I'm told that it's in the Appendix in
Volume...

THE CHAIRPERSON: I didn't ask for a C.V.
I asked to know who was involved in the preparation of the
study. If you can provide us with C.V.s as well, that would
be fine, but I think the question being asked is a fair one,
I think.

Mr. PAUL BUXTON: We could certainly do
that. Yes, no problem at all.

Next, yes?

Dr. DOREEN EVENDEN: Doreen Evenden.

THE CHAIRPERSON: Yes.

Dr. DOREEN EVENDEN: This relates to a
question, actually, that I asked on Saturday, and I was
referred to this afternoon's session.

I noted with interest Ms. Sherk's first,
I think it was on her first screen that gave her sources of
her information, and among the consultants noted was Elgin
Consulting.

What I want to know is, did Elgin
Consulting play any role at all in your conclusions, or what
you offered to us?

Mr. PAUL BUXTON: I think it's very
clear, Mr. Chair, that one entire volume of the document,
one entire appendix, I believe, is devoted to the work that
was gathered by Elgin Consulting.

Dr. DOREEN EVENDEN: So it's still there.

Well, then, my question will follow, because in my

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720
submission, which is numbered 1585 on the Public Registry, I dealt in some detail with the flaws and inadequacies of Elgin Consulting's report on traditional knowledge, and contended that both in methodology and content the report did not conform to the standards and criteria of the EIS Guidelines.

I refer specifically to one part; for example, the requirement for transparency and reproducibility, and therefore my question relates also to the Panel's expectations that the Proponent would take:

"Full advantage of traditional knowledge as a strategy, and tap the broad base of knowledge held by individuals and collectively by communities, including personal observation and experience on land and sea, through oral and written tradition."

That's taken right from your recommendations.

In this report, we have 46 interviews containing little history or traditional knowledge.

Traditional knowledge, I would...

THE CHAIRPERSON: Ms. Evenden, this is not an opportunity to make a presentation.

Dr. DOREEN EVENEND: Okay.
THE CHAIRPERSON: Take it a question.

Dr. DOREEN EVENDEN: It's very germane, alright, to what isn't there. You know the defects. All right.

I want to ask Elgin Consulting if, excluding the 50 households of current residents of Little River, most of whom have Loyalist roots in the community and whose names are available, I have a list of them, and there was a letter on the Registry, 1520, that mentioned that this resident of Little River had talked to her neighbours, consulted with them, 50 households at least, and none of them were contacted by Elgin Consulting for their memories or oral history or oral tradition.

THE CHAIRPERSON: What is the question?

Are you going to ask them a question? Because if you're not, I'm going to ask...

Dr. DOREEN EVENDEN: Who do I ask? I just want to know if they feel that their report was adequate with this information that virtually nobody in Little River was consulted, and this is the area that's most directly affected by this whole project.

THE CHAIRPERSON: Mr. Buxton.

Mr. PAUL BUXTON: In general terms, would you like us to take the 57 and break them down into areas and provide that information? It's somewhat difficult,
because as I mentioned the other day some of this oral
history was taken from people who are now in senior
citizen's, and who give their residence as Digby, but who
may have lived in Mink Cove, for example, for 50 years.

But we could go through the list and
identify in general terms where these people came from.

Dr. DOREEN EVENDEN: Could I answer that
point? Could I speak to that point?

THE CHAIRPERSON: You're going to answer
the question you asked?

Dr. DOREEN EVENDEN: I want to speak to
what Mr. Buxton is saying.

THE CHAIRPERSON: You're asking a
question about where the information came from. Mr. Buxton
is saying he can break it down for you and provide it to
you, or provide it to the Panel.

Dr. DOREEN EVENDEN: I don't think he can
break it down, sir, because I've already looked at it and
broken it down, and I know where the information, the areas
that it came from.

For example, he's saying 57 interviews.

There are actually 46 interviews that contain any, even two
lines of history, and some of them, believe me, contain two
lines of history.

Two of the so-called interviews were not
interviews, and that's by the interviewer's own admission, and the rest contain no history at all. So 46 is what I would assess.

And on this small sample, how can you get traditional knowledge? It's missing. It's completely missing from the report. And that's what I'm asking about.

THE CHAIRPERSON: I think I understand now. Thank you very much, Ms. Evenden.

Next?

Ms. TINA LITTLE: Hi, I'm Tina Little, and I'm not great with numbers, but I am a word person, and I need some clarification about some verbiage.

But I do have one point to make first. I was watching the slides that Ms. Sherk was showing, and I noticed that the quarry that she said was co-existing with the cottages, and a point of correction I think would be that the cottages are pre-existing, not co-existing.

And the quarry on Parker Mountain, the people who live there and see it, we call it "The Scar". We hate that quarry.

Okay, in perspective and verbiage is what's getting me here. Like, for example the word "significant" through this presentation I found troublesome.

THE CHAIRPERSON: Ms. Little, you're taking this to a question, are you?
Ms. TINA LITTLE: Yes, I am, I promise.

I am taking it to a question.

THE CHAIRPERSON: Soon.

Ms. TINA LITTLE: Very soon, yeah. One more statement and then a full question.

The word "significant" should be used for the double-digit trending of homes being sold within that slide that she showed. It's double. It's a huge... It's significant. Significant is the word, here. Significant.

Okay, the question. How can Bilcon say that there are no... Again, I'm going to qualify, or quantify, significant adverse effects to the area, to the lobsters, when we specifically heard from all the people this week that one area that they do not have completed tests, which is the most, one of the most important topics of conversation, is the subject of the lobsters and how they carried their eggs?

There is no data for that. So how can you make a statement that says that there are no significant adverse effects? Thank you. Can you answer that?

Mr. PAUL BUXTON: All I could do, Mr. Chair, is to ask Mr. Wittkugel again to sort of define "significance" as it applies to an environmental assessment.

THE CHAIRPERSON: Try and make it short,
Mr. Wittkugel, please.

Mr. UWE WITTKUGEL: In accordance with the guidelines for Environmental Assessment, there are five criteria, and these criteria involved the magnitude of the effect, the geographic extent of the effect, the frequency and the duration of the effect, and the irreversibility of the effect, and the last of the five criteria is the ecological or social context.

Those criteria are used in the... To give an example, "magnitude" would be typically the extent to which perhaps an existing guideline or standard would be exceeded. "Frequency" would be how often is this standard exceeded. And et cetera. If you have more questions, I can...

THE CHAIRPERSON: Ms. Little, let me just add something to the mix, here, and that is that the EIS defines "significance" as the Proponent sees it.

Ms. TINA LITTLE: Oh, except...

THE CHAIRPERSON: The final determination of "significance" is made by the Panel.

Ms. TINA LITTLE: One... Just, I'm not a scientist. You are a scientist, right? I'm sorry, yes? Okay. So how can you qualify something if you don't have the answer or the numbers to use to qualify it? They don't have the reports on how the lobsters carry their eggs...
underneath and how this might affect them, so how do we know what numbers to use to qualify it? We don't have the answer to that. Right?

Mr. PAUL BUXTON: Mr. Chair, I don't think that this is quite true. We did discuss, at some significant length, with DFO any possible effect with respect to lobster.

Quite frankly, my understanding is that there is virtually no science on this matter.

What was done was a cross-correlation with the snow crab, where there has been a fairly significant amount of work, and my belief is that DFO is beginning to address this question.

But certainly, when we addressed it through a specific scientist, Mr. Christian, and he did a very extensive search of the literature, there was virtually nothing on the effect on eggs with lobster.

There has been some study with respect to eggs on snow crab, and particularly with respect to the production of triploid eggs through massive bombardment with the effects of the seismic shocks.

I just don't believe that there is any literature on this subject, Mr. Chair.

Ms. TINA LITTLE: So again...

THE CHAIRPERSON: Ms. Little, I'm sorry,
we're going to have to leave it there.

Ms. TINA LITTLE: Okay. That's fine.

THE CHAIRPERSON: You've had about five
questions. Okay?

Ms. TINA LITTLE: I'm done. Thank you.

THE CHAIRPERSON: Thank you.

Mr. BOB MORSCHES: Good afternoon,
doctor. My name is Bob Morsches. I'd like to direct this
question to Bilcon.

If you receive approval from the Federal
and the Provincial Government, will Bilcon have a detailed
description - I mean a survey and a blueprint-type
presentation - within the decommissioning reclamation when
you submit the permit for actually building, operating, and
then the decommissioning part?

Will that be detailed in your permit?

Mr. PAUL BUXTON: Mr. Chair, yes, this
would be a part of the industrial permitting process, and
yes, we would need a detailed reclamation plan which would
indicate what we're going to reclaim, when we're going to
reclaim it, during the various stages of the quarry, and the
final plan.

Now, I think we did say that the final
decommissioning with respect to some elements would be
subject to discussion with the community, the community may

_A.S.A.P. Reporting Services_

(613) 564-2727        (416) 861-8720
have a use for part of the facility, but we would certainly
have a plan and effect the plan for, for example, removing
the marine terminal is the subject of an undertaking to the
Panel, and that undertaking I think has either gone across
or will go across today.

THE CHAIRPERSON: Okay, Mr. Morsches?
Mr. BOB MORSCHES: Yes, doctor. Just a
quick footnote. Bilcon of Nova Scotia comes out of the
headquarters of Bilcon in Delaware.

THE CHAIRPERSON: Mr. Morsches, this is a
comment. Question only. We're way behind.

Mr. BOB MORSCHES: I'm finished, sir.

Thank you very much.

THE CHAIRPERSON: Mr. Lang, I think, is
it? Yeah.

Mr. WILLIAM LANG: A point of order, real
quick, Chair, if I may. That at the beginning of the
hearings this morning you said that undertaking 47 was given
to the Green Party of Canada. I'd just like to say that's
the Green Party of Nova Scotia, for the transcripts.

THE CHAIRPERSON: Thank you.

Mr. WILLIAM LANG: And my question is to
Ms. Sherk. In your presentation, you showed an image of a
quarry in B.C. What was the point and the meaning of this
image?
Ms. SUSAN SHERK: It is purely to put a quarry in context. It is to show that there are quarries that are, and I understand the word, we'll say, co-exist. We're not making a value judgment as to whether this is good, bad or indifferent. It's to show what it looks like, what it can look like, and nothing more than that.

Mr. WILLIAM LANG: Okay. Well, I would hold that without any real information, you know, a random photocopy is evidence of nothing.

But my follow-up is what kind of quarry, or more specifically, does blasting take place at this quarry, and if not, in your opinion, Ms. Sherk, is it valid to draw comparisons and conclusions between two vastly operations, as they did in your presentation.

Ms. SUSAN SHERK: The objective of this exercise is to look at the Bilcon operation. I was not making any more evaluation than to show physically, in terms of the context of the socio-economic, what it looks like; you know, what it can look like, because it's difficult for somebody to visualize what this might look like. And that's purely what I was trying to do.

Mr. WILLIAM LANG: Okay.

THE CHAIRPERSON: Okay, Mr. Lang. Next?

Yes. And then, Mr. Marcocchio, I think that... And one more? Okay.
Mr. BRIAN MEESON: I need one clarification from Mr. Buxton, and then I have a question. The first clarification, in an answer previously, you mentioned destination ports, plural. On Friday, you spoke of shipments to New Jersey. How many ports are there in New Jersey, and how many other destinations ports do you plan to ship aggregate to?

Mr. PAUL BUXTON: I don't know how many ports there are in New Jersey, Mr. Chair. If it's important, we could try to find out.

THE CHAIRPERSON: The question means destination ports to you, to the ship, where it will go to, I think.

Mr. BRIAN MEESON: Yeah.

Mr. PAUL BUXTON: It is possible that some could go into New York, and it really depends on which is the end terminal, because they have different depths, so it may be that some rock or aggregate has to be dropped off before it goes to another facility.

I can tell you that South Anvoy has relatively shallow water, and generally speaking, material has to be off-loaded before a ship can get in there, but I could also say that that port probably will not be there in five or ten years' time, and that Bilcon and its affiliates is looking at building an alternative port in New Jersey,
and I don't think it would be appropriate to say precisely where that is, but a depth of water is a significant issue where that has to be considered for each shipment.

THE CHAIRPERSON: Mr. Meeson, follow-up?

Mr. BRIAN MEESON: Yeah, my follow-up question is addressed to Ms. Sherk, because one member of the Panel asked if she had distinguished between two different types of tourists: the occasional tourist, which I think the statistics refer to, and what I would characterize residential, returning tourists.

On the average, they spend a good deal more on the Nova Scotia economy, and I wonder if you'd done that breakdown, because there are a lot of them on Digby Neck and the Islands. Thank you.

Ms. SUSAN SHERK: It's a good distinction and a good point.

It's very difficult for any economy to differentiate between a tourist who... Let me define what a tourist is. A tourist is generally anybody who travels more than 50 kilometres to a destination. Would that be...

Yeah, and spends money. So you have the issue is a summer resident a tourist?

The assumption would be, and it's not to take away from that, a contributor to our economy. It just doesn't fit into the definition of tourist. If that person

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
pays taxes in a community, then that person would not be
considered a tourist by definition. It doesn't mean that
it's not contributing to the economy.

THE CHAIRPERSON: Thank you. Mr.
Stanton?

Mr. KEMP STANTON: Yeah. Kemp Stanton
from the Society, and as I understand it, these ships will
have to avoid whales and porpoises because of their status,
and in rough weather, they will have trouble at low speed
manoeuvring.

Taking this into consideration in my,
proximity of my gear, how reasonable is it to expect you to
stay within 150-metre traffic lane? Thank you.

Mr. PAUL BUXTON: I'm advised that, in
fact, it is feasible for a ship to stay in a tight traffic
lane. I think we have said that if the ship observes a
whale, that it would take, or try to take some alternate
action perhaps by changing course.

Perhaps somewhat fortunately, in general
terms, the whales are summer visitors, and lobstering is
essentially a winter activity, so I'm not so sure that...
I'm not saying it isn't a problem. I don't think that it is
perhaps a major problem in terms of a number of occasions
that this would happen.

THE CHAIRPERSON: Okay. The final

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
question goes to you, Mr. Marcocchio.

Mr. BRUNO MAROCCHIO: Thank you. Bruno Marcocchio. I'm speaking on behalf of the Sierra Club.

Throughout this assessment, there seems to be a heavy reliance on the Proponent defining the impacts and the zones; for instance, 800 metres for the blasting effects, when, in fact, three to four kilometres, the sounds will be clearly audible.

Similarly, looking at the impacts on both tourism and the fishery seem to exclude most of the issues that have been raised here by those sectors, and choose, instead, to focus on the aspects that the Proponent wishes to address, and none other.

Specifically, through the Chair, I'd like to ask why the impacts of... The potential impacts on the fishery that could have, and the tourism industry that could have a profound effect; for instance, eggs and larval damage during blasting operations, which clearly are documented in the literature as causing death to eggs; and impacts on larva, as well.

Similarly, the effects of the blasting may affect the patterns of the whales that the tourism industry is dependent on. Why did not the socio-economic assessment take into consideration these worst-case scenarios, and present a true picture of what the potential
socio-economic impacts will be?

Mr. PAUL BUXTON: I think we... Perhaps we just dealt with the egg issue, the lobster egg issue.

I think with respect to the behaviour of whales, I think we did make reference to that in the EIS. In fact, Department of Fisheries and Oceans made a statement to the effect, and I... Unless it can be pulled up quickly, we could find it... To the effect that while there may be some behavioural effect, it is likely to be small.

I think I could pull that if the Panel would like me to. I know I used it in the marine presentation.

THE CHAIRPERSON: Mr. Marcocchio, you just made a reference to literature, as if there's an external source. Do you have that literature? Can you provide it to us? Is there a reference to it?

Mr. BRUNO MAROCCHIO: I don't have it in hand, but I'll endeavour to find that.

THE CHAIRPERSON: That would be appreciated. Thank you.

Mr. BRUNO MAROCCHIO: Thank you very much.

THE CHAIRPERSON: Mr. Sharpe, I didn't see you over there. Okay.

Mr. ANDY SHARPE: Ms. Sherk, in her

A.S.A.P. Reporting Services
(613) 564-2727   (416) 861-8720
presentation, indicated that in order to minimize road
trucking, materials would be brought to the site by ship
where possible. Does this represent additional shipping to
the site as distinct from aggregate carriers?

Mr. PAUL BUXTON: I think I can address
that, Mr. Chair, because it was dealt with in the Project
description, and yes, these will be ships other than
aggregate carriers. They're very likely to be barges which
will be brought in specifically to deliver, for example,
part of the bridging for the conveyor, et cetera.

So, yes, there would be additional
shipping.

THE CHAIRPERSON: Okay. That brings...

No, I'm sorry, Mr. Lang. As much as I would like to have,
give you the opportunity, we're way behind.

As a matter of fact, the Panel has
decided to run this session until 5:00, rather than 4:30.
We have to take a break to get something to eat, of course,
but... So in order to accommodate as many of the people
that we have scheduled, we'd... Sorry, okay.

We are scheduled, at this point, to
bring Tourism, Culture and Heritage Department in Nova
Scotia, Nova Scotia Department of Tourism, Culture and
Heritage to the floor and where they will be making a
presentation now.
Okay, good.

--- Pause

THE CHAIRPERSON: I understand you will be making a presentation. Would you keep the microphone about six to eight inches from you, and when you begin, would you identify yourselves and identify your affiliation within your Department. And if your name is the slightest bit complicated, would you spell it for the transcribing people?

Okay, thank you. So you can begin.

PRESENTATION BY NOVA SCOTIA DEPARTMENT OF TOURISM, CULTURE AND HERITAGE - Mr. ROGER OGILVIE and Ms. DARLENE MacDONALD

Mr. ROBERT OGILVIE: Thank you very much for the opportunity to present to you today. In light of the fact that we're all behind schedule, we'll try to roll through this as quickly as possible.

We are making a presentation on behalf of the Department of Tourism, Culture and Heritage. My name is Robert Ogilvie. I'm the Curator, or the Manager of Special Places in the Heritage Division. Ms. Darlene MacDonald, who is the Manager of Tourism Development and Tourism Division, will also be speaking, and our spellings are up there.

The Department of Tourism, Culture and Heritage has a mission to promote, develop and preserve Nova
Scotia's significant tourism, culture and heritage resources for lasting social and economic benefits.

We have three strategic goals in terms of economic growth. We're looking to seize the opportunity for new economic development opportunities by stimulating community and export development potential in the Province's tourism, culture and heritage sectors.

On the stewardship side, we're looking to build for individuals, families and communities by preserving, promoting, interpreting and developing the Province's diverse cultural and heritage resources.

And in terms of governance and accountability, we're trying to enhance our operational effectiveness by delivering professional client services and effective programming to support government-wide and departmental priorities.

I'll be presenting the heritage perspective. This is on behalf of the Heritage Division. My own role is to oversee the administration of the Special Places Protection Act, through the Special Places Program. This legislation, which was passed in 1980, provides us a legislative mandate to protect significant archaeological, historical and paleontological remains. Because of that, we provide feedback on Environmental Assessments such as this one, and we have since its inception back in the late 1980s.

A.S.A.P. Reporting Services

(613) 564-2727       (416) 861-8720
The purpose of the Act is to make sure that people who are undertaking excavation and exploration for archaeological and historical and paleontological sites are qualified to do so, and part of that work is that they provide reports to us, and all the collections they make under permit are submitted to the Provincial repository for long-time storage, and availability for researchers.

Part of my role in dealing with Environmental Assessments such as this one is to co-ordinate the response of our Division, and most of my content experts are actually situated in the Nova Scotia Museum, and coincidentally they're down the hall from me.

Their mandate is to collect, research and document Nova Scotia's natural and human history, and have been doing so for well over 150 years. The museum also provides exhibits, programs, billings and publications for self-directed learning, and we also help our tourism counterparts by developing and maintaining a high-quality museum system.

Specific to this site, there are two primary concerns that we addressed. Palaeontology, which was addressed in sort of a basic way, by the Proponent was not an issue for this site. Basaltic rocks are not known for having fossils.

The marine heritage was of interest, and
it's in the realm of marine shipwrecks and submerged First
Nations' archaeological resources. There is only one
recorded shipwreck in the area, and I will not go into a lot
of details on this, but basically it went down well over
100 years ago, but the documentary research that was
developed for Bilcon and which we reviewed suggested that it
was salvaged at that time, and then subsequently salvaged
again.

There was a side scan marine survey done
for a separate purpose which did not identify any other
shipwrecks, but this is not to be... You wouldn't expect it
to be found in that type of environment anyways.

What we've requested is that they
actually go in and take a closer visual look of the
footprint of the pier, and we expect that will tell us one
way or the other if there's anything there.

There was one other marine
archaeological resource that was identified during Bilcon's
work, and that is an oulu from the Middle Archaic Period
which was found offshore not too far from here, but
certainly several kilometres. Though that particular find
we consider very significant, it's a very unique object. We
did not believe it is terribly relevant to this site, given
where it was found, and the lack of context.

We do concur with their recommendation,
once again, to take a closer look at the near-shore bottom, and that should be conducted by a qualified marine archaeologist holding a heritage research permit through the Special Places Protection Act. That is on the table from Bilcon, and that is what is required by law, so we're satisfied with that.

On the land side, once again, this is typical of all ecological, Environmental Impact Assessments, excuse, and there was an archaeologist employed by Bilcon to investigate this site. There's also historical background and research done on the use of the land over time.

The only tangible archaeological remains that were found were the remains of the Hersey house, and it's a habitation from back around the late part of the 19th century. Bilcon has proposed that there be a 250-metre zone put around that, basically to protect it, with the understanding that there may well be burials within that zone.

Those were not found, but we know that there were deaths on the property, so there is a possibility, given the practices of the time, that there would be burials on that site. Once again, none were found, and they are very difficult to find, unless they're marked. We feel that the 250-metre zone that they put around the site should encompass any burials that would have taken

---

*A.S.A.P. Reporting Services*  
(613) 564-2727  
(416) 861-8720
place.

At the same time, if there is going to be any work undertaken in that zone, it would be overseen by an archaeologist, once again, operating under a Heritage research permit.

There was another general recommendation provided by Bilcon and that is that there be sensitivity training for staff on site, so that they are aware of what archaeological resources may look like, so that if some are stumbled upon during the course of construction, that they can act appropriately. And we would oversee, or at least look at the training that they would put in place for that.

And with that, I'd like to pass it over to my colleague, Darlene MacDonald, for the tourism perspective.

Ms. DARLENE MacDONALD: Thank you, Bob. I am Darlene MacDonald, Manager of Tourism Development, with the Tourism Division of the Department.

Just to touch upon our core business activities within the Tourism Division, we work closely with the Tourism Partnership Council which are 14 tourism industry leaders across the Province who help set direction and recommendations to the Minister in regards to marketing, development and research.

With that, we work in development and

A.S.A.P. Reporting Services

(613) 564-2727  (416) 861-8720
planning, and in particular, that is the area which I work
in, so with staff, we work with community groups in building
destinations, attractions in developing and enhancing
tourism industry, private sector, and enhancing their
overall marketing readiness and business operations.

Within the Division, we are the primary
source of tourism marketing and promotions for the Province
of Nova Scotia, and with that, through our sales and
partnerships team, they are actively out promoting Nova
Scotia, and supporting our tourism brand to the travel
trade.

We also manage provincially-owned Crown
assets such as the facility we're sitting in, as well as
other Provincial Resorts, and contracts with major suppliers
for distribution and call centres. We also have a section
that collects and disseminates research based on various
tourism indicators, and some of them will be referenced in
this presentation.

So some of the figures as it relates to
tourism in Nova Scotia, provincially, tourism is a $1.3
billion sector. While there have been various comments made
on tourism up and down, it has remained fairly consistent
throughout the Province over the last number of years,
generating $200 million in Federal, Provincial, Municipal
taxes, and employing 23,800 in direct jobs, and about 9,000
in indirect jobs.

I must say that these numbers are calculated through our research section that use provincial economic input/output model.

When we look at Digby County, and that is the lowest that we can take our impact model, 37.7 million is directed towards Digby County for tourism revenues representing 5.8 million in taxes, and approximately 1,000 directly into jobs.

Digby is an entry point to the Province, and this demonstrates that in 2006, approximately 29,000 visitors came through Digby as one of the seven entry points. It also illustrates where these markets are coming through this entry point to the Province of Nova Scotia, so we do see Ontario, Quebec, even some western Canada, and a fair number from the U.S. regions.

So from a tourism perspective, and it is in my section of development and planning that we provide a tourism perspective on environmental assessments such as the one proposed. We looked at the following considerations: Transportation and materials, visual aesthetics, noise, local tourism development plans, and potential growth of the development.

In this case, has the transportation of materials proposed is by marine. We feel that the whale
watching... Sorry, whale watching is a strong product experience for the Digby area, and as such, it is one of the top locations within the Province, the other two areas being the Shediac/Pleasant Bay area and the other area being the Halifax/Eastern Shore/Eastern Passage area.

With increased shipping, there is potential that it may impact the already endangered species, which could, in turn, impact the local whale-watching sightseeing tours and businesses. As I referenced through our research section, each... Sorry, every four years, we conduct a visitor-exit survey, so we surveyed those people leaving the Province, and in the 2004 VES surveyed, nine percent of travellers participated in a boat tour for whale and seabirding, watching.

I must say that that is not just to Digby. That is a provincial, so where they took that boating experience, we don't have that specific information.

In addition, 44 percent of travellers participated in nature observation activities during their visit to Nova Scotia. As such, coastal experiences such as nature observation... In other words, birding and hiking... May be impacted. In 2002, we hired Tom Heinz, a well-known birder from Ontario to assess Nova Scotia as far as potential to develop our birding experiences, and Digby Neck area was one of the top three birding opportunities in the

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720
Province, the other two being Sable Island and Sheffield Mills from a nature observation perspective.

So, as such, we suggest the Proponent mitigate and monitor any potential impact on whales by working with experts and stakeholders in those fields. We also suggest that the Proponent work with local boat tour operators to mitigate any potential impact on their operations, and most importantly, the visitors' experiences.

On the visual aesthetics, we are concerned of the impact on the visitors' perception and experience of Nova Scotia.

We position Nova Scotia as pristine, a natural experience. Between six percent of travellers cite general coastal scenery as the main reason for choosing Nova Scotia as their destination. Once again, the source is the 2004 Visitor Exit Survey.

35 percent of travellers cite general coastal scenery as what they liked most about their visit to Nova Scotia, remembering this is as they leave the Province.

So coastal experiences are not only by water, but also by land, and in 1997, we conducted a marine tourism study, and that was one of the key findings; that much of our marine coastal experiences are experienced by visitors who, whether they're doing a coastal hike, or if they're launching their kayak, and do sea kayaking, or

A.S.A.P. Reporting Services
(613) 564-2727  (416) 861-8720
they're visiting a lighthouse.

In particular, since 1998, we have had a joint partnership with the tourism industry along the Bay of Fundy, as well as the Province of New Brunswick in developing and promoting the Bay of Fundy. I have provided a copy to the Panel of the brochure for the ultimate Bay of Fundy experience.

As part of the Bay of Fundy programs since '98, it has evolved to include marketing, whether it be direct media to target markets, as well as website development, and as well as a market-readiness program for operators to denote those operators that offer the ultimate recommended experience on the Bay of Fundy.

I should note in 2006 the Bay of Fundy Tourism Partnership Council received the Tourism Industry Association of Canada award for sustainable development.

So, overall, key to tourism in Nova Scotia is the integrity of our natural environment, and in particular, our coastal assets.

It is through the Tourism Brand Positioning Statement that we position and sell Nova Scotia as a destination, and so we are targeting the market of those people who appreciate the sea; that Nova Scotia is Canada's foremost seacoast vacation destination; that offers an authentic experience for your body and soul, better than

A.S.A.P. Reporting Services

(613) 564-2727          (416) 861-8720
any other destination, because only Nova Scotia unique
combines spectacular scenery, living tradition, maritime
culture and lifestyle with a feeling of deep-down spiritual
satisfaction.

This is not a statement that you would
see as going out and actively putting in the marketplace,
but it is the behind-the-scenes position of everything that
we do from a marketing and development perspective, in the
sense that much of our messaging, as this is Nova Scotia,
Canada's Seacoast, and I have provided you copies of a few
pieces, such as the 2007 Travel Guide, and as well as the
2007 Outdoor Guide.

You will see there's very few images
that do not touch upon an activity or an experience that is
coastal-based. In addition, while I do not have copies to
leave, we do have a binder that offers many ad samples for
2007. So this is the promotional materials that are in the
specific geographic markets, whether it be Atlantic Canada,
Ontario, Quebec, Western Canada and the U.S.

So as such, we are concerned that this
development has the potential to negatively impact our
Provincial Tourism Brand, and this development is not
consistent with our international tourism promotions in
positioning Nova Scotia as Canada's seacoast.

Another consideration in respect to

A.S.A.P. Reporting Services

(613) 564-2727  (416) 861-8720
noise, we are concerned that the noise from the quarry
construction, operations of the marine terminal, and
blasting may impact the visitors' experience; concerned that
increased noise from operations and shipping may impact
whales and create a risk for sightseeing tour operations.

The work we're doing in development
includes working with regional efforts and in this case,
we're working with the Digby Area Tourism Association to
develop their planning from a tourism destination area
perspective, and one of the areas that they've identified is
the importance of serving as stewards for their ecosystems.

And in conclusion, the potential growth
of the development, given the location on the Bay of Fundy,
which we consider to be an important destination, with
potential for Nova Scotia, consideration should be given on
the impact to the visitors' perception and experience should
be considered.

And given the whale-watching experience
is a strong component for the area, consideration of the
potential impact on this business activity. And should
ongoing expansion be... Should be monitored carefully as
potential growth for such a small geographic area may impact
on tourism experiences north and south of the area.

And I guess that formally concludes the
presentation of the Department.
NOVA SCOTIA TOURISM CULTURE AND HERITAGE - QUESTIONS FROM THE PANEL

THE CHAIRPERSON: Thank you very much.
Do you want to go?

Dr. JILL GRANT: I'd like to start with
some questions to Mr. Ogilvie. The report by the
Confederation of Mainland Mi'Kmaq identified concerns about
an Indian hill camp on the site. Are you satisfied that the
archaeological study was thorough enough to determine
whether there was such a feature on the site?

Mr. ROBERT OGILVIE: We were satisfied
with the level of investigation done on the site.

It's a very difficult site to look at,
being treed and so on and so forth, but that particular area
is not expected to have a high potential for this type of
thing.

There is potential that there could well
be something out there which wasn't discovered because the
nature of archaeological remains is that they do tend to be
hidden until they're discovered, but we are confident in the
methodology that was used.

Dr. JILL GRANT: And if there were, at
one time, a small settlement at Whites Cove, as some of the
community members suggest, is it likely to have occurred in
the coastal plain area, the part that may have been already

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
disturbed before the survey was done?

Mr. ROBERT OGILVIE: Yes. More than likely it would have been along the coast.

Settlements occupy certain places for a certain reason. It normally has to do with resource availability.

In this case, it would have been done to support fishing activity, and these do tend to be very coastal.

The other parameter that would have been looked at would have been fresh water availability.

And so those two things together, the coastline and the availability of fresh water sort of put together what would be considered a high-potential area for a community.

Dr. JILL GRANT: And what kinds of factors do you use to decide whether a settlement is significant?

There's some disagreement between the way the analysis and the way community members see it, so can you give us your assessment from a provincial perspective?

Mr. ROBERT OGILVIE: Significance is a major issue. There's no question about that.

It's something that we do grapple with.

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
Certain sites have national significance or even global significance, and we do have examples in Nova Scotia.

There are others that we consider to have provincial significance.

That is where we tend to draw the line in terms of the responsibility we take for sites. At the same time, that's not to say that there are not sites that could be of local significance, that can be of regional significance or even family significance, and this is where it becomes a challenge.

From our perspective, the type of community that would have developed at that place, from what we know from it, and the time at which it was extant, it would not be considered significant from a provincial perspective.

There would be dozens, if not hundreds, of similar communities around the coast, and the time period is not terribly old.

We're talking, you know, the latter part of the 19th century.

And we certainly do have tens of thousands of sites of that age around the province, and we would consider a very small percentage of those to have any significance whatsoever.
Dr. JILL GRANT: Can you give us an indication of the significance of the oulu that was found in this area and whether you perceive that there's a risk to disturbance of whatever associated artefacts there may be with that because of the ship manoeuvring?

Any concern about that?

Mr. ROBERT OGILVIE: No, not really.

The oulu was well off shore. It was dragged up. Because of that, we don't have a good context as to where it was found.

It could have been part of a settlement that existed in that part of the Bay of Fundy at a particular time several thousand years ago when the water was less deep, or it could simply be something that fell out of a boat. It could have been on an ice floe that melted and dropped in that spot. We simply don't know.

The artefact itself is exceptional.

There have been very few loose found, although there was one found just three or four years ago on the Mersey River.

We only have a handful in our collection, and we do consider them all quite significant.

Unfortunately, an artefact without context doesn't give you the same amount of value or information as something that is found within the context of an existing site.
Dr. JILL GRANT: I note that in the
museums response to the report that the museum, and you
mentioned it in your presentation, that there's to be a 250-
metre protection zone around the 19th century house remains.
I'm wondering if Mr. Buxton can tell us
if that 250-metre zone is included in the Environmental
Preservation Area.

Mr. PAUL BUXTON: It's not really quite
the same thing.
I think what Nova Scotia Museum asked us
to do was that if any disturbance is to take place inside
that zone, then we are to carry out a further archaeological
investigation inside that zone.

So in the sense it's not an
Environmental Protection Zone as such, but it is a
protection zone for that particular foundation because Nova
Scotia Museum deemed it likely that, within that zone,
anything attached to the Hersey House would be found.

So the answer is that, at some point, we
probably would disturb that and we then need to make contact
with Nova Scotia Museum and give them our plan for tackling
that on further investigation.

Dr. JILL GRANT: Mr. Ogilvie, is that
your interpretation?

I just note your letter of the 20th of
April, 2004 says:

"Confirmation of a 250-metre protection zone..."

So that's why I'm a little confused.

Mr. ROBERT OGILVIE: I guess I am at this point as well.

Certainly the understanding we would have is that within a 250-metre buffer zone or whatever you want to call it, that if there was going to be activity within it, further work would be required.

It doesn't mean, in our estimation, that it means that there will be a 250-metre permanent buffer around the foundation. We think that would not be necessary.

Dr. JILL GRANT: I'm sorry? You think it would be necessary, or wouldn't?

Mr. ROBERT OGILVIE: We think it would not be necessary.

We do not believe a permanent 250-foot buffer is necessary.

We believe that if there is no work going on, then that is fine, but if any work goes on within the 250-metre buffer, then further archaeological work would have to be done to ensure that significant remains or burials possibly, in this case, would not be disturbed.
Dr. JILL GRANT: Thank you. And a few
questions for Ms. MacDonald.

I noted in your response that you
suggested that the project is not consistent with Nova
Scotia's tourism brand, and we have seen information from
some other government departments that might indicate that
aggregate production is being promoted by them.

So I wonder if you could give us a bit
more understanding of how to deal with the inconsistencies
between different provincial departments in terms of the
philosophy of how to deal with the coastal zone?

Ms. DARLENE MACDONALD: I guess from a
tourism perspective, understanding that we're looking and
we're promoting to consumers and trying to entice and lure
them to come to the province, so I guess the audiences, if
you will, that we would be directing our messaging to
probably would be quite different from the audiences of some
of the other provincial departments.

And the perception, I guess, of what is
in the visitor's mind, the branding all starts with what
they perceive Nova Scotia to be.

And it follows through to their actual
experience and their satisfaction, so it's not just a tag
line and, in this case, that it's Canada's seacoast. It's
more than that.
It's everything from the time they see
the TV ad to the time they respond to, hopefully, they come
visit and experience.
So it's a much longer, I guess, impact
on what they perceive to be Nova Scotia's brand.
I'm not sure if that answers.
Dr. JILL GRANT: Well, it's in some ways
a rhetorical question, anyway.
Perhaps you could give us an idea of
whether you have any experience in the tourism marketing
with situations where a country or region's ability to
market itself for its nature experience has been negatively
affected by projects.
Ms. DARLENE MACDONALD: I don't
personally. I'm not in the marketing section.
I would speculate there probably are
various examples, but I wouldn't want to comment directly
further than that.
Dr. JILL GRANT: The Proponent had
suggested that leaving an Environmental Preservation Zone
around the shore of the site would buffer the site visually
for visitors, although there's been some discussion about
whether that's, in fact, the case.
Do you think there's any way in which
the visual aesthetics from the sea can be mitigated to make
it less noticeable to visitors?

Ms. DARLENE MACDONALD: I'm not 100 percent clear on the topography as to the slope of the land and what that buffer would... For example, if that buffer is higher than the actual quarry site.

At the same time, the experience also is not just solely from the water. Whether there are opportunities for coastal hiking trail or, for example, if there's lighthouses such as, say, Boar's Head.

There may be various vantage points along that coast that they would see the development.

And I'm not 100 percent sure.

Dr. JILL GRANT: Thank you.

Can you give us an idea of what the potential risks are that you see to the local tourist economy here?

What do you perceive as the worst case scenario from the tourism economy perspective in this region of the province?

Ms. DARLENE MACDONALD: I guess one of the concerns would be the impact on the visitors' experience.

For example, if they are coming to this part of the province expecting pristine, natural coastal experience, they may be disappointed.
So as far as not fulfilling their
meeting what those perceptions are, particularly if that is
what we're marketing, and if we're not able to deliver on
that promise, that could be of particular concern.

I guess just as far as the sense of
welcomeness and that they are coming to communities that
want them to come and to experience, that it's the
communities that demonstrate our Nova Scotia hospitality and
friendliness, so I would hope that that is maintained.

Dr. JILL GRANT: And my final set of
questions is around the potential for growth in tourism.

Can you give us an idea of what your
department sees as the potential for growth in this nature-
based eco-tourism?

Ms. DARLENE MACDONALD: Provincially, we
have been working with our colleagues at the Tourism
Industry Association of Nova Scotia as well as the Tourism
Partnership Council that I mentioned for a vision for
tourism.

As such, looking that in this very
demanding and competitive marketplace that we exist in, Nova
Scotia has to look at how we can differentiate what we have.

And with that, through the vision for
tourism, while the original revenue projections were to look
at doubling revenues, those were set in 2002.
We have not achieved, but it is more, I guess, a philosophy of looking at how we can deliver on the promise and continuously building on the strength of our brand positioning.

So as I mentioned, we are working quite closely with the Digby Area Tourism Association, trying to build the capacity and the opportunities that they have to offer within this destination area.

And so, from a regional perspective, we're working quite closely. At the same time, on a regional marketing perspective, the department works with Destination Southwest Nova, so that marks the south-western part of the province to various tourism markets.

So both on the development side as well as on the marketing side, staff are, you know, working as well as putting resources in to enhancing the overall experience and what we have to offer.

Dr. GUNTER MUECKE: Ms. MacDonald, coming back to potential, how would the department rate the coastline along Digby Neck and Islands relative to other coastline in Nova Scotia in terms of potential, or do you have a rating where you put your resources?

Ms. DARLENE MACDONALD: While we may not have a scientific or quantifiable rating, I can say that the Bay of Fundy as a whole, from a tourism perspective, is
self-importance.

As I mentioned through the Vision for Tourism, we have just completed an inventory or analysis of the Bay of Fundy and looking at the opportunities for future development.

Provincially, we've made some major investments over the years with Cape Chignecto Provincial Park, the purchase of Cape Split land and, most recently, with the site development of Joggins Fossil Cliffs.

So all of these components add to the Bay of Fundy experience, and also our continued involvement since '98 with the Bay of Fundy Tourism Partnership Council.

It is quite important, if not one of the most important, coastal areas that we are working with.

Dr. GUNTER MUECKE: Thank you.

And just for clarification, there has been mention of a possible coastal trail going along the Fundy coast, something perhaps similar to the West Coast Trail on Vancouver Island, which draws a lot of people.

Is that something the department has under consideration, possibly, of financing in the future or facilitating?

Is it in the books at all, as far as you're concerned?

Ms. DARLENE MACDONALD: To my knowledge,
and I guess just for clarification, I'm not sure if it's a coastal hiking trail or if it's coastal driving trail like the Evangeline drive.

Dr. GUNTER MUECKE: Coastal hiking trail, I believe.

Ms. DARLENE MACDONALD: Okay. I know there's various groups and there's various planning initiatives along the Digby Neck.

I'm, at this time, not personally familiar with or current, I guess, on plans for a coastal trail, so I'm not totally clear. Yeah.

I guess I would have to say I'm not personally familiar with any plans or discussion on a coastal trail at this time.

Dr. GUNTER MUECKE: Could you find out for us?

Ms. DARLENE MACDONALD: Sure.

Dr. GUNTER MUECKE: Could you make that an undertaking?

Ms. DARLENE MACDONALD: Do you have any source as to where you heard about a coastal trail? That might make it easier.

Dr. GUNTER MUECKE: It has been mentioned during these hearings by one or two individuals.

Ms. DARLENE MACDONALD: Okay.
THE CHAIRPERSON: Mr. Ogilvie, I have a question for you.
I'm curious to know how the archaeologist that was chosen to do this project was chosen. How do archaeologists for these kinds of things get chosen, in general?

MR. ROBERT OGILVIE: They are selected by the Proponent themselves.
What they do is they will contact a number of archaeologists generally, get a quote, and proceed on that basis.
The archaeologists themselves cannot proceed until they come to us with a Heritage Research Permit application which outlines their methodologies, what they're going to be doing, where they're going to be doing it, and their qualifications.
We assess all of these permits and we deal with over 100 a year, and we match them up, the archaeologist with the project.
And if they're qualified to undertake it and their methodology is sound, we approve the permit, they do the work, and things follow after that.

THE CHAIRPERSON: Does the Proponent set out the terms of reference for the archaeologist?

MR. ROBERT OGILVIE: At one level they
probably do simply because they're the ones who have to contact the archaeologist, contract them for work which generally, in this case, would be described as an Archaeological Impact Assessment.

Those are guidelines that we used which are publicised on our web site and are pretty standard practice across the country in terms of what is expected from this type of work.

So they would put that out there. I assume it would be bid on by several, although they could sole source it. It's up to them.

But what comes to us is what comes to us, and we do frequently reject permits because the methodology isn't sound, the person isn't qualified to undertake it, so on and so forth.

In this case, the methodology was sound and the archaeologist was qualified.

THE CHAIRPERSON: You didn't find it odd that archaeologist was a plains archaeologist rather than a marine or coastal archaeologist?

Mr. ROBERT OGILVIE: Well, I must say there was some discussion around that point because it is unusual for us to stumble across a new archaeologist, period.

Generally, the community in Nova Scotia
is quite small. We do maintain a list of all the active
archaicological consultants, and this name did come out of
the blue at us.

Although there certainly are strengths
in having a local or regional archaeologist in place,
methodologies are the same. And we're quite confident that
Dr. Watrall was fine.

He did a good job. There was a very
thorough historical background study by Barry Moody which
helped with some of the background and his research.

And overall, we had no complaints.

THE CHAIRPERSON: Were you aware that
there was a great deal of contentiousness about his
participation in this project, the fact that he was...

We've been told.

We don't know firsthand, but we were
told that he did not sample local knowledge or traditional
knowledge in any way, and basically argued that only first
principles were useful, that is, he had to walk on the site
and see it himself as opposed to gathering information, and
that his delineation of the site is quite at odds with
people from the community who have a totally different view
of it.

Mr. ROBERT OGILVIE: I must say we were
not aware of that level of contention, and I guess that's
all I can say.

No, we weren't aware of that.

THE CHAIRPERSON: Thank you.

Ms. MacDonald, I have just one question for you.

And that is, what impact would you expect if the blasting, ship movement and other noises and activities associated with a quarry fully under way were to drive offshore the whales along this coast, of which not just the northern right, but the humpbacks and others, and pushed them across the Bay, say, in the direction of Grand Manan so that they weren't injured in any way, but they were now quite a ways away?

What impact would that have?

Ms. DARLENE MACDONALD: While I'm not a whale expert or knowledgeable in that field, I guess I would have to speculate that it would have implications on the tour operator boat sightseeing businesses, that it may make it more difficult for them to operate, I guess, if the experience wasn't reliable that they could ensure that their visitors would have a sighting.

So I guess I could only foresee that the implications would be directly on those sightseeing tour operator businesses.

THE CHAIRPERSON: Thank you. I think

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
that's all the questions from the Panel.

Over to you, Mr. Buxton.

PRESENTATION BY NOVA SCOTIA TOURISM CULTURE AND HERITAGE - QUESTIONS FROM THE PROponent

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

Just two quick questions to Ms. MacDonald.

And it goes to Dr. Grant's question to you with respect to the consistency of the provincial strategies with tourism branding.

The Province is actively promoting LNG terminals and superports. They've constructed marine terminals in rural areas like Sheet Harbour.

There are existing quarries, for example, Aulds Cove, the Canso Causeway, refineries in Dartmouth, other industrial activities, superports in Dartmouth for container ships.

I mean, there must be some sort of strategy within Government. Halifax is a seaport town, and yet we have refineries. We're increasing the size of the superports there, and that's seen as a good thing in Halifax.

The LNG terminal in Guysborough is seen as a good thing. Promotion of superports on the Canso Causeway are seen as good things.

How do you reconcile tourism branding,

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
then, with Provincial strategies such as that?

Ms. DARLENE MACDONALD: I guess from a
visitor's perspective, when they are going to an urban area
or a developed area, whether it be Halifax or Aulds Cove was
an example used in a few cases, when you look at a man-made
causeway and bridge and then look down the harbour and see
the Stora Enso, you are within a commercial or industrial
developed area.

Versus as we promote our clean,
pristine, natural environment, such a development may
potentially have impact from the visitor's perspective.

So, in other words, if we're going out
and promoting that we have coastal natural landscapes and to
put a new development in such a landscape versus an
established commercial-industrial area, I guess that's how
we would see the difference.

Mr. PAUL BUXTON: But this, I suppose,
pre-supposes, then, that rural Nova Scotia, if it doesn't
have commercial development, ought not to have any.

And I would perhaps point you to, let's
say, forestry.

I can't come up with a guess, but there
are thousands and thousands of acres of clear-cut forest on
Digby Neck.

How do you reconcile that with tourist
brand?

Ms. DARLENE MACDONALD: I guess I would
say that it may have the potential to impact the visitor's
perception and, as such, their experience.
So whether it be forestry or other
developments in rural Nova Scotia, they may impact the
visitor's experience.

Mr. PAUL BUXTON: Yes. I understand the
difficulty here. And just one more quick question.
The length of the tourism season in
Digby, Annapolis, what length of season does the department
see it as being here in this area?

Ms. DARLENE MACDONALD: While we don't
like to refer to it as seasons, certainly the main tourism
activity tends to take place from a May to October period.
Mr. PAUL BUXTON: So it's a relatively
short period. I mean, I'm looking, for example, at the
theme park, which doesn't open until mid, late June closes
on Labour Day, and this facility closes in October.
So it is a fairly compact season.
Whether one says it's 120 days or 140, it is a short season.
Ms. DARLENE MACDONALD: Certainly it is,
I guess, a challenge from a tourism perspective always to be
extending the season, and in some areas within the province
they have been quite successful in doing so.
But for the most part, it is a May to
October tourism activity. For the most part.

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

THE CHAIRPERSON: Any questions from the
audience? Yes, Ms. McCarthy and Ms. Little.

PRESENTATION BY NOVA SCOTIA TOURISM CULTURE AND HERITAGE -
QUESTIONS FROM THE PUBLIC

Ms. MARY MCCARTHY: Mr. Chair, my
question is for Dr. Ogilvie. It's regarding the issuance,
first, of a permit.

I think I just heard Mr. Robert Ogilvie
say... I'm sorry. I don't know whether I should address as
"Doctor" or "Mister". I'm not sure of that.

Depending on the site, that the
archaeologist was, as I understood, teamed up with the site
and if he was capable of managing that site, then that would
be the best person to do it.

But in view of the fact that Dr. Watrall
had so much trouble walking this land, that's as he told us
at the meeting. He put that in his report.

He said inaccessibility of the site in
question due to the difficulty of walking over that land.
He also said that he covered as much of the property as he
could.

And he complained that field mechanisms

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720
was difficult due to extensive flotsam material on the
beach.

Now, I'm a pretty advanced senior, long
past retirement age, and that property is not inaccessible
to me. And I have photographs here taken during the period
of Dr. Watrall's study.

Actually, they were taken in September,
but Dr. Watrall told us at the CLC meeting that in
September-October he did some work on the site, but the
official permit is for November.

THE CHAIRPERSON: Are you going to a
question?

Ms. MARY MCCARTHY: My question to Dr.
Ogilvie is, how could that gentleman complain of
inaccessibility of the site and how could it be accepted in
the report.

Mr. ROBERT OGILVIE: Well, I'm going to
say myself I'm not entirely sure. Certainly, we have to
take Dr. Watrall's word as to accessibility. I do have some
experience in the white spruce forest along Digby Neck, and
I know that they can be somewhat difficult to walk through
in places.

I don't have direct information on blow
downs and things like that.

He did reference his report with a lot
of things along the shoreline to a certain depth, which once
again I can't really comment on, but certainly would be a
barrier.

Certainly if he did not cover the areas
that he said he covered, then there is an issue. But we
have no direct evidence that that's the case.

We certainly would sympathize with
archaeological testing on a site of that size and of that
type of forest in place. We have an example right now which
is costing us a bit of grief at Debert which is, you know, a
site of international significance, where we were requiring
a level of testing which we don't require in other places,
simply because of the nature of the site and the nature of
the soils and so on and so forth.

We would not require that level of
testing at a site like the quarry site, and even if we did,
it wouldn't be practical, because testing of a type done on
one place doesn't necessarily fit somewhere else. We do
tend to give a fair bit of latitude to the archaeologists
because they are there, and there are areas where they won't
test, or at least not very often, because they're bogs, or
because the slope is too steep.

In other cases, they won't test to a
certain pattern that we might like to see, because there are
tree roots and boulders and so on and so forth all the time.
It's not a precise science, but certainly given the qualifications of Dr. Watrall and the reporting that we saw, we were satisfied with the findings of them.

THE CHAIRPERSON: Ms. McCarthy?

Dr. MARY McCARTHY: Mr. Chair, given due diligence from the person who worked on this site, from the archaeologist, I presume, certainly a better job could have been done.

Elgin Consultancy(sic) itself, unfortunately we didn't hear from Ms. Bishop, put in her report as a result of her interviews that people she interviewed from the area felt that there was a significant element of truth in the Little River's community assertion that there had been people buried in the White Cove property.

Now, we brought this...

THE CHAIRPERSON: Is this a question?

Dr. MARY McCARTHY: Yes. I mean, I think it's all questionable, actually, for Dr. Ogilvie, because I'm surprised, I can't comprehend how this study was accepted as was presented.

Dr. Watrall told us at the CLC meeting that he needed guidance if he were to find the graves.

Now...
THE CHAIRPERSON: This is more of a statement, Ms. McCarthy.

Dr. MARY McCARTHY: Yeah, it is.

THE CHAIRPERSON: Is there anything you can add to this, Mr. Watrall - oh, I'm sorry.

Mr. ROBERT OGILVIE: Yes, well, we also are of the understanding that there may well be graves on the property, but graves in particular are extremely difficult to find. Most archaeological sites are difficult anyways, because they are buried.

Graves, and we have a lot of experience with this in recent years in trying to find them, there are two methodologies to find them. One is to use what's called ground-penetrating radar, which works very poorly in Nova Scotia soil, and the other one is basically to strip the topsoil off completely.

And that's the sort of thing we would be looking for if there is more activity within the development zone.

Dr. MARY McCARTHY: Sorry, Mr. Chair, could I ask another?

THE CHAIRPERSON: We're running way out of time.

Dr. MARY McCARTHY: I do realize that.
your point.

Dr. MARY McCARTHY: But I have spent five years on this, and so has Mrs. Peach.

THE CHAIRPERSON: One quick, one quick...

Dr. MARY McCARTHY: On our own funds.

Personal to us.

THE CHAIRPERSON: Ms. McCarthy, one quick question and then we're moving on.

Dr. MARY McCARTHY: Right. Dr. Ogilvie...

THE CHAIRPERSON: Not a statement; a question.

Dr. MARY McCARTHY: Dr. Ogilvie, I'm surprised that when the museum was informed about the possibility of a village, but there's only talk of a Hersey house now, one Hersey house.

But had the Deeds been studied carefully, it is possible to map the homes of at least five families on that, and we have done it.

THE CHAIRPERSON: Ms. McCarthy, Mr. Ogilvie can't possibly know this information. I mean, he's prepared to talk about the qualifications, perhaps, of the archaeologist, but not about the site.

Dr. MARY McCARTHY: Yeah, sorry. Thank you, but Mr. Ogilvie and I have had long discussions on

---

A.S.A.P. Reporting Services

(613) 564-2727        (416) 861-8720
this. Thank you.

THE CHAIRPERSON: Oh.

Dr. MARY McCARTHY: Thank you.

THE CHAIRPERSON: Okay.

Dr. MARY McCARTHY: I think Mr. Ogilvie will remember, I was the first person who brought it to your attention.

THE CHAIRPERSON: Okay. Ms. Little, please?

Ms. TINA LITTLE: This is a question about tourism. In your view, is the future economic health of this part of Nova Scotia strongly dependent on eco-tourism?

Ms. DARLENE MACDONALD: Certainly nature tourism activities play an important role in the overall tourism experience for this region of the province.

Ms. TINA LITTLE: Just as a follow-up, just to give you a little, make you feel good about the future, I live in Florida most of the year and we had a very short season 20 years ago, and those parameters have extended tremendously. So with the proper marketing, I believe that you could do the same here.

THE CHAIRPERSON: Okay. One more. Okay, one more, Mr. Ackerman.

Mr. JERRY ACKERMAN: I'll try to be
quick, thank you.

Nova Scotia coastline has, as Mr. Buxton, many obstructions to scenic beauty, and those include the gypsum port at Windsor and Canso, the tar ponds, the polluted harbour at Halifax, one of the worst on the east coast.

What about this proposal will constitute a tipping point or something that will aggravate your ability to market Nova Scotia as a coastal tourist destination?

Ms. DARLENE MACDONALD: I guess, as stated in the presentation, we do have concerns that it may potentially impact the Provincial tourism brand. I can't say whether or not it's as tipping point, per se, but as stated, we do have concerns that it may impact the Provincial tourism brand.

THE CHAIRPERSON: Thank you. Okay, then, thank you Mr. Ogilvie and Ms. MacDonald.

We will now move on to the next presenter, who is the Municipality of the District of Digby.

--- Pause

THE CHAIRPERSON: There's a slight change in the schedule. The Municipality of the District of Digby, the Town of Annapolis Royal, and the Municipality of the County of Annapolis will all sit down together and make a
joint... Well, a sequential presentation.

So gentlemen, very sorry to keep you waiting, but this is a very important issue for all parties, and we're trying to do it as thoroughly as we possibly can.

So could you identify yourselves, and as you heard me say already if any of you have complicated names please spell them out, and also identify your affiliation and so forth.

PRESENTATION BY THE MUNICIPALITY OF THE DISTRICT OF DIGBY -
WARDEN JAMES THURBER

WARDEN JAMES THURBER: Mine might be complicated. My name is James Thurber, T-h-u-r-b-e-r, and I'm the Warden for the Municipality of the District of Digby.

MAYOR JOHN KINSELLA: Good afternoon. My name is John Kinsella, I'm the Mayor of Annapolis Royal. That's K-i-n-s-e-l-l-a.

WARDEN PETER NEWTON: Good afternoon. My name is Peter Newton, and I'm the Warden for Annapolis County. Newton is N-e-w-t-o-n.

THE CHAIRPERSON: Thank you. Gentlemen, would you like to begin? Maybe we'll start with you, Mr. Thurber, and go in this direction.

WARDEN JAMES THURBER: Okay. Thank you very much, Panel.
As I stated, my name is James Thurber, and I am the Warden for the Municipality of District of Digby. I am here today on behalf of the Council of the Municipality, and on behalf of the majority of the citizens of the Municipality who have told us that they do now want a quarry on Digby Neck.

As a Council elected by the people of the Municipality of the District of Digby, we have supported our citizens in their opposition to this project.

While it may not be quantifiable, there needs to be recognition of the fact that this project can negatively impact the quality of life of the residents of Digby Neck and Islands.

This project is very much at odds with the promotion of Digby Neck and Islands as an eco-tourism destination.

As elected Municipal officials, it is our responsibility to promote and protect the long-term economic, social, and environmental sustainability of the Municipality.

Often, Council is faced with making a decision or taking a stand on issues that, while they may appear to be good for the economy of the Municipality, they may not be so good for other areas of the economy, for the environment, or for the social aspect of the community.
What may, at first glance, be seen as something that could have a positive impact on the economy of the area may, in the long term, have a devastating negative impact on the environment, or on the quality of life of the citizens of the community.

In July of 2006, on behalf of Council, I wrote to Ms. Debra Myles, Panel Manager of the Canadian Environmental Assessment Agency expressing concerns regarding the following aspects of the Environmental Impact Statement.

Blasting. The Proponent has indicated that binoculars will be used to determine if the mammals or birds are present before blasting takes place. The use of binoculars is not a reliable method, given the fact that fog can decrease the visibility considerably.

Digby Neck is well known for the number of days they are fogged in. Even without the problem of fog, the use of binoculars alone to determine the presence of mammals is inadequate and unreliable.

The lack of scientific data on the effects of blasting on large mammals such as whales and other marine animals is, in itself, reason enough to proceed very carefully in this area.

Ballast water. The probability is increased that ballast water will bring with it invasive
species by the increase in the number of ships in our waters. We are already dealing with the green crab, which has the potential to significantly alter the ecosystem. A ship's ballast discharge can hold a wide range of species, which could have a harmful effect on the ecosystem.

Silt and runoff. Sediment, as a result of runoff, or windblown particles deposited into the Bay, can seriously endanger plant and aquatic life. There is not enough scientific data pertaining to how this may impact on the various local fisheries.

Our local communities have depended on these fisheries for their survival for centuries.

Negative impact on the community.

Council was concerned that the potential negative impact on the community caused by such things as dust and noise.

Water supply is another concern. Will the company's usage of water lower or contaminate the water table? Could this intensive blasting open up seams that might either divert the water supply from the surrounding communities or allow salt water or other contaminants to enter the water supply?

A good and dependable water supply is a necessity for a community.

Definition of "significant". Council was extremely opposed to the term "significant" to refer
only to impacts that extend beyond local or regional
effects. Certainly, if someone's well goes dry, the whales
are scared away, or the lobster fishery in the immediate
area is negatively impacted, that would be very significant
to our local community and way of life.

Council recognizes that this project
could provide additional jobs for our area and additional
tax revenues, although the amount is difficult to determine.
However, if jobs in other sectors of our economy are
threatened or lost, and the quality of life in surrounding
communities is negatively impacted, water issues, noise,
dust, et cetera, so as to make them less desirable places to
live, work, raise families, or retire, then have we gained
or lost?

Council's concerns about the
uncertainties as to the potential negative effects of this
project lead us to support our citizens who do not wish to
see this proceed.

It is not for me, as the Warden, or for
Council to determine whether or not the White's Point Quarry
and Marine Terminal Project should go forward. It is,
however, our responsibility as elected officials to bring
the concerns of our residents and Council forward, and to
make sure that they are adequately addressed.

In closing, I would like to thank the

A.S.A.P. Reporting Services
(613) 564-2727          (416) 861-8720
members of the joint review panel for this opportunity to
make this presentation.

    Thank you.

THE CHAIRPERSON: Thank you, Mr. Thurber.

Mr. Kinsella?

PRESENTATION BY THE TOWN OF ANNAPOLIS ROYAL - MAYOR JOHN
KINSELLA

MAYOR JOHN KINSELLA: Good afternoon.

Again, my name is John Kinsella. I'm the Mayor of the Town
of Annapolis Royal. I've served as the Mayor for the past
six years, served on the Council for 15 years. It's been my
pleasure to do so, by the way.

I'm going to be quoting from a letter
that I wrote to Debra Myles, the Panel Manager, on May 19th,
2006.

"Regarding the comment on the
Environmental Impact Statement, this is
a huge project that would result in a
quarry of approximately 150 hectares,
about halfway out on Digby Neck.
The project would be to quarry, crush,
and ship basalt exclusively for export.
The operation will run 24 hours a day,
46 weeks a year, give or take.
The aggregate industry is as large as
the oil industry, and growing. Basalt makes very good aggregate, and there is high-grade basalt from Brier Island to Cape Split.

The Town has the following concerns about the project. This community is very opposed to the project. Regarding gaps in the Environmental Impact Statement, there are some very large gaps in the Environmental Impact Statement, including the following. The operation will probably endanger the fishing industry and the right whale population. It will have a tremendous impact on the community. With big lights that will be required, the site will look like a city when they're turned on. The operation will produce 34 jobs, but will endanger that many, if not more, along the neck; in particular in terms of tourism and fishing.

When you lose a small family fishing community, you lose your coastal community.

There is only a half page dedicated to
cumulative eco-system impacts, which is not enough of consideration of these issues that has been made. We have concerns over the future. The owner owns three times as much land as the proposed quarry, and are still trying to purchase more land. If this project goes forward without major alteration, it will open the door for a lot more.

In 2006, residents of Victoria Beach believed that a separate proposal for that area has been abandoned, but the reality is the Department of Environment and Labour asked for additional information which was not provided, so that that application is now on hold. There is the possibility that the proponents of that project and the Provincial Government may be awaiting the outcome of this process. There was also another application in Belleisle, at present. Value added: This is not value-added activity. There will be no royalties,
since the quarry will produce aggregate
only. If there's one thing you learn in
economics, if you have something that
can haul out of the ground, you should
do everything possible to have it a
finished product so that you can sell it
to market, instead of selling raw
material.
Visual impact: Basalt quarrying will
leave a permanent mark on the landscape,
despite what the Proponents will tell
you, and there is one on North Mountain
already.
Since the whole area is a prime tourism
destination area, has any consideration
been given to that?
You've already heard about noise
pollution. We're very concerned about
that, in a tranquil area.
Impact on other areas: While this
project would take place on Digby Neck,
the Town is concerned about precedents
set in one or more municipal units that
could have repercussions for other
municipal units such as ours.

A.S.A.P. Reporting Services
(613) 564-2727
(416) 861-8720
The impact on the tourism industry: Any negative impacts on Digby Neck will affect the successful whale-watching operations that offer another draw for tourists thinking about southwest Nova Scotia. This will have an impact on our established bed and breakfast community, who offer accommodations in Annapolis Royal for whale watchers, and on the other many tourism attractions and services in the Town and the surrounding area.

Impact on water sources: Basalt deposits in the North Mountain are important to surface and groundwater recharge in the Annapolis Valley. The Town's own water supply comes from North Mountain. We have a joint water supply between the Town and the County of Annapolis. What impact will the project ultimately have on the water source in this area? This has not been clearly addressed.

Adequacy of provincial regulations: We continue to doubt the adequacy of
provincial regulations to deal with
managing basalt quarrying for global
markets."

When I heard a question asked earlier,
if all of the right whales and other whales were driven away
from this area, what will the industry do, as far as whale
watching and bird watching? It will disappear.

THE CHAIRPERSON: Thank you, Mr. Kinsella. Mr. Newton?

PRESENTATION BY THE MUNICIPALITY OF THE COUNTY OF ANNAPOLIS
- WARDEN PETER NEWTON

WARDEN PETER NEWTON: Good afternoon.
Before I start my presentation, I just want to respond to
part of the discussion about out-migration for young people.

I spent the first week of this month,
the first ten days of this month, actually, in Alberta, and
there's a community with 100 kilometres south of Fort
McMurray that doesn't have a tradesman available to do any
work in the community. They have no young people, because
they're all working in Fort McMurray.

As far south as Calgary or further,
there aren't enough people to be employed in places like
McDonald's and Tim Horton's and Wendy's, to facilitate
operating drive-thrus. So it's not unique to rural Nova
Scotia. It's happening, it's at a very high-peak in this
country, but it's not unusual to this area alone. It's happening all across the country.

Now to my presentation. On behalf of the Municipality of Annapolis County, I appreciate the opportunity to address the Joint Review Panel for White Point Quarry and Marine Terminal Project. My name is Peter Newton, and as Warden, I am the Chair and spokesperson for our Council.

I understand the Panel is conducting these hearings to encourage public input, and to ensure a thorough examination of all matters relevant to its mandate. The County of Annapolis is an interested party, and wishes to ensure that the Panel fully addresses the concerns of the public and the implications that this proposed project has on all of us in this region.

First, I will provide some background about Annapolis County.

An overview, Annapolis County has a rich history and beautiful, natural environment, and offers and enviable quality of life. The Habitation at Port Royal is the site of the first permanent European settlement in Canada, 1605. Historic Towns of Annapolis Royal, Bridgetown, and Middleton, are the focal points of the western, central, and eastern portions of the county.

Together, the towns and more than 100

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
communities within the County's jurisdiction offer range of lifestyle choices and community amenities.

The Municipality of Annapolis County has a population of about 18,500 people, and adding the Towns of Annapolis Royal, Bridgetown, Middleton, this brings the population to about 22,000.

Annapolis County encompasses 3,200 square kilometres of western Nova Scotia adjacent to the Bay of Fundy.

The Annapolis River bisects the county, running east to west, emptying into the Annapolis Basin. More than 500,000 acres of the 830,000 acres of land in the County, are forested; particularly along the North and South Mountain ranges.

Most of the 50,000 acres of agricultural land within the county is spread out over the Annapolis Valley floor.

Fishing, forestry and agriculture remain important elements of the rural economy. We are particularly concerned about the implications of the White Point Quarry and Marine Terminal Project respecting the fisheries in Digby and Annapolis Counties. Our communities are very similar. We certainly hope that the Joint Review Panel will thoroughly review and address this area.

Tourism, retail trade, transportation,

A.S.A.P. Reporting Services

(613) 564-2727          (416) 861-8720
and storage, and the service sector historically have been relatively stable. However, tourism has declined during the past two years, but will benefit from additional planned investment and diversification across the industry.

We encourage the Joint Review Panel to be mindful of potential impacts of this proposed project on tourism among other socio-economic implications relevant to the review.

Immigration to this region is a related issue; specifically in that we view visitors as potential lifestyle purchasers or investors, people who may relocate to this region for its quality of life and new opportunities in non-traditional economic sectors.

In 2003, the voluntary planning task force on non-resident ownership of land in Nova Scotia identified Annapolis and Digby Counties as among the areas of highest instance of non-resident ownership of coastal and waterfront land.

For the most part, this has contributed to growth and residential development and other economic activities associated with seasonal and semi-permanent residents. The important of this is often overlooked in the context of discussions about rural population, decline, based on perceptions about Statistics Canada's population data, particularly if it is not related to data on numbers
and types of dwellings.

Our Municipalities recognize there are structural factors that affect and result in variation and growth. Diversification and economic performance of rural economics in Canada. GDP per capita in rural Nova Scotia is 70 percent of that in Halifax. Although it is only one measure of prosperity, it is important for the Municipalities and our regional development agency to work to narrow the GDP per capita gap.

The new economy and the enabling effects of information technology present opportunities for this rural area to lever the competitive advantage associated with our quality of life to attract new companies, home-based businesses, and residents.

Issues for the Joint Review Panel to address. The Council of the Municipality of Annapolis County has tried to take a look at Whites Point Quarry and Marine Terminal Project from the perspective of the public. Some of the questions generated from this perspective are:

Why is this happening here, and what impacts will it have?

What factors and conditions have led to a project of this magnitude being proposed here, rather than where the economic demand exists?

What authority and roles do the Federal,

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
Provincial and Municipal Governments have respecting the proposed project? What responsibilities do the Federal, Provincial and Municipal Governments have relative to their respective roles and authority? Our Council hopes the Review Panel will address these and other questions in a manner that will provide the proper local, regional, provincial, national, and international context for the White Point Quarry and Marine Terminal Project.

We also seek unambiguous definition of the role and accountability of each of the Federal and Provincial Governments. They should clearly define the public interest respecting this proposed project and what present and future actions they will take in the public interest.

Not long ago, the Supreme Court of Nova Scotia addressed the jurisdictions Municipalities have over pits and quarries and related activities in a case involving our Municipality.

The Court determined that while Nova Scotia Municipal Government Act provides municipalities with the authority to adopt land-use policies and regulations, pits and quarry activities and operations are not included in the definition of "land use".
This includes excavating material, including blasting, crushing and storing aggregates on site, and related transportation activities. This means we have no say in those issues.

Land area is a key determinant of provincial classification of pits and quarries. There may be some correlation and relationship to annual, average, and peak day production rates, proximity to sensitive, natural environments and product transportation modes, routes, and frequency, with such factors themselves should be addressed in classify and regulating undertakings.

Having provided some background respecting the areas of concern to the Council of the Municipality of Annapolis County, I wish to leave you with some specific questions. We trust the Joint Review Panel on White Point Quarry and Marine Terminal Project will address.

Firstly, implications of the White Point Quarry and Marine Terminal process respecting the future pit and quarry activity of North Mountain basalt. What is the size of the market the Proponents intend to serve? If the project goes ahead, are others likely to follow? Are there other North Mountain resources, e.g. zeolites, near United States markets may want?

Will the marine terminal have capacity beyond the production rates at White Point Quarry, and if
so, is it likely that that could lead to an increase in
excavation, production and trucking from other existing pits
and quarries to this region?

Generally, what is the context of this
project within the market

Secondly, absence of clear statements of
provincial interest respecting land-use policies for pits,
quarries, and similar or related activities, will the Joint
Review Panel's report address this subject?

In the future, will the public know the
position of the Government of Nova Scotia, how it has
defined the public interest, what factors have been
considered, and what trade-offs have been made?

Will the Joint Review Panel make
recommendations to the Government of Nova Scotia respecting
public policy in this area?

Will the Joint Review Panel review other
jurisdictions and address the relationship of provincial
regulation of pits and quarries to municipal land-use
planning and regulation?

The third, the need for Provincial and
Federal Governments to address socio-economic implications
of the Whites Point Quarry and Marine Terminal Project
activities and operations in terms of the North American
Free Trade Agreement (NAFTA).

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
What factors or conditions are preventing or limiting the ability of the United States' market to address demand for supplies closer to home?

What procedural or other safeguards are there in place to protect potential exporting areas that have different levels and standards of regulation than on importing areas?

Are we required under NAFTA to extract and export resources to areas that would not allow them in their own area, the NIMBY syndrome, not in my backyard but somebody else's?

And what rules or rulings are relevant to this situation today?

On behalf of the Council of the Municipality of Annapolis County, I thank the Joint Review Panel for this opportunity to speak.

We have been reluctant to take a position on a proposed project that is located outside of our municipality.

However, we believe this Project has water implications that you should address.

While we value and pursue economic community development, it must be sustainable and it must not negatively impact on our environment, quality of life and other sectors of our economy.
We do not support development at any cost.

Thank you.

THE CHAIRPERSON: Thank you Mr. Newton.


Dr. JILL GRANT: First a few questions for Mr. Thurber. Can you give us an idea... One of the things that came out of the Environmental Impact Statement is the lack of a land use plan in Digby.

Can you give us an idea of why the County hasn't expressed its intent through a land use plan for this area?

WARDEN JAMES THURBER: I can't speak of past history other than the last eight or nine years, and in the last eight or nine years, we have in some areas done some land use planning, however it has not been done in this area.

I guess as far as this case is concerned, as Warden Newton mentioned, we have been led to believe that even with some land use planning, we would have very little to say when it comes to pits and quarry operations.

Dr. JILL GRANT: Thank you. Another
element that's in the Environmental Impact Statement is the suggestion that this Project will result in property taxes in the vicinity of $400,000 a year.

Does that number come from the County, from the municipality of Digby or is there... Do you have any reason to give us confidence that that figure is right or...

WARDEN JAMES THURBER: No way that I can substantiate at all that that's a proper number. We had heard that number, we've tried to do some investigations through the Province, and they say there are so many variables that it could range from $130,000 or less, all according to different factors, how mobile the buildings or equipment are, whether the loading docking facility...

Apparently there is an appeal taking place with some of the other ones that exist, and if that appeal is successful, than possibly those facilities may not even be taxable, which could make the figure $130,000 high, so...

Dr. JILL GRANT: Okay.

WARDEN JAMES THURBER: Through our investigations with the Province, it would have to be a fairly large solid foundation operation to come anywhere near that number.

Dr. JILL GRANT: I wonder whether the
Municipality of Digby, the District of Digby, has any
concerns about the truck traffic that will be generated in
the construction phase of this Project?

Any concern about that on the roads or
on anything else?

WARDEN JAMES THURBER: I probably should
have stated before I started answering the questions that
maybe some of the comments may not necessarily be the
position of council because they may be articles that
haven't been discussed. They could be my opinion or my
feeling.

Our Council does promote growth of
industry in the area, and if there's lot more fish coming,
there's a lot more trucks that have to log them, we're not
going to say we don't support that, so I can't...

My best guess would be that the Council
would not have a lot of concern over trucking.

Dr. JILL GRANT: I think that you had
suggested something about concerns around noise. Can you
elaborate on the kinds of concerns that you might have about
noise from the Project?

WARDEN JAMES THURBER: I guess our
concern would be that there could be continuous noise from
the Project, which could disturb the quality of life of
residents within the area of operation.

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
I guess if blasting is something that could affect marine life, then I guess we would have a question or concern in that area.

Dr. JILL GRANT: My final question for you is about your perception of how the Project has affected social relations in the District, especially between those who are in favour of it or who are opposed to the Project?

WARDEN JAMES THURBER: It has caused some deep feelings amongst good community people, on both sides of the issue, who I feel all have or for the most part have a concern for the good and the future of the area.

I'll be glad when something is settled, because there are people who have had to use a lot of their valuable time to deal with this issue, and I am hopeful that when this is decided, whichever way it would go, that there will be a way to mend and build that community and get this community spirit back and go on for the good of the communities and the municipalities.

Dr. GUNTER MUECKE: And could I just come back in terms of financial benefits to the municipality? You mentioned that it may be as low as $130,000, and possibly lower than that.

Have there been any attempts to quantify the costs to the municipality that would arise as a result.
of this Project?

WARDEN JAMES THURBER: Not really.
Without knowing just what would take place, I'm not sure.
Like this is one of our concerns.
If something does happen to the water
supply of the community, we're probably going to have to go
in and find a way to supply water to that community, so that
could certainly cost the municipality many dollars.
If people move from the community
because of the Project, it could lead to tax dollars that
could be lost.
So without the Project actually being in
place and knowing what the consequences might be, those
would be two areas that I guess we can think about right
now.

Dr. GUNTER MUECKE: Thank you.

THE CHAIRPERSON: Warden Newton, I have a
question for you. You mentioned that land use planning and
the establishment and operation of quarries and pits and so
forth are disconnected.

Does that disconnection occur in
legislation? Is that a clearly enunciated policy?
WARDEN PETER NEWTON: Yes. The Municipal
Government Act gives us this ability to do land use planning
and so on, but the provincial legislation holds the

A.S.A.P. Reporting Services
(613) 564-2727       (416) 861-8720
responsibility for pits and quarries with them, and they do
the environmental permitting and everything else, so we
don't.

And quite often, we find out after the
fact that we are going to have a pit or a quarry in our
community.

THE CHAIRPERSON: Interesting. Thank
you.

Mr. Buxton?

PRESENTATION BY THE MUNICIPALITY OF THE DISTRICT OF DIGBY,
THE TOWN OF ANNAPOLIS ROYAL AND THE MUNICIPALITY OF THE
COUNTY OF ANNAPOLIS - QUESTIONS FROM THE PROONENT

Mr. PAUL BUXTON: Yes, I'll try to be
brief Mr. Chair, I realize we're running late.

Warden Thurber, just for sort of an
orientation, you live I think on Brier Islands or Long
Island, I'm not sure which?

WARDEN JAMES THURBER: I live on Long
Islands.

Mr. PAUL BUXTON: Okay.

WARDEN JAMES THURBER: I'm looking at
Brier Island.

Mr. PAUL BUXTON: Right, and you are a
lobster fisherman as I understand it?

WARDEN JAMES THURBER: Semi-retired.
Mr. PAUL BUXTON: Thank you. I wonder if you could tell me how you came up with the percentage? You said that you believe that the majority of the people of the Municipality of Digby were against the Project. How did you determine that?

WARDEN JAMES THURBER: We didn't do any polls. We just went by what we were hearing publically and what we weren't hearing, and we just assumed. We have no concrete evidence to that fact.

Mr. PAUL BUXTON: Yes, thank you. I wonder if you could tell me how many of the meetings that were held, Community Liaison Meetings, public meetings, et cetera, or other meetings that you've attended to try to get answers to some of your questions?

WARDEN JAMES THURBER: I believe I attended the meeting in Sandy Cove when the Panel were there before. Council did have representation on the Liaison Committee that was set up originally.

I don't know if that still exists or not, but...

Beyond that, I can't recall that there would have been any that I would have attended.

Mr. PAUL BUXTON: Thank you. Just with respect to taxes, since the issue came up and... I think Dr. Grant asked the question as to where that $400,000 came
from, and really the determination is whether the plant is mobile or not.

Many, many quarries and pits in the Province of Nova Scotia bring in mobile plants, and essentially because they are mobile, they are not taxed. Essentially, when they are fixed, they become taxed.

So you have to ask the right questions of the Assessment Department to come up with a right answer.

Thank you, I just have a couple of questions for Mayor Kinsella, if I may.

MAYOR JOHN KINSELLA: Yes.

Mr. PAUL BUXTON: You stated in your presentation to the Panel and you stated again today that this is a 24 hours per day operation, and I'm wondering where you learned that it was a 24-hours a day operation Mayor?

MAYOR JOHN KINSELLA: We gathered information that was provided by Bilcon, on the Website, the public information that was provided, and also input that we got from members of the community.

Mr. PAUL BUXTON: I can specifically say Mayor Kinsella that Bilcon has never, ever said in any document that we are running 24 hours a day, and we have been very clear on that.
MAYOR JOHN KINSELLA: I'm sorry, I did say that I obtained the information from various sources, including yours. I didn't say that you had said that.

Thank you.

Dr. JILL GRANT: I'd like to follow up on this if I can with you Mr. Buxton, because in reading the EIS, the Panel understands that there will be times when the ship will be coming in at night, so there may be times when the quarry is indeed operating through the night as the ship is loading, is that not correct?

Mr. PAUL BUXTON: No, the quarry will not operate at night. The ship loader may operate at night, but the quarry will not operate at night. I mean, there's a huge difference between the two, and I think that to continuously say: "This is a 24 hours a day operation, year round", is a misrepresentation.

On another matter, you talked about value added products and finished product, and I'm wondering why you would not consider this product a finished product and not a value-added product?

MAYOR JOHN KINSELLA: Well, I guess my perspective would be that the community gets to lose twice on this. Number one, they get to get a huge section of North Mountain torn down, then it gets...

Mr. PAUL BUXTON: That's not my question...
Mayor Kinsella.

MAYOR JOHN KINSELLA: You asked me a question Sir.

THE CHAIRPERSON: Just a minute Mr. Buxton, let him answer please.

MAYOR JOHN KINSELLA: As I said, we get the opportunity to lose twice on this. Number one, we get to lose a section of North Mountain, then number two it gets shipped off to New Jersey where it goes into production, where it is changed, and all the smoke stacks that produce air pollution get to drift up to Nova Scotia, so we get an opportunity to lose twice on that.

THE CHAIRPERSON: Mr. Buxton?

Mr. PAUL BUXTON: Maybe I should answer my own question. The fact is that this is a value-added product, and it is a finished product.

Nothing further happens to this product when it gets to Nova Scotia (sic), except to be created into concrete. You can't make concrete here and ship concrete to anywhere else.

MAYOR JOHN KINSELLA: So other places don't manufacture concrete? What I'm suggesting is if we wanted to, we could manufacture concrete here, and I think that that is what does happen in other places.

They take the basalt out of the ground.
and they manufacture concrete. That would be a value-added product, just as when you tear down trees, if you build furniture from those trees, that's a value-added product, and that's what I would like to see happen with our natural resources here in Nova Scotia, and that's what I believe is economic development.

That's one of the tools that we use for economic development, and that is to produce a value-added product.

Mr. PAUL BUXTON: Well Mayor Kinsella, if you can produce concrete for shipment overseas, I suggest you patent it.

Could I ask you with how you came up with the level of opposition in the town of Annapolis Royal to this Project?

MAYOR JOHN KINSELLA: Certainly, we received correspondence on the issue. As well, individual councillors were buttonholed on it, and the town in 2004 made a decision to write to the Provincial Government asking for an environmental assessment and review.

Mr. PAUL BUXTON: But you did a headcount, number count, something or another, and asked taxpayers of the town what their opinion was?

MAYOR JOHN KINSELLA: No Sir, we didn't use suspicious things like the information that was provided.
by you folks, for polling.

Mr. PAUL BUXTON: I'm really referring to
the fact that you know, I'm a taxpayer of the town, my wife
is a taxpayer of the town, my daughter is a taxpayer of the
town, and we were not consulted.

MAYOR JOHN KINSELLA: Thank you very
much, it's good to hear your point of view.


Question please.

Mr. PAUL BUXTON: Yes please, I have a
question about the Town's water supply. You said that the
town's water supply came from the North Mountain.

What location on the North Mountain does
the Town's water supply come from?

MAYOR JOHN KINSELLA: It's located in
Granville Ferry. We have a joint water supply with
Granville Ferry, and the Town shares that and it's shipped
across the causeway.

Mr. PAUL BUXTON: So the Town is now
using the entire drilled well system in Granville Ferry, and
no water from the south mountain?

MAYOR JOHN KINSELLA: That's correct.

Mr. PAUL BUXTON: Thank you Mr. Chair, I
have no questions of Warden Newton.

Dr. GUNTER MUECKE: This is directed at

---

A.S.A.P. Reporting Services

(613) 564-2727   (416) 861-8720
all three of you I guess.

Has Bilcon at any time presented to your
council? Have you asked Bilcon to present to your council
or has Bilcon offered to present to your council?
WARDEN JAMES THURBER: Yes, Bilcon has
made a presentation to our council.

MAYOR JOHN KINSELLA: No, they haven't.

Oh, I would make one other comment. I guess as a municipal
leader, I do recall... This is very brief.

In the summer of 1969, I had the
opportunity to see the Cuyahoga River on fire. That's the
city that I was born and raised in, Cleveland, Ohio, and I
thought about that today when I thought about being a
municipal leader and speaking out so that environmental
disasters don't happen, and that people don't for whatever
reason decide to lay waste to our environment.
WARDEN JAMES NEWTON: No on all three
accounts. We haven't had a presentation, didn't ask for one
and it wasn't suggested that we could have one.

One other point that I would like to
make while I have the opportunity is that as we all know,
the Bay of Fundy has the highest tides throughout the world,
for the most part of the world.

With those tides are very strong
currents, which carry anything and everything from the Digby

\underline{A.S.A.P. Reporting Services}

(613) 564-2727 \hspace{1cm} (416) 861-8720
gut up through the Bay of Fundy, right up to Windsor, so whatever happens in the area here in the Bay of Fundy is going to impact on the waters all the way up through the Bay of Fundy.

THE CHAIRPERSON: Thank you. Mr. Buxton, do you want to follow up? Did you...

Mr. PAUL BUXTON: No, thank you Mr. Chair.

THE CHAIRPERSON: Any questions from the audience? Yes.


Mr. BRIAN DYER: Mr. Chair, thank you for...

THE CHAIRPERSON: Please identify yourself.

Mr. BRIAN DYER: Brian Dyer, once more. In particular, my question is directed at Mayor Kinsella, because this is a unique opportunity to meet with our first elected representatives. There have been no other elected representatives here so far.

Also, I believe you are an educator, and it's in that context that I would like you to answer the following question.
What is your confidence level that...

After our learned Panel have presented to the Minister of the Environment of Nova Scotia their findings, what is your confidence level that it will be accepted and be reviewed in an impartial fashion given that that Minister is within the area of influence of the North Mountain?

That's part of his riding, and he hasn't come to even sit in for one of these sessions, and we are now halfway through this operation.

And also, in the same context, you have had I believe dealings with the Provincial Government on almost a parallel situation in the recent future, in the recent past, and your confidence level should be also tempered with your educational experience because there have been a number of international studies on literacy in the last couple of months that have come out and it has been declared that Canada in particular, but I think mainly all the Western World, but 46 percent of adults over the age of 18 are functionally illiterate, and we can...

THE CHAIRPERSON: Are we getting to a question?

Mr. BRIAN DYER: We are indeed. It's all part of---

THE CHAIRPERSON: Soon.

Mr. BRIAN DYER: ---the question.
THE CHAIRPERSON: Soon.

Mr. BRIAN DYER: It is all part of the parameter because we come to the other important aspect, to the literacy question that when you're talking about the general population, 46 percent being functionally illiterate, that does not exclude the provincial legislature, and there are further implications too, but with all of the provisos and mitigating and monitoring that is having to be put into this thing...

THE CHAIRPERSON: You are verging on a statement, and this is not a forum for statement. Now please get to the question or I'll ask you to move away please. Please.

Mr. BRIAN DYER: Well, the question is what is your confidence level that this learned body's provisions, when put before our current Department of Environment, will be met with an impartial review? Thank you.

MAYOR JOHN KINSELLA: Thank you very much for the question. I am always optimistic. Even when there's no good reason to be optimistic.

I please God that the recommendations that you make are supported by the Provincial Government.

THE CHAIRPERSON: Thank you. Mr. Morsches.
Mr. BOB MORSCHES: My name is Bob Morsches from Sandy Cove. In one of my investigations about quarries, I went up about eight kilometres up towards Culloden, and there's a Mariners Aggregate Limited quarry there, and it's approximately I guess about maybe two hectares, a very small one.

There's a gentleman that lives within one kilometre of that, and even though the blasting is organized he said, when it snows, rains, et cetera, the blasting material comes over on his property, has killed three of his beagles and he also has damaged ears and he's a...

THE CHAIRPERSON: Are you going to ask a question Mr. Morsches?

Mr. BOB MORSCHES: Yes, I also would like to ask a question.

THE CHAIRPERSON: Soon.

Mr. BOB MORSCHES: His whole site is just full of dust and soot. The question is how are you going to prevent that from happening during inclement weather?

THE CHAIRPERSON: This is a question directed to Mr. Buxton?

Mr. BOB MORSCHES: Yes Doctor.

Mr. PAUL BUXTON: I'll try and be brief Mr. Chair. Simply by putting into place best practices. If
this sort of incident is taking place with blasting, the
blasting is incorrectly done, it's as simple as that.

THE CHAIRPERSON: Thank you Mr. Buxton.

Any additional questions from the floor? If not, then
gentlemen thank you very much for taking the time.
And once again, let me apologize for
delaying your presentations.

We will meet here at 6:30.

--- Recess at 5:26 p.m.

--- Upon Resuming at 6:29 p.m.

THE CHAIRPERSON: Okay. We would like to
get underway, please. Okay, the first presenter would be...
That looks like Michael Hayden it must be, is it? Yes.

Mr. MICHAEL HAYDEN: My name is Michael
Hayden.

THE CHAIRPERSON: Good. Thank you very
much. And please proceed, Mr. Hayden.

PRESENTATION BY Mr. MICHAEL HAYDEN

Mr. MICHAEL HAYDEN: In recognition of
the Chair, Dr. Robert C. Fournier, and other distinguished
Panel Members, Drs. Jill Grant and Gunter Muecke.

I am a non-technical layman. I know
letter of engineering, mining, blasting, geology, hydrology
or ecology. My presentation is based solely upon my
personal research in this matter.

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
When I first heard about the quarry on Digby Neck at Whites Cove, I was quite surprised at the resistance and challenge it was receiving. That groundswell seems to be turning into a roar.

The Proponent, Bilcon of Nova Scotia Corporation, is a private family-owned business. Its parent company, Clayton Block and Sand manufactures concrete products in New Jersey. Bilcon needs a source of raw aggregate materials that is not subject to market fluctuations or market disruptions.

Their development of the Whites Point Quarry could satisfy this need of theirs for the next 50 years. Thus the fundamental rationale for the development of this quarry is to supply a stable fixed market with the raw material necessary for their manufacturing processes.

The importance of achieving market stability cannot be overstated. Clayton Concrete Block and Sand presently purchase aggregate on the open market. In order to ensure dependable, uninterrupted supply, not subject to market inconsistencies, Clayton Concrete Block and Sand, through Bilcon, intends to develop and control their own supply of aggregate exclusively for Clayton Concrete Block and Sand of New Jersey.

The Proponent is proposing to construct and operate a basalt quarry processing facility and marine
terminal on Digby Neck, Digby County, Nova Scotia where activities are scheduled to take place on 150 hectares of land. Production is expected to reach two-plus million tons of aggregate per year. The quarry is expected to expand its operational footprint by four hectares a year, expanding its platform of operation to a total of 250 hectares.

At this size, we cannot consider the operation a moderate quarry operation. It would, indeed, be a mega-quarry. In terms of the tons of aggregate to be mined each year, Whites Point Quarry would join the top ten aggregate producers in all of Canada, quite an enormous undertaking on a small spit of land projecting into the Bay of Fundy.

A short venture into the Clayton Group of Companies indicates that they are not small players in the American concrete market. According to the Fairfield Group, the TPC100 showing the industry's top revenue producers in concrete products, Ralph Clayton's and Sons rate is number 60, with an estimated yearly revenue of 75-million. Clayton Block Company comes in as number 75, with an estimated yearly revenue of $50-million.

It might serve us well to illustrate the enormity of this Project of 250 hectares, with a few illustrations. 250 hectares of land is the equivalent of 2,500,000 square metres. That may be considered as (1) the
equivalent of 290 regulation-size football fields, (2) the
equivalent of five West Edmonton Malls, the largest shopping
and entertainment center in the entire world, or (3) the
equivalent of 240 city blocks.

And we are considering allowing such a
monstrous Project on a spit of land barely one mile wide.
There must be something wrong with this picture.

It seemed worthwhile to look at what
made this particular aggregate so attractive as a source of
raw material. Why have the Clayton Group persisted for so
many years in having this permit approved? Mainly because
basalt rock, a deposit of which lies in the North Mountain,
stretching from Westport to Cape Split, Nova Scotia, is
considered as a Class A aggregate, one of the most desirable
components in producing high-quality concrete products.

In fact, some U.S. States will offer a
premium of $2 a ton when Class A aggregate is used in a
contract that calls for a minimum specification of Class B
aggregate. There are multiple profit spinoffs available
from this quality of rock.

This would indeed indicate that the rock
has a value. This, in spite of the fact that approximately
ten years ago, for some unclear reason, the Government of
the Province of Nova Scotia removed aggregate as a
classified mineral, and therefore had no value. This meant
that no royalties could be collected as with other minerals.

In a presentation to the Society of Mining Engineers, April 2004, at Minneapolis, St. Paul, Minnesota, on the economics of Class A aggregate, it stated that essentially the equation boils down to the current price of Class A aggregate delivered to the plant site. Today, that value is $14 a ton, and of course that's 2004 figures.

In using this as our benchmark price, considering the extraction of 100-million tons of basalt rock from the Whites Point Quarry, a delivered value could be determined as $1,400,000,000.

We also hear of rip rap, which is a permanent erosion-resistant groundcover of large, loose angular stone used to protect soil from erosive forces. Earth Products of Georgia lists riprap in tennis ball to football size pieces at $45 a ton. Considered as riprap, our quarry now takes on a value of $4 billion.

But the true value of our basalt rock lies in its geology. Because of the formation of a basalt deposit, it splits very easily into slabs with a consistent thickness. This would now value our quarry rock in excess of $100-plus a ton, with a total value of $10-billion. In fact, Earth Products lists mountain stone at $150 a ton, so we could say $15-billion.

A.S.A.P. Reporting Services
(613) 564-2727
(416) 861-8720
The proposed $1 million payroll will probably mean a few truck driver and night watchmen's jobs to be supplied from the local labour pool. From what village on Digby Neck do you find heavy equipment operators, blasting technicians, or people with quarry, engineering or management experience? It seems we could be left to savour only in our dreams the promise of well-paying jobs.

And our Provincial Government is considering an application for a permit to have this resource removed at no charge. One of the kinder definitions Webster offers for the word "stupid" suggests that the quickness to learn, but not necessarily the capacity for learning; is below average. The synonyms it offers are not quite so kind.

I am opposed to the issuance of a permit to Bilcon of Nova Scotia to mine basalt aggregate at Whites Point, Nova Scotia, and the creation of a marine facility to export this resource.

I live in Digby, Nova Scotia. I spent part of my growing-up years here. I am now retired. I have also lived in several cities across Canada which has served to enrich me with an understanding of the beauty of the area and the lifestyle it offers. Perhaps limited cultural resources, and certainly no endless line of box stores to shop at, but you know, you can still hear the frogs on a
summer's night. I did not hear these frogs in Calgary, Alberta.

The summer season sees a swelling of residents, many from areas outside our borders. They seem to appreciate the pristine and unhurried atmosphere that the area provides. While the Digby area, like so many other areas of our Province, no longer enjoys the same economic benefits from our natural resources as it did 50 years ago, it still offers natural resources that attract tourists and seasonal residents year after year.

The Province of Nova Scotia is a land of resources. While we usually think of these resources in terms of mineral, forest and marine wealth, we have a myriad of other resources such as a breathtaking coastline, coupled with pristine woodland and agricultural land mass. The air in Nova Scotia is not choked with the pollutants of an industrialized economy.

These are some of the reasons a property which may command a value of $40,000 in the local real estate market may command a value of $200,000, $240,000 when offered to the American and European markets. This is a value that is often underplayed, or even considered as we speak of our natural resources.

I live in Nova Scotia by choice. I love to go outdoors on a spring morning, and breathe in the
smells of the pristine wilderness, along with the natural
smell of the ocean and beaches, and that includes the
mudflats. It is in stark contrast with the overwhelming
industrial smell I was confronted with when I lived in St.
John, New Brunswick.

To me this is, as well, a part of our
natural resources which have an economic value. I would not
trade this with the smell of settling dust from a quarry,
let alone the worry of industrial runoff poisoning the
aquifer and the possible devastation of our marine
ecosystem. In my estimation, there is still too many
unknowns in our environmental evaluation based on past
experience.

I have no axe to grind with Bilcon of
Nova Scotia. They are an arm of an American company who's
requested a permit to mine and export basalt aggregate,
which they have every right to do, especially since we, as a
Province, openly invite them to do so. While Bilcon faces
costs in the application process, I still question the
reasoning behind us offering our non-renewable resources
free of charge.

Certainly true, there are several other
quarries in the region, however, the product they produce
goes to feed our own provincial infrastructure, not the
infrastructure of another country.
This Project involves the mining of many million tons of basalt rock worth millions of dollars. An argument offered by the Proponent is that they will be providing a few local jobs in what they may view as an economically depressed area of our Province.

Somehow it does not seem an equitable trade. The 35 or so jobs offered would be able one-half the employee base of the local Sobeys Store in Digby. A few jobs in return for a $1 billion plus worth of aggregate. I view it more as a plunder and pillage of our pristine coastline which is certainly not a renewable resource.

Some local residents view the situation as a confrontation between their lifestyle versus an industrial takeover of their communities by a foreign company. Many of those who rely on the marine environment for their livelihood express some well-founded concerns. Tourist operators feel such a Project offers only a negative impact on their business, while others view an operation in size of this magnitude to be nothing more than a blight on our environment.

I can certainly sympathize with all these views. I have another concern as to the implications and approval of this Project may present. Having a simple layman's understanding of NAFTA and Chapter 11, the ramifications of an approval of this Project really scares...
me. The fact that we, as Canadians, are becoming once again
a part of a core-peripheral economy scares me even more.

Of course, there's nothing new about
core-peripheral economics. We, as Canadians, experienced it
for 200 years as a Colony of the British Empire. Does that
give me the full 15 minutes? I tried not to talk too fast.

Of course, there's nothing new about
core-peripheral economics. We, as Canadians, experienced it
for 200 years as a Colony of the British Empire. We sat
idly by and watched our natural resources being plundered
for the good of the Motherland; in this case, England. 50
or so years ago, we said, excuse us, we'd like our
sovereignty back.

I remember in the late 40s when England
becoming involved with the nearly emerging EU announced they
would no longer be importing apples from Nova Scotia.
Instead of finding new markets, our Government decided the
solution was to pay farmers for every apple tree they cut
down. This would solve the problem, or at best, make it
disappear.

I can remember as a young boy driving
through the Annapolis Valley with tears in my ears seeing
sterile after sterile field of apple tree stubs where the
previous years stood beautiful, glorious orchards. I will
never forget that feeling of emptiness.
For those of us who are old enough, well enough remember the catastrophic failure of the Industrial Estates venture. ACOA’s not produced any long-term benefits. It seems in our Province we still follow the dictum, jobs at any price, even though history has shown this approach to be unsustainable.

It was in grade ten that Mr. Humphrey, our social economics teacher, told us that Canada had such a wealth of resources that it would last another 100 to 200 years, regardless of how we squandered them. It is but 50 years since he made that statement, only to find that we do have limited resources. To date, we have watched our fur trade disappear, our woodlands are becoming depleted, fish stocks are extinct, and agriculture is but a memory of past history.

The Application by Bilcon of Nova Scotia for the operation of a quarry and a marine terminal at Whites Point, Nova Scotia may seem like small potatoes in the overall scheme of things, but its implications are enormous.

I love the Province of Nova Scotia in which I reside as a citizen. I am quite dismayed that our industrial economy operates under the influence of multi-national corporations. Real estate is being gobbled up by foreign ownership. My biggest dismay lies in the
attitude of our Government that we still have infinite resources that can be squandered away through a permit application, or any other type of deal that opposes the best interests of Nova Scotia and its citizens.

It's time to stop the assault of our natural resources for corporate profits. Ecosystems are collapsing in many areas of our planet, because of economic globalization. It is now time to begin to reversing the trend of corporate assaults on our resources.

I would like to conclude with three short observations.

One, I find it extremely interesting that no corporate member of the Clayton companies plans to attend these hearings; also, that the Proponent has no experience whatsoever in the rock quarry business, as stated by Paul Buxton of Bilcon.

Two, I find it incomprehensible that the Province of Nova Scotia have no apparent definitive regulations on rock quarries, which may explain, in part, the unfolding of the Westray disaster; also, the apparent fact that Nova Scotia municipalities have done little to nothing in establishing coastal zoning policies.

Three, on the positive side, Nova Scotians appear to be awakening from their apathetic state and declaring enough to enough. We will no longer tolerate
the give-in policies of our Provincial Government.
Otherwise, we will have little to pass onto our children,
let alone our children's children.

And a one-paragraph overview, in my
perspective, I see an American corporation seemingly aided
and abetted by the Department of Natural Resources of the
Province of Nova Scotia, who demonstrate no concern in the
decimation, devastation and destruction of one and one half
kilometres of pristine mountain coastline along our Fundy
shoreline, all for the sake of American corporate product
profits.

In a democracy, the purpose of the
Government is to reflect the will of its citizens, and to
have their dictates reflect their oath to serve and protect
the citizens under their jurisdiction. In a socialist
state, the purpose reflects the will of the state with its
citizens left to follow the will of the Government. It
seems we are at a very, very serious crossroad.

Thank you.

THE CHAIRPERSON: Thank you, Mr. Hayden.

PRESENTATION BY Mr. MICHAEL HAYDEN - QUESTIONS FROM THE
PANEL

Dr. GUNTER MUECKE: MR. Hayden, I have
asked this of previous presenters, and I would like to ask
you, too. In view of the fact that the economy of this

A.S.A.P. Reporting Services

(613) 564-2727
(416) 861-8720
region is fragile, how do you see a sustainable future for
Digby Neck and Islands?

MR. MICHAEL HAYDEN: That is an extremely
interesting question. It is not just the economy in Digby
Neck and Islands that is fragile. Everything is fragile
there, including the ecosystem, et cetera, et cetera, et
cetera.

In looking at long-term sustainability,
I don't know. I would not have to... I read quite a thick
report about problems in communities in Nova Scotia, and I
would... But I can understand the problems... I would not
have to deal with them, and I do not have any answers, as to
the sustainability.

Things keep chugging along, for some
reason; trees keep growing, we keep cutting them down; fish
come and fish go; we're doing a wonderful job of depleting
our natural resources. I don't know. It seems to be most
sustainable as a tourist area, if we look at the number of
people that maintain summer homes from outside of the
Province, who come faithfully year after year, and
appreciate so much.

We look at Nova Scotia, in general, and
we see... Chester would be a perfect example. I mean, real
estate has skyrocketed out of sight, because this is a prime
location for offshore people, be it the Americans or
Europeans, to buy into this type of culture that we offer. So it may have more to do with that.

You know, no one has a crystal ball to know what tomorrow will bring. I tend to not try to be, or try not to be fatalistic, but I don't trust modern economics to be the solution to our problems. They're much longer term, and they will require long-term solutions, and what those solutions are I wish I could tell you, but I cannot.

THE CHAIRPERSON: Mr. Buxton?

PRESENTATION BY MR. MICHAEL HAYDEN – QUESTIONS FROM THE PROPONENT

Mr. PAUL BUXTON: Thank you, Mr. Chair. I have no direct questions; just a couple of quick comments. One is that Mr. Hayden might want to check his math with respect to the area of the quarry. It's not 250 hectares, and I would suggest that the values of the aggregate, as we have given them to the Panel, I think they've already gone across as an undertaking are nearer to the mark. I think the values that Mr. Hayden suggests are very, very excessive. Thank you.

THE CHAIRPERSON: Any questions from the audience? Yes, please, Sister Barbara.

PRESENTATION BY MR. MICHAEL HAYDEN – QUESTIONS FROM THE PUBLIC

SISTER BARBARA: Thank you Doctor. I
just have one question.

THE CHAIRPERSON: Would you identify
yourself for...

SISTER BARBARA: Oh, sorry. My name is
Sister Barbara, and I live in Rossway, Digby Neck.
I have in my hand here the current
newsletter from Bilcon. I received it in the mail on
Monday, and it's under "Quarry's Environmental Impact". I
just wonder, point two, it states:

"The White Point Quarry is not a
'mega-quarry', but is in fact a fairly
average size quarry provincially and
nationally."
I would like to know what the definition
is of a mega-quarry. Thank you.

Mr. PAUL BUXTON: So would I, Mr. Chair.
I'm not sure what a mega-quarry is. There are certainly
three quarries in HRM which are not, I don't think, quite
two million tons a year, but very close. A million and
three-quarters, possibly two million. Mountain Marietta is
two million plus. It's three million my colleague advises
me.

Certainly the new quarry, which has been
permitted in Newfoundland in the very recent past, I believe
is six million, Ochre is six million. I don't have the
figures for you, but I would think that there are certainly
four or five in Nova Scotia of this size, two or three in
Newfoundland, certainly half a dozen at least in British
Columbia. I would hazard a guess there may be 100 in Canada
of this size.

I think when you're talking mega, I
think that perhaps Ochre is perhaps getting close to it.
Cancun is eight million, ten million.

MR. JOHN WALL: 12.

MR. PAUL BUXTON: 12-million, which is in
the resort of Cancun. I would call that a mega-quarry.
That is a big quarry. Thank you. I don't have a definition
for you.

THE CHAIRPERSON: It sounded from the
sizes they were talking about that somewhere it's up, it's
around ten-million, based on their opinion. Somewhere in
that range, I would guess.

MR. PAUL BUXTON: Okay.

SISTER BARBARA: Well, given the size of
this quarry, would there be enough basalt rock to keep them
going for 50 years?

MR. PAUL BUXTON: Yes, Mr. Chair.

SISTER BARBARA: Thank you.

THE CHAIRPERSON: Any additional
questions from the audience? No? Okay, then. Thank you

A.S.A.P. Reporting Services
(613) 564-2727  (416) 861-8720
very much, MR. Hayden.

The next presenter is Betty McAlpine.

Is Betty McAlpine here? It appears not. No. Once, twice, thrice. Okay. After that, it's Jan Hermiston. Ms. Hermiston, make sure this is six to eight inches away.

PRESENTATION BY Ms. JAN HERMISTON

Ms. JAN HERMISTON: Thank you.

THE CHAIRPERSON: Then identify yourself for the...

Ms. JAN HERMISTON: Sure. I'm Jan Hermiston.

First, I would like to thank everyone here for their presence and attention. Some are being paid to sit through this. They have jobs that pay them to organize this kind of thing; sit and listen and take notes. Some are here because they care about our land, and this community, and they are convinced that some jobs will never compensate adequately for the damage that will be done in establishing a quarry, and shipping aggregate for 50 years.

Some are here because they really want to take the aggregate from the Digby Neck and they think that paying out money in the form of jobs... Sorry, in the form of wages will be acceptable compensation. Some are here because they want quarry jobs.
If there are others in attendance who have other reasons for being here, I apologize for not including you.

Whether we agree with the quarry for the jobs here, for the roads in the U.S., or whether we disagree with it, we are all connected. We are a community here today in this room, and when these hearings are finished we will remain connected through the memories we have, and as the next steps in this process unfold.

My connection to Digby Neck only goes back to 1991. That's when I first visited my brother, Michael, who bought land and moved there in 1990. Why did he buy land there, back then? To some people, it must have looked bleak, with a bit of fishing and some spectacular whale sightings, but he recognized the promise of the area, and not for its mining or fishing.

Michael realized the richness of this area, the pristine land with limited farming, and the inherent wilderness. He used to teach at an elementary school in Ontario. For the annual school trip, the children would take the train to Digby, cross over on the ferry, then go down to Brier Island to watch the whales.

When I first visited his little camp there in '91, I realized I was experiencing a shift in culture. At the time, I was living in a small city in

---

A.S.A.P. Reporting Services

(613) 564-2727   (416) 861-8720

---
Central Canada so I noticed many differences. The sights here included lobster crates and small fishing boats, piles of buoys, miles and miles of unfenced land, trees and a huge sky, not many people around, only a few small businesses, and no luxury homes.

To an outsider, it seemed quaint, quiet, not complicated. People worked or they didn't work. There didn't seem to be a whole lot going on.

After visiting a few times, I knew that this area had what I valued; a pace of life slower than in the city, space, the sounds of nature, crashing waves, winds swooshing in pine needles and fluttering through poplar leaves, swirling grasses in open fields, not much traffic, and a community that pulls together when there's an illness, a death, a crisis or happy times and celebration.

Now I live in the country at the far end of the Annapolis Valley. From a little beach just a 20-minute walk from my home, I can see Blomidon jutting into the Minas Basin.

From my upstairs window, I can watch the tides cover up and then reveal the rusty red soil of the Avon River.

I feel connected to this area by the North Mountain as it extends from Blomidon down to Brief Island, so the thought of a quarry starting up is troubling.
If a quarry gets started up on the Digby Neck, will there be others further along the North Mountain?

This is a real concern, and if the precedent is set, then the glory of the coast, the North Mountain and the Annapolis Valley will deteriorate.

My words show clearly that I value the land and its beauty. The land provides shelter to many living things, both flora and fauna.

It carries drinking water. It holds the bodies of those who have passed, or their ashes. It provides food.

It is a legacy that we received from our forebears, and we pass to our children.

When the quarry was first proposed, the environmental situation was less of a concern for politicians and many people. Since then, news reports and newspapers usually include some mention of climate change, greenhouse gas emissions and information about energy conservation.

Politicians are noticing that people really are concerned, and our decisions have an impact, whether it's choosing to use a travel mug or buying your coffee in a throw-away cup, or whether it's voting in favour of an open pit mine and consenting to the great amount of pollution, that's air, water and land pollution, that will
result from the shipping of basalt in big, ocean-going vessels.

When I contacted people who are temporary residents or who have visited Digby Neck and Islands, I received several responses. Because of time constraints, I will focus on the contributions of just two respondents, since others' comments are similar.

First, Richard Stern is a property owner and regular visitor to Digby Neck and Islands. He's a surgeon, a published photographer, and an avid birder.

When I informed him that I would be making a presentation here, he contributed the following comments:

"My own feeling is that a quiet, pleasant, unspoiled, beautiful area of countryside and stretch of ocean would be transformed into a noisy industrial wasteland, with virtually no benefit to Nova Scotia or Nova Scotians in terms of long-term jobs, economic benefits, et cetera. Furthermore, it would open the door to similar developments that would rape the land all the way up to Scott's Bay. In this day and age where there's an emphasis on energy conservation,
protection of the environment, et cetera, and where the Bay of Fundy was nominated as being one of the seven wonders of Canada and received some 67,000 votes, the entire development seems to be inappropriate and wrong, and the government would gain the support and thanks of most Nova Scotians if they had the guts to stand up and stop it."

There are a few points in Richard's comments that I would like to address. First, the jobs.

Unemployment is a big issue on the Digby Neck. The possibility of jobs is really like the carrot at the end of the stick.

That seems to be the only reason that some people are in favour of the quarry.

I have heard different numbers of how many jobs will be offered to local people. My guess is that, other than for the initial construction and machine operator jobs, the experts will be brought in from away.

How many certified electricians, engineers, blasting experts are there in this area? It looks to me like they will be brought in from away, just as quarry manager John Wall from Clayton Concrete of New Jersey was brought in to manage some of the developments regarding
establishing the quarry. Surely a local person could have been hired to do this.

I suggest that this is a clear sign about the employment practices that will follow. It is not easy being an outside, even if you hold the promise of offering jobs to guys who want to work.

I hope John Wall and his family have been well received in the community. I acknowledge the tension and the division that the proposed quarry has created in this community.

Second, Richard mentions his scepticism about the economic benefits.

As far as I can tell, there will be no royalties paid to the Government of Nova Scotia or Canada. How fair is that? It isn't fair.

Imagine a Canadian company wanting to establish a mine in the US and not having to pay royalties on any of the resource mined. Unthinkable.

Thirdly, Richard identifies that a precedent would be set. If one quarry is approved, then the floodgates will be open for future quarries.

The visual ugliness of quarries and the social problems of towns that are based on mining are two negative factors.
If you know anyone who's gone out west to Fort McMurray for the jobs that pay well, you will hear about the rampant drinking and drug abuse.

We can see what happens to the value of a big paycheque. The wages do not turn into pleasant communities with the necessary infrastructure, quality schools, medical services and other facilities that make people want to stay close to where they work.

A friend I know who's a welder flies up to Fort McMurray for the contracts and counts the days until he can return to his home near Kentville.

I understand that mining town mentality is rough. People don't want to live near the mine where they work.

The noise and other forms of pollution are deterrents, so they commute greater distances.

Even here in Nova Scotia, we are connected to those communities by the stories we hear of that unpleasant way of life.

Fourth, Richard points to energy conservation and protection of the environment as the wave of the present and future.

Much has happened in the last five years, including increasing awareness of climate change and rising sea levels. With the high tides in the Bay of Fundy

_A.S.A.P. Reporting Services_  
(613) 564-2727  (416) 861-8720
and the unknowns regarding the rise in sea level, the
problems with building a marine terminal are many.

With the unpredictability of the water,
the fog and the fact that there would not be a set schedule
for ships transporting the basalt as well as additional
barges, the local fishing boats and whale-watching boats
will be faced with the additional hazard of large ships
passing through.

The blasting required for an open pit
mine will be substantial, I know, but no explosive is to be
knowingly detonated within 500 metres of any marine mammal.

This is not going to be possible to
monitor, and so what would happen if Bilcon did, by
accident, blast and some whales were within 500 metres?
What is the fine? Who administers the fine?

Which government department receives the
payment? What do they do with the money?

Maybe the government would organize a
hearing to discuss the problems caused when marine mammals
are within 500 metres of the blasting.

You see, everything is connected, and
sometimes the circle we create keeps everything going
around, but there are no solutions and no progressive
decisions are made. No positive actions are taken.

In this case, the circle diverts our
attention from the source of the problem, which would be the
quarry. By preventing an environmental catastrophe, we can
save a lot of human energy.

Groundwater pollution is going to be a
problem. At my home, I have a dug well. Water quality is a
constant concern.

I can imagine how the water quality
would deteriorate with a huge open-pit mine in the area.

As I mentioned when I started speaking,
we are all connected. My brother, Michael, who's a
waterfront property owner on Long Island, contributed the
following six points.

"(1) With the world growing faster and
busier, we need to honour and protect
the areas that are less developed and
damaged by human greed.

(2) The financial benefits to a small
number of quarry executives is being
facilitated by the substantial changes
in the lives of locals.

(3) It is another pattern of US
interests being served by the
compromising of Canadian resources.

(4) With the growing mainstream
awareness of climate change, any actions
which facilitate or increase the use of cars is ridiculous.
(5) Unless really clear restrictions are put on quarry growth, once one starts, it will grow in an uncontrolled manner.
(6) The approach of the company hasn't been community supportive and has been contriving and secretive and subversive. For example, no discussion prior to buying the land."

So what of our neighbours to the south, who want the quality basalt to build their roads? Why do they want the basalt from Nova Scotia?
I suggest that there are rigid environmental laws in the US that deter them from trying to mine their own aggregate.
It would cost far too much in legal fees, consultant fees, the cost of the land and the cost of a legal fight to get a new open-pit mine started there.

But we are connected in many ways to the United States. They are huge consumers of oil, of gas, of many of our natural resources, but where do we drawn the line? Do we have to share our riches?
For example, water. If our neighbours in the US don't have enough drinking water, do we have to
sell Canadian water to them?

Maybe we can show them how to create
conditions so they can have their own drinking water.
They want to build more roads. We know
that building more roads increases the volume of traffic.
More people drive because they can, and
the roads exist. We know that we should be driving less,
driving smaller, more energy efficient vehicles.
Can we help Americans to understand
this? Should we help Americans to understand this?
How responsible are if we provide them
the means to build more roads?

There are many problems with this quarry
proposal. One problem is that it would be part of the
global economy, international trade.
Massive pollution is caused by shipping
things around the world. Most things are no longer made in
Canada, computers, TVs, stereos, clothing, appliances. We
ship stuff here from around the world. Of course there's
more pollution.

If this quarry is approved, we will be
making another decision that will contribute even more to
the pollution caused by transportation.
As I see it, the main problem of this
quarry proposal is that the people who make decisions do not
recognize that we are all connected, connected to the
neighbours and visitors who will have to deal with the
pollution and the negative impacts of the quarry.

    Connected to the men who will work there
and who will be able to buy for their families a swimming
pool or big TV or new truck.

    We are connected to the marine mammals
and wildlife, connected to visitors and tourists who know
this area is a gift and who embrace it gently and with much
respect.

    To close, I would like to thank you for
listening.

    My last point relates to something I
learned recently about economists. They're trained to
ignore, delete and obliterate any comment or suggestion that
relates to emotion when determining the economic value of a
project or business development.

    I would suggest that perspectives are
changing. Emotions have value, great value.

    I think we must respect the environment
and the appreciation that we feel for the beauty of nature
and the harmony of ecosystems.

    I am not here to stop people from
getting jobs. Having meaningful employment is important.

    I would like to add my voice to the

---

A.S.A.P. Reporting Services

(613) 564-2727          (416) 861-8720
suggestion that the Digby Neck and Islands be made into a
national park that would boost tourism, enhance Nova
Scotia's reputation, provide jobs, respect the environment
and respect people now, and the generations to come.

By having a national park, we will stay
connected to the land, the water and the environment in a
positive way, and we will make connections with the
thousands of visitors who will come to enjoy this special
area and we will continue to make meaningful and heart-felt
connections with the fine people who call this area home.

THE CHAIRPERSON: Questions?

PRESENTATION BY Ms. JAN HERMISTON - QUESTIONS FROM THE PANEL

Dr. JILL GRANT: You made a point in your
presentation about the rift that the project has caused
within the community, and I'm wondering what efforts you
think might need to be taken to heal that rift between those
who oppose and those who favour the project.

Ms. JAN HERMISTON: I think once a
decision has been made people will sort it out.

I'm trained as a counsellor, and I think
people will need to talk about it.

THE CHAIRPERSON: Mr. Buxton?

Mr. PAUL BUXTON: No questions, Mr.
Chair, but just one quick comment.

The Proponent, Bilcon, does not own the
land. Thank you.

THE CHAIRPERSON: Any additional questions, comments from the audience? No.

Thank you, Ms. Hermiston. Okay.

--- Pause

THE CHAIRPERSON: The next presentation is the Paradise Women's Institute. And I believe that's Phyllis Nixon and Kim Grimard.

Please come forward.

PRESENTATION BY THE PARADISE ANnapolis COUNTY WOMEN'S INSTITUTE - Ms. PHYLLIS NIXON

Ms. PHYLLIS NIXON: I'm Phyllis Nixon, and I am President of the Paradise Annapolis County Women's Institute.

Ms. KIM GRIMARD: And I'm Kim Grimard, Vice-President of Paradise Women's Institute, Annapolis County.

THE CHAIRPERSON: You'll be making a presentation?

Ms. PHYLLIS NIXON: Thank you.

THE CHAIRPERSON: Please go forward.

Ms. PHYLLIS NIXON: Our Institute is a branch of the Women's Institutes of Nova Scotia. We're affiliated with our national organization, the Federated Women's Institutes of Canada, and our national body,
Associated Countrywomen of the World.

Our Institute's motto is "For Home and Country", meaning the communities in which we live.

We are here to express our views about the Bilcon of Nova Scotia Corporation's quarry and marine terminal project, and to offer our support to those in opposition to the construction and operation of this proposed project.

It is our understanding that this Joint Federal-Provincial Review Panel's mandate is to review the Environmental Impact Statement issued by the Bilcon of Nova Scotia Corporation, to make an assessment of the statement, to conduct public hearings with respect to the same, and to submit its recommendations to the Federal and Provincial Environment Ministers.

As this hearing concerns the environmental impact of this project, we will present our consideration of the environmental impact such a project as a quarry and marine terminal will have on the environment at Whites Point and the surrounding area.

We define environmental impact to mean an environmental effect on the land, the waters, the people, the industries, the animal and bird wildlife and anything that makes for healthy environment for the residents and the area in which they live.
Ms. KIM GRIMARD: We will begin by speaking about the physical environment effect.

The material to be quarried is basalt, the material of which the North Mountain is composed, and which Bilcon of Nova Scotia Corporation will blast away and ship via its marine terminal to its foreign destination, Clayton Concrete Block and Sand in the state of New Jersey, USA.

This basalt, this Nova Scotia basalt, will be used by this foreign company in the manufacture of concrete and concrete block.

The intended shipment of the crushed basalt is anticipated to be approximately 40,000 metric tonnes a week as projected in Bilcon's Environmental Impact Statement dated March 31st, 2006.

One metric tonne equals 2,200 pounds, which means that 88 million pounds of basalt will be shipped out of Nova Scotia in a week. Multiply this by 44 weeks of the year, as set out in the statement, and this translates to 1,760,000 tonnes, or 3,872,000 pounds of basalt being shipped out of Nova Scotia in less than a year.

With a projected lifespan of 50 years for this quarry, one can only imagine the devastation and destruction, by degrees, created by this massive removal of basalt and the mountainside itself from this part of the

---

_A.S.A.P. Reporting Services_

(613) 564-2727  (416) 861-8720
North Mountain range.

Bilcon's statement and intention in Table 2, Part 1 under Physical Environment that the impact on the basalt rock will be "insignificant, negative" is quite unbelievable.

Another consideration is for the water supply.

The quantity and quality of the water supply in the Whites Point project location is of concern also.

Bilcon acknowledges in its Environmental Impact Statement on page 16 that quantity and quality of groundwater is important. They note on this page that the quarry will not need de-watering or pumping and that there will be no groundwater withdrawal or draw down.

It is our understanding that the crushed basalt, the 880,000 pounds a week, will need to be washed before being transferred to the waiting containers.

We have not read where Bilcon gives an estimate of how much water it will require to wash the crushed basalt. Until this is known, the on-site surface water drainage quality and on site surface water drainage wetlands can hardly be classified as "neutral".

Scientists and environmentalists worldwide are warning that climate change and global warming will

---

A.S.A.P. Reporting Services

(613) 564-2727      (416) 861-8720
be causing water levels to rise, especially at sea frontage
sites, and also will cause a depletion of fresh water table
levels.

Should this happen, it will have a
significant impact on the water supply of people living in
the area.

The large amount of water to be used for
the quarry washing process will speed the diminishment of
water quantity.

Bilcon's Environment Impact Statement
states that there will be compensation for loss of well
water to nearby residents due to quarrying operations. Will
Bilcon pay fully for the cost of new wells?

If the water table becomes too low, what
good will compensation be, as there will be no water to be
had?

Another concern is that the area
surrounding the project is described as having "several
intermittent water courses".

There is no mention in the Bilcon
Environmental Impact Statement of the effect that blasting
and removal of the side of the mountain will have on these
water courses.

Another aspect of concern is for air
quality. Air quality is a very important aspect of the
environment and can have a serious negative impact on the health and quality of life of the people, the workers and the wildlife in the area if great care is not taken by the proper regulatory agencies.

Bilcon's assertion that dust will be controlled to meet the standards set out in the Nova Scotia Department of Environment and Labour Pit and Quarry Guidelines does not specify how it will control the dust effectively.

Are the Guidelines in the Pit and Quarry Regulations sufficient to regulate dust emissions from a project of this size?

The statement which says that Bilcon will enclose processing equipment "wherever practical" is worrisome.

The statement that the basalt crushing facility is located approximately 1,000 metres from the nearest residence only mentions the location, not methods of dust control or dust diminishment at the crushing facility.

The statement that quarry roads will be sprayed "as required" is not reassuring.

Will the proposed heavy operational mobile equipment equipped with diesel engines stated as approved by the US Environmental Protection Agency Tier 3 Emissions Standards meet the approved standards set by our

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
Nova Scotia Government Department in charge of these
regulations?

Will the regulatory agencies, meaning
the Nova Scotia Department of Environment and Labour, be
conducting monitoring procedures or just "as requested", as
set out in the Bilcon of Nova Scotia Corporation's
Environmental Impact Statement?

So many questions, so few clear and
concise assurances.

A very serious subject is the noise
factor. The noise generated by the quarry construction and
operation, the blasting, and by the ship loading operation
will prove detrimental to the health and quality of life for
the residents of the area and for the animal wildlife, bird
wildlife and marine wildlife.

Bilcon asserts that the noise levels
produced will adhere to Nova Scotia Pit and Quarry
Guidelines and that they "must not exceed" these.

But are these Guidelines sufficient to
maintain the quality of health and lifestyle the residents
here deserve?

The Bilcon statement states that the
crushing plant will be enclosed "wherever practical". And
wherever practical is not reassuring.

A major concern is for the fisheries.
The environmental impact on the fishing industry and fish habitat by this proposed quarry and marine terminal project is incalculable.

The noise generated, the disruption of traditional waterway paths that constitute fish habitat, the potential leakage from the basalt quarry washed water in the retention ponds and the potential sediment discharge pose a considerable threat to the well-being of the fishing industry and fish habitat in this area.

The constant entry and exit of large quarry containers to the Whites Point site will also affect this long-standing fish habitat. Once gone, the fish seldom return.

We worry also whether the ballast water guidelines will be sufficient for a safe operation of the marine facility.

Invasive species brought in by the quarry's shipping containers could bode a problem to the area also.

The negative impact on the lobster fishery is a huge concern. Lobster is fished seasonally in the near shore and is the most lucrative species landed on Digby Neck and the Islands.

The lobster fishery in this area will be seriously affected when the sea floor is disturbed, as it
will be by the construction and permanent presence of the
marine terminal at the site and by the quarry blasting that
carries vibrations into the sea area surrounding the
facility.

If the lobsters leave this area, the
harm to the economy of the fishermen will be devastating.
Navigation by the lobster boats to avoid
the shipping lane of the quarry carriers coming and going
constantly will also have a significant adverse effect, not
an "insignificant negative effect" as stated in Bilcon's
Environmental Impact Statement.

Compensation for damages to fishing gear
caused by ship movements raises another question.
Compensation does not replace fish stocks, nor sustain a
livelihood.

The discussion of the fisheries leads to
our next subject, marine mammals.

The potential negative impact created by
the quarry and marine terminal project on marine mammals
should generate a lot of concern. At least 16 species of
marine mammals, for example whales, dolphins, porpoises and
seals, frequent the waters of the Bay of Fundy and offshore
Digby Neck.

These mammals include the endangered
North Atlantic right whale and the blue whale.

A.S.A.P. Reporting Services

(613) 564-2727  (416) 861-8720
Collisions with the large basalt carriers and the blasting will cause major problems for these marine mammals.

Bilcon's assertion that the North Atlantic right whale sightings will be communicated by unnamed persons to the ship's Captain so that collisions can be avoided raises the question of who will inform the whales that the ships are coming.

Bilcon claims that blasting will not be carried out if the above-noted marine mammals are within 170 metres of the point of detonation for seals and within 500 metres of the detonation for whales, porpoises and dolphins.

Will someone inform the sea mammals when they're approaching or in their restricted areas?

Another industry to be affected negatively is tourism. Whale watching is an important tourism industry, and if the whale habitat is disrupted sufficiently to discourage the whales from coming to this area, this important industry will be lost.

In addition, bird watching is also a valuable asset to our tourism industry. The disturbance and destruction of bird habitats in the area will have an adverse effect on this industry.

The term "ecotourism" is used to describe these types of attractions and, together with the

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
physical beauty of the surroundings in this area, create an
increasing economic potential.

Of special concern is the subject of
employment and the economy.

Upon completion of the construction
phase of the proposed Bilcon of Nova Scotia Corporation's
quarry and marine terminal, Bilcon states that 34 permanent
staff will be maintained.

It is our understanding that many of
these positions will require highly technical operatives.

Will Nova Scotian workers be hired for
these jobs, or will they be filled by Clayton Concrete Block
and Sand of New Jersey, USA?

Bilcon's Environmental Impact Statement
says that staff will be hired locally "wherever possible".

Wherever possible is also used to assure us that supplies
will be procured in the local area and that Bilcon
"generally" will support local businesses.

Wherever possible, generally. Not
encouraging words.

Now a note of caution about land values.

Adjacent land owners should be concerned about Bilcon's
claim that they will compensate property owners for any loss
in property values "accordingly", whatever that may mean.

Will purchase of their unsellable(sic)
properties be compensated accordingly? We don't know.

Property holders should make sure they know the definition of this phrase, "according", and how it affects them.

Ms. PHYLLIS NIXON: We want to discuss now the Nova Scotia Department of Environment and Labour Regulations.

Concern about the effectiveness of our Nova Scotia Department of the Environment and Labour Regulations guidelines and restrictions are in the forefront regarding Bilcon's application for a permit to operate a quarry and marine terminal of this size.

It is our understanding that the Nova Scotia Minerals Act does not define rock, sand and aggregate as minerals, and as basalt is defined as an aggregate, there will be no royalties paid to the Province of Nova Scotia for the depletion of this natural resource.

It appears that all profits from this project will flow directly to a foreign company in a foreign country, and very little to the owners, the people of Nova Scotia.

It is our understanding that Bilcon's application for a permit for this quarry comes under the Nova Scotia Pit and Quarries Act jurisdiction, and the marine terminal under the Federal jurisdiction of the

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
Canadian Environmental Assessment Agency.

Will the regulations of these regulatory bodies be stringent enough, restrictive enough and sufficient to protect our environment and to make quarry owners accountable for any negative impact to the environment?

We've also heard concerns expressed about the implementation and maintenance of monitoring regulations, which leads into our next subject, the reclamation proposal by Bilcon.

It is stated by Bilcon of Nova Scotia Corporation that it will present a reclamation plan to the Nova Scotia Department of Environment and Labour for approval, that this plan, when approved, will be costed and Bilcon will pay the cost of the reclamation plan to that Department prior to construction.

Then, if Bilcon does not carry out the reclamation program, the Government has the funds in hand to carry the plan out.

We say when a mountain is gone, it cannot be reclaimed. How can a corporation and a government agency place, in advance, a monetary value of the negative environmental impact to our land over a 50-year span?

Who will ensure and guarantee that the monitoring and investment position of that reclamation fund

---

*A.S.A.P. Reporting Services*

(613) 564-2727   (416) 861-8720
be administered with careful investing procedures by being
put into a special fund set aside for that purpose and not
into future government capital expenditure accounts?
Would there ever be enough monies to
bring this area back to what it was?
We hope these questions become questions
of no concern to the taxpayers of Nova Scotia, as we hope
there will be no quarry and no marine terminal to place the
people of Digby Neck and the people of Nova Scotia in a
position to have to worry about them and suffer their dire
consequences.
A most chilling phrase in the Bilcon of
Nova Scotia Corporation's Environmental Impact Statement is
"that provided all the management initiatives are followed,
there will be no significant negative effect."
The words "provided" and "no
significant" and other words throughout the Statement such
as "possibly, may, wherever practical, maybe, generally, if"
et cetera make us very wary.
And now our conclusion.
We have looked at the benefits and loss
variables that will affect the viability of this quarry and
marine terminal project, and we feel that the application
for a permit for a basalt quarry and marine terminal should
be denied, as we think the detrimental impact on this area
and on this land that belongs to Nova Scotians far outweigh
the benefits of the few jobs and tax dollars, and will not
make up for the loss of jobs in the fishing industry, the
tourism industry, the harm to our physical environment, to
our animal wildlife, bird life, and to our marine life.

It will not make up for the
deterioration in the lifestyle and traditional heritage that
the residents enjoy, or to the peace and quality of life
reflected in this area today.

The environmental impact, aesthetically
and physically, should be of top priority for our Provincial
and Federal Environment Ministers, as the environment is a
top public policy issue now and into the future.

The Departments were formed for the
purpose of preserving positive environments for the citizens
of Canada. We are the citizens who want the politicians and
bureaucrats to be, and expect them to be, reliable and
conscientious stewards of our lands.

We have continuously spoken of this land
as our land, Nova Scotian land. Not just lands in a place
called Digby Neck.

Our concerns about the environmental
aspects of the Whites Point, Digby Neck, Nova Scotia site
and surrounding area and the impact on all of its residents
focuses as much on them as if it was happening to us.

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
No community lives in isolation.

Whatever affects the community's well-being affects us all.

Will the voice of the people be heard?

Many have made protest against this proposed quarry and marine terminal. Genuine concerns have been expressed about the environmental impact of such a project, and of the negative impact on the land and waters.

Our governmental procedures are based on the democratic system. Our politicians are elected to represent the people of Canada and to listen to what its citizens have to say about what is best for their communities.

Will the voice of the people be heard?

If this application is approved, what will prevent other foreign or domestic companies from decimating the North Mountain range, which extends from Digby Neck eastward for hundreds of miles.

The market in the US for basalt is huge.

Will the whole North Mountain be up for grabs?

Is the social impact of this quarry beneficial to the community, to the quality of life here, to the beauty of the land, to the heritage and tradition of this area? We think not.

Will we be hearing the echo of empty words, empty promises? Will our voices be heard? Are you
listening?

Thank you.

THE CHAIRPERSON: Thank you, ladies.

PRESENTATION BY THE PARADISE ANNAPOLIS COUNTY WOMEN'S
INSTITUTE - QUESTIONS FROM THE PANEL

Could one of you tell me something about the Paradise Women's Institute?

Ms. PHYLLIS NIXON: Yes, we can. I can. We're a rural women's organization, and our concern is always about our community and where we live, and we are a service organization for rural women.

And as I told you earlier, we're affiliated with an international and a national organization, the same as we are.

THE CHAIRPERSON: Where are you located?

Are you located on the Neck, in Digby ---

Ms. PHYLLIS NIXON: No.

THE CHAIRPERSON: --- in Annapolis Royal?

Where?

Ms. PHYLLIS NIXON: Five minutes from Bridgetown going east.

THE CHAIRPERSON: I see. And is this the kind of thing you often do, take an active role in community affairs?

Ms. PHYLLIS NIXON: We certainly do, and
environment is one of our big concerns. And in the 1970s, we had a Sammy Seagull clean-up campaign. Paradise itself is one of the founders of the "Adopt A Highway" program. Our provincial organization just did the buy local campaign, which has been very successful in persuading people to buy local for not only the environment, but the farmers and businesses in the local area.

So yes, we have a long history.

THE CHAIRPERSON: How large is your membership?

Ms. PHYLLIS NIXON: Ours is 20 women.

THE CHAIRPERSON: Thank you.

Dr. GUNTER MUECKE: You have expressed concern about Federal and Provincial agencies ---

Ms. PHYLLIS NIXON: Yes.

Dr. GUNTER MUECKE: --- in your presentation. And so I was wondering, is it the adequacy of regulations that you are mainly concerned about, or the administration of regulations that are in place, or both?

Ms. PHYLLIS NIXON: Both. Three things, the adequacy, the administration and the enforcement.

Dr. GUNTER MUECKE: Okay. Have you had any experience in the past, concrete experience that you have been involved in, that leads you to questioning the adequacy and efficiency of these departments?
Ms. PHYLLIS NIXON: Only what a citizen reads in the paper and that is reported by various groups that have been negatively impacted, groups that haven't been carried through whatever's considered for them.

My question or my comments about this reclamation fund for future generations, one just has to look at the Halifax Harbour Clean-Up and the monies that have been put in there for multi years. Monies are gone. Clean-up is still not done.

Dr. GUNTER MUECKE: Thank you.

Dr. JILL GRANT: I'd just like to pick your brains as experts on rural life and rural families, and ask you if you could give us a better sense of what it means when you talk about the rural way of life.

What's that mean to us who are from the city?

Ms. KIM GRIMARD: I am originally from the City of Dartmouth. I've lived in Ottawa, and I've been in Paradise, Annapolis County, for 12 years.

An example came to us, in particular, of the quarry project whereby we have a local fish and chip stand in Paradise called Pearls in Paradise. They serve the best fish and chips anywhere. Tourists come from all over for it, and it's a great hot spot.

And it's one of our little gems, and we

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
find that that fish comes from this area that is going to be quarried and with the marine terminal project.

It just shows us how something perhaps several kilometres away from us that one might think has no impact on us impacts us greatly.

And being in the middle of the farmland for Nova Scotia, we understand how attached people are to their land because it is their livelihood, which is overlooked in the city because we normally go to offices in the city and everything is concrete, et cetera.

But here, we are very inter-connected, so it does matter greatly. Our neighbours are not just the people who live across the street.

THE CHAIRPERSON: Mr. Buxton?

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

I have no questions.


PRESENTATION BY THE PARADISE ANNAPOLIS COUNTY WOMEN'S INSTITUTE - QUESTIONS FROM THE PUBLIC

SISTER BARBARA: Thank you, Mr. Chair.

Sister Barbara from Rossway.

Thank you for your presentation. I just have another question from this brochure from Bilcon.

I just wondered if they could explain to
me, it says:

"There will be no significant negative environmental effects under Bilcon's advanced technology approach."

And I've not heard of that, "advanced technology approach". Maybe someone could explain it to me.

Mr. PAUL BUXTON: I think the reference there, Mr. Chair, is (a) to a state-of-the-art operation and, secondly, to the extensive amount of work that has been done by qualified scientists and engineers.

SISTER BARBARA: Thank you.

THE CHAIRPERSON: Anyone else?

Dr. JILL GRANT: If I might ask one other question.

One of the proposals in this project is that the employment strategy focus on hiring women. And I wonder whether, in your experience, you would see this as an appropriate strategy given the need of rural women to look for work.

Is this an appropriate, and a strategy that makes sense?

Ms. PHYLLIS NIXON: Since we don't think there should be a quarry in the first place, we don't consider that a strategy of importance.

Ms. KIM GRIMARD: May I add a comment to
that?

Oftentimes we find that minorities or women are put out in a statement like that to make people think that it's an attractive situation, that it could help women come out of whatever situation they're in.

However, it's not a sustainable industry, so we really have to look for hiring women in situations that are sustainable for the economy, for the environment and for our communities.

THE CHAIRPERSON: Thank you, Ms. Nixon, Ms. Grimard. Thank you very much.
We now move to Clytie Foster.
--- Pause

PRESENTATION BY CLYTIE FOSTER

Ms. CLYTIE FOSTER: Thank you, members of the Panel, ladies and gentlemen. Good evening.

Thank you for this opportunity...

THE CHAIRPERSON: Excuse me.

Ms. CLYTIE FOSTER: Yes?

THE CHAIRPERSON: Could you identify yourself?

Ms. CLYTIE FOSTER: Yes. I was just coming to that.

And I will tell you my name is Clytie Foster. It's C-l-y-t-i-e. It is a name. I have great

---
difficulty with it, so I won't be surprised or hurt if you
mispronounce or misspell it or forget it.

I live in Bear River, a few kilometres
from here. I was born and brought up on Digby Neck, in our
family home there. It's in Rossway, at the upper end of
Digby Neck.

I was the eighth child in a family of
10. Three of us are still living. I will be 81 years old
next month. I am proud to be a Digby Neck.

I would like to tell you some of what
living in Digby Neck was like, what it meant to me then,
what it means to me now.

I have loved Digby Neck since my
earliest memories of living there. I have loved that narrow
strip of land with its two islands lying between beautiful
St. Mary's Bay and the awesomely majestic Bay of Fundy.

I was always so aware of their waters
surrounding me.

The love of Digby Neck and the sea is in
my blood, my very being. To walk the beaches there at
Seawall or Gulliver's is, to me, a spiritual experience. My
heart is full of gratitude to the great Creator for those
beautiful places.

My childhood was a happy one. By most
standards, we were poor. Our small farm was our mainstay,
but it could not fully support such a large family.

My dad often took any job that came along. He mostly relied on getting some work on the road through the summer, but that depended on whether his political party was in power at the time.

The term "political patronage" was not known back then. We only knew it meant hard times when dad was denied work on the road.

In the summers, my mother worked at The Pines, that same hotel you see below us today, or at other hotels in town. My older sisters took care of us younger ones.

Yes, we were poor in material things, but we were rich, we were millionaires in those things that really matter, a good home with loving parents and family, a strong sense of security, a trust in our community and the belief that Digby Neck would always be our safe haven, no matter how far away we might roam.

I have lived away from Digby Neck for most of my married life, but during those years I have come back many times to visit, and I've always been deeply thankful that Digby Neck was still the beautiful, unspoiled place I knew as a child.

15 years ago, my husband and I returned to this area to live out our retirement years. I have deep

A.S.A.P. Reporting Services

(613) 564-2727    (416) 861-8720
roots in Digby Neck. I can claim Loyalist among my ancestors.

For any of you who may not know, they were the brave people who, after the end of the American Revolution in 1776, left their homes and lands behind them and made the difficult journey to Nova Scotia and other parts of Canada in order to stay true to their own ideals and beliefs.

I can, as well, count four family homes still standing in Rossway, my father's house where I was born, still a family home on the main road, his father's house down Tympfani Lane, my mother's childhood home in Gulliver's Cove and her grandparents' home that is now known as Bethany Place.

It is especially meaningful to me that my grandfather, David Peters, was born in Westport on Brief Island and lived as a fisherman-farmer in Gulliver's Cove. There are many families on Digby Neck today who are descended from Loyalists or from the Acadians who settled even earlier in Nova Scotia. They, too, have deep roots there, some that go even into Whites Cove.

When we were growing up, we could usually tell where a person lived just by hearing his or her last name. That's how true Digby Neckers have remained to their birthplaces.
With such a heritage behind us, how can we do otherwise than raise our voices in protest against this quarry on behalf of our ancestors? They struggled to establish their homes on Digby Neck. They helped to make it what it is today.

Those previous generations passed it on to us basically intact and as beautiful as when they lived there. We should pass it on to future generations undamaged, not a wounded strip of land with holes in its sides.

Stop this quarry, and let our ancestors rest in peace, especially those who were so rudely awakened.

When our children were young, we brought them with us to Digby Neck to visit their grandparents and other relatives. I was happy and proud to show them the beautiful place where I was born.

They came to love Digby Neck and the Islands, to appreciate that it was their heritage also. They loved to go down to Brier Island.

We would wait for the brightest blue sky day, the sunniest day, to set forth, always keeping in mind there could be fog at Western Light. We called it our island stay.

We would drive down the Neck, cross over on the ferries, and finally arrive at Western Light, that
tall red and white lighthouse at the far tip of Brier Island.

We would picnic there on a grassy spot near those massive rock ledges that stand guard against that vast ocean beyond, then we would walk the cliff tops to where the gulls nested. Their crying and scolding would turn us back, even as we gazed in delight at those sun-silvered bodies wheeling and swooping in that amazingly blue sky.

The smell of wildflowers, dry grasses and sea was absolutely wonderful. Where could you find a more soul-satisfying place?

May Brier always remain that magical, unspoiled haven.

Now our grandchildren come to Digby Neck, and they, too, have learned to love it. A trip down the Neck to Brier is the highlight of their visit, as it is always a great joy to me.

It is my hope and prayer that future generations will still be able to enjoy this unique place called Digby Neck, that they will come back time and again and will find that it has stayed very much the same, that its beauty and serenity and all that make it so special have not been destroyed by corporate greed posing as progress.

When I first heard in 2002 that a permit
had been issued for a quarry in Whites Cove, a quarry that
could well grow far beyond its original boundaries of 3.9
hectares, I thought it must be a joke. It couldn't be true.

Didn't we have laws to protect our
costlines from such assaults? How could foreign interests
be allowed to come into our country and blast our precious,
irreplaceable Fundy rock into gravel for roads in New
Jersey? Preposterous.

Surely this would never be allowed to
happen but, as you all know, that unthinkable deed was done,
and here we are today, fighting to save our coastline,
fighting to save Digby Neck.

Realization that it was not a joke, but
stark reality, made me feel sick inside and fearful for the
future of Digby Neck. Then I felt anger rising within me,
an anger that has continued to smoulder and burn ever since.

It will not be quenched until this
quarry has been stopped dead in its tracks.

It seems that the trump card for the
Proponent is the offer of 34 jobs. I understand that this
could be welcome news to those who need jobs, but I would
ask those people to consider at what cost these jobs could
come.

Every aspect of life on Digby Neck could
be affected, its unspoiled beauty, the waters and the marine
life in them that surround it, the livelihood of its people, the water that they drink, the very air they breathe, the peace and quiet will be shattered. I will not deal with these issues further, as others have already done so. I will say short-term gain will be long-term loss. You will be selling your birthright for a crust of bread and a bowl of soup. Don't do it.

It has been said that we seniors, with our secure pensions, are not being realistic, that we live in the past, that we don't want change. I tell you that I do value my past, my heritage, but I am very much concerned about the here and now of Digby Neck and its future. I do not want the kind of change this quarry will bring. With age comes wisdom, so they say, and I will heartily agree with that. I believe we seniors can see more clearly what is really worthwhile in this life. We can separate the gold from the dross. Digby Neck is a small, out-of-the-way place, but it is a part of Nova Scotia, though sometimes a neglected part. It should be cherished and protected by all Nova Scotians.

What happens here and now regarding this

_A.S.A.P. Reporting Services_  
(613) 564-2727 (416) 861-8720
quarry could very well affect the future of all of Nova Scotia. Like a blight, this quarry, it could keep spreading.

Nova Scotia is currently being advertised on Boston TV channels in prime time as a great tourist destination. They are extolling its natural beauty, the great Bay of Fundy, its whales, the thrilling ride on the CAT to a beautiful, unspoiled place.

I say it is money wasted if this quarry is allowed to proceed.

The Government of Nova Scotia would be far wiser if they speedily enacted legislation to protect our shores from future foreign opportunists or for anyone who might consider following in the footsteps of this Proponent.

I appeal to all of you, and especially to the members of the Panel, to do all in your power to stop this Goliath at our door.

I will end my presentation on another personal note.

I went to school in the one-room schoolhouse in Rossway that is now the community hall. I wish to thank those far-sighted local people who saved that old building. They are to be highly commended.

For some time now, caring people of

---

A.S.A.P. Reporting Services

(613) 564-2727          (416) 861-8720
Gulliver's Cove and Rossway have been restoring the local
historic All-Saints Anglican Church. It is a lovely little
church sitting there on its hillside looking down at St.
Mary's Bay, a beautiful view from there.

I know. I looked out from those windows
as a child, more enthralled by the view than the sermon.

This work is being done mostly with
their own hands and money. These ordinary people are fine
examples of Digby Neckers saving their past for the present
and for the future.

I attended this one-room schoolhouse
through Grade 10, the highest grade offered. I was
fortunate that I was able to finish my high school education
in Digby Academy.

That old schoolhouse in Rossway gave us
a varied education, many life lessons, certainly, and good
book learning if you had the desire to learn.

It was usual then to memorize poems and
the names of the authors. I still remember some of them, in
whole or in part. I am leaving with you the beginning lines
of one of these poems. They seem most appropriate at this
crucial time.

The poem is titled "Love of Country" and
was written by Sir Walter Scott. Though the lines refer to
a man, they apply equally to everyone.
"Breathes there the man with soul so
dead, who never to himself has said,
'This is my own, my native land'."

Thank you.

THE CHAIRPERSON: Thank you, Ms. Foster.

PRESENTATION BY Ms. CLYTIE FOSTER - QUESTIONS FROM THE PANEL

Dr. GUNTER MUECKE: Ms. Foster, in your
lifetime living on the Neck and coming back, there must have
been some changes, I assume.

Which of the changes did you like and
which ones offended you?

Ms. CLYTIE FOSTER: Well, there were new
homes, of course. There were newer homes. I don't mind
that.

But I was always very thankful that the
shoreline and the beaches where I went as a child, they were
still the same. They were still the same, and it was so
wonderful to come back and find them so.

And, really, I don't know what... Yes.

What does offend me is that there are
some old homes that are allowed to fall in disrepair, and
they are eyesores down the Neck and something should be done
about those. I believe that.

But mostly, that is still a beautiful
place as I remember it as a child. It's hardly changed at
Dr. JILL GRANT: I wonder whether, Ms. Foster, you participated at all in the consultation on traditional knowledge about this area. Did you participate?

Ms. CLYTIE FOSTER: No, I did not.

Dr. JILL GRANT: Do you have any experience with Whites Cove that would have been relevant to a traditional community consultation about the history of the place, anything you can contribute?

Ms. CLYTIE FOSTER: No. The first time I went into Whites Cove was one November day, it must be maybe three years ago in a group from the Sustainable Society for Digby Neck. I went with them. And it was a beautiful, beautiful day, really. It was windy. It was cold. It was grey, but it was beautiful at Whites Cove. Just amazing, with the Fundy crashing in on those shores, and at that time none of the desecration there had taken place. It was still intact. The only thing there were the orange markers where we could see that there would be something happening. It was a wonderful place, beautiful place. That's the first time I had been there.

Dr. JILL GRANT: Thank you. One other question.
We've heard from a lot of people who have made this area their home at retirement, and some of them have come here from places other than here, but you came home.

Ms. CLYTIE FOSTER: Yes.

Dr. JILL GRANT: And I'd like to hear a little bit more about why you and your husband decided to come back to this place.

Ms. CLYTIE FOSTER: Well, we've lived in England. We've lived in the States, and in the States mostly.

But we wanted to come back, and we had retained our citizenships. He retained his British citizenship and I my Canadian.

And even though our family is still in the States, we wanted to come home because I wanted to be home. And he felt more comfortable being here, more as if he were still a British citizen.

THE CHAIRPERSON: Mr. Buxton?

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

I have no questions.

THE CHAIRPERSON: Questions from the audience? No?

Then thank you, Ms. Foster.

Ms. CLYTIE FOSTER: Thank you very much.
THE CHAIRPERSON: The next presentation is by Chris Hudson, representing the Fundy Fixed Gear Council.

--- Pause

PRESENTATION BY FUNDY FIXED GEAR COUNCIL - MR. CHRIS HUDSON

Mr. CHRIS HUDSON: Good evening. My name's Chris Hudson. I'm the President of the Bay of Fundy and Shore Fishermen's Association and the co-Chair of the Fundy Fixed Gear Council.

And I'm here tonight to represent the Association and Council, and to present our objections to the construction and operation of the proposed basalt quarry at White Point.

As some of you may already know, and for those of you who don't, I'm a lobster fisherman in this area and have been now for the last 18 years, as well as my father was a lobster fisherman, and my grandfather as well. So our generations go back through this fishery as I can remember, anyway, as a child and to this day.

Our association, we have voiced our concerns over numerous issues dealing with the quarry prior to tonight, back when you had the Panel at the high school, and I asked questions at that time that I requested answered, and we have never received answers to those questions, we have never received paperwork, the Association

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
has not. We have not been invited to have any says on issues that we had brought up, especially concerning compensation to the fishermen.

As fishermen, our livelihood depends on the fragile ecosystem and the Bay of Fundy being kept healthy, and we want to protect and maintain it so it continues to be a source of jobs and a way of life into the future.

It's not a question of will we be affected, it's a matter that we will, and it's going to hurt a bit, not a bit but a lot, that we are the ones that will be affected the most of anybody by this quarry, the fishermen up and down the coast.

There's no way around it, we will be affected. It's impossible not to. But we have been the least consulted bunch right straight through this whole process.

Through Bilcon, we have heard nothing and you know, it's amazing that we are the ones being put out this much and...

Even in the recent mailing that came out this week on the Project put out by Bilcon, they said that the natural inland waters will not be affected, but there was never one mention about the marine habitat, no mention
about the fishermen, and it's awful peculiar to me that
there would be no mention of the marine ecosystem and the
fishermen that will be affected.

Why it was not mentioned, I don't know,
maybe because it's one of the bad spots with this whole
thing as far as I can see.

We are definitely going to be affected.

There is no way around this.

Anyway, we feel that the issues we put
forth have not been answered to our satisfaction and there
has been no concrete resolution of these issues, issues that
are in our favour.

If the quarry is proven to be hazardous
to the fishing grounds, will the quarry be shut down? Not
likely. It will be the fishing grounds and the fishermen
who lose.

Studies done by DFO show clearly that
there are affects in the fishing areas where blasting took
place. It affects both the swimming bladder and the feeding
pattern of fish. If the fish are affected, so will the
lobsters be affected.

They may not have swim bladders, but
they follow the fish, which is their fish. If there are no
fish in the area, there will be no lobsters.

The lobsters in the Bay of Fundy is a
migrating stock, and they leave in the fall, they come in
the spring. They usually start up into the Bay of Fundy the
1st of April, and they continue their migration along
through until the end of August, at which time the waters
cool down and they come back down the Bay.

The lobsters, they only start their
migration when water temperatures start to come around and
the days get longer. When the lobsters do come, they follow
the feed. It's a pattern I've seen for the 18 years I've
been on the water. You see the same pattern. I seen the
pattern right until this year, which has been affected
somewhat because this year, we had colder water temperature,
so the feed was late coming.

Once the feed started to arrive, which
is about three weeks late, so come the lobsters just right
behind them.

With that in mind, the pattern of the
feed, it's definitely going to be changed. The feed follows
the shoreline and it comes up into the Bay of Fundy. It
doesn't come up in the middle of the Bay, it comes to the
shoreline, it follows the shoreline up until it hits the
Bay, Scott's Bay, which is the major runout for the
herrings, where they go to lay their eggs.

If this is affected by [inaudible] being
out in the Bay, what is going to happen is the lobsters will

---

*A.S.A.P. Reporting Services*

(613) 564-2727

(416) 861-8720
cease to come.

Is the blasting going to affect the herring? When they blast, if stock is coming up the Bay, what is going to happen?

A school of herring that you see in the water, you drop a rock in the water, what happens? The fish scurry off in all directions. So what is going to happen when the blasting takes place?

I mean, all these questions, just on this part alone, about the feed and the lobsters and what's going to affect on the lobsters... Especially inshore with the smaller lobsters, that's where they're breeding.

The stock of lobsters, it's on the inshore grounds. We have no answers. There have been no representation in any format that I have seen online, looking at any of the studies that were listed, so there's major concerns by the lobster fishermen, when it comes to especially that part, the migration.

The navigational plan put forth for the huge ships so their gear will not be destroyed is a schedule of arrivals and departures. Accidents will happen and there will be lost, destroyed and damaged gear.

The plans and outline of action that have been produced are not adequate. What happens if this does occur? How do they plan to protect our gear?

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
How can they replace the lost catch and the moneys from days missed fishing?

As mentioned online, in our presentations, there is to be a trap fund set up. What exactly is a trap fund? There's no mention. There's no mention of the funds, how much money will be in the trap fund.

There is mention of there being an organization with one fisherman sitting on it, to look after these issues. What organization is this?

Once again, no paperwork, just words on a computer screen. There's nothing there.

For these big ships to come in... I mean how can then possibly come in through tens of thousands of traps and not mow everybody's gear down? I mean how are they going to do this?

Each trained traps fisherman nowadays fish troll traps, and they range anywhere from $1,500 to $3,500 per troll.

If they are lost, especially on the first day of the fishing season or the first week or two weeks especially, per day that one troll can produce up to $1,500, that's per day.

So if traps are lost and there is a supposed trap fund and the fishermen get compensated for the
loss gear, what about the lost days for that gear? How long
does it take for that fisherman to be compensated?

The longer he is kept from being
compensated, the longer his gear is not producing for him.
Fishermen run boats nowadays in the vicinity of half a
million dollars. You can't afford to be having lost gear or
missing gear.

But there is absolutely no mention. I
mean they have arrival and departure times, but what's that
going to do for fishermen, are we supposed to go out, pick
up all of our gear, load it, put them off somewhere where
there's no lobsters and wait until the boat comes and leaves
and then put our gear back?

In our minds, it's... We will be
affected. That's what I mean when I say we will definitely
be affected. There is no way around it, absolutely none.

Right now, there is a shipping lane up
the Bay of Fundy that was off Mid-Bay, and they changed it I
think from the four, five miles off, that comes up off the
Islands.

That's a preset destination, the
fishermen that venture out into these lanes, we know when we
put our gear there that it's our chance. We're running our
risk.

If we lose our gear, then that's pretty
much a risk we take. We expect nobody to compensate us in
them instances, but inshore grounds are grounds that have
been fished for over 100 years.

This is the tradition, the way of life
of many, many fishermen, and so you know, for these vessels
to come in through out gear, this is a whole brand new
thing.

I mean, they're intruding on our life,
on our livelihood. So this is their... It's up to them to
tell us what they're going to do, and that's not just to say
that there's going to be a trap fund and that's it.

There's no mention of monies that are
going to be in there. You're talking possibly millions of
dollars per year of loss in traps. There's no way you can
bring a huge vessel into gear that's there from the end of
November, November 27th usually, until the end of May.

The area, straight in it from mid-Bay
right and across there, it's plugged solid full of traps,
spring and fall both. It's an unavoidable confrontation and
situation. There is no way around this.

So the plans for emergencies such as oil
spills from the ships or contaminants from the blasting
leached into the Bay and compromising our fishing grounds
are mere plans and do not in any way provide us with the
answers we need.
These emergencies will happen and will be taken care of, but the effects will remain long after. There is possibility of bilge water being pumped out into the Bay of Fundy from the ships carrying the basalt.

The bilge water could contain foreign organisms that may harm or destroy our ecosystem and close our fishing grounds.

This is not supposed to happen, but it can and most likely will at some point and when it does, it will be too late.

It takes years for an area to return to normal, if it ever does.

You have situations in the Great Lakes for instance, the zebra mussels, and their other fisheries they conduct in the Great Lakes for a while, and they're now facing severe downturns in their fisheries for their fish because of an invasion of new species that has taken over their habitat.

The zebra mussels is spread throughout the Great Lakes, as everybody knows, and if that many vessels come and go, it's unavoidable, something is going to happen.

And when it does happen, once again, as I asked at the high school that night, what kind of
compensation package is in place for fishermen if our
livelihood is greatly affected?

There's no mention of dollar values or
anything in any of the stuff online that tells us that we
will be protected.

Because I mean you have got to keep in
mind they are invading our livelihoods. We are the ones to
be affected the most, but yet there is nothing.

This affects more than just the lobster
fishermen, it affects the whole fishing industry, which is a
large number of people, far larger than the 35 people the
quarry plans to employ in the future.

Any threat to the fishing industry in
this area is a threat to thousands. 35 people employed at
$14 to $20 per hour and approximately $400,000 per year in
tax revenues that the Province is expecting is minuscule
compared to the money that will be lost if the quarry goes
into operation, and the environment impact is negative and
even catastrophic.

One licence in this District alone sells
for an average of $800,000 at this time. The number of
licences in the immediate of the quarry that could be
affected, to be very conservative, and this is just within a
30-mile radius of Whites Point, is over 100.

That's 300 jobs, 300 to 400 jobs on
vessels alone, just in a 30-mile radius. That does not
cover from Digby Neck to the head of the Bay or down the New
Brunswick shore or the rest of district 34 that goes below
Meteghan, around to Halifax.

So there are over 1,000 licences that
operate within the two neighbouring districts for lobster
alone. This figure does not include the long line, hand
line, dragger sector or scallop fleet, all of which could be
adversely and tragically affected.

The number of people affected for 100
licences, one tenth of the total, is at the minimum of 300
fishermen. This does not include the buyers, truckers,
processors, packagers and retail commercial sectors.

This area could not survive if the
fishing industry were to take a direct hit of any magnitude
such as contaminants making their way into the water from
the quarry or blasting that changes the feeding of the
lobster or the change in the migration patterns of the fish
due to silt or contaminants ruining their feed.

Scientists clearly are worried about the
effects of contaminants on the whales in the area, and there
could be fatal collisions from the whales with these huge
ships coming and going.

If these contaminant can be swept into
the Mid-Bay area as they fear it can harm the whale's

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
feeding areas, what will they do to the lobsters and fish
much closer to shore?

They are much smaller and much more
likely to succumb to pollution.

If contaminants are swept into the Mid-
Bay, we are looking at a much bigger problem, and more
licence holders will have to deal with this with possible
financial ruin. Mid-Bay starts another lobster district and
lucrative fishing ground.

In the past, the link to PEI, the salmon
farms, et cetera, have all been planned for and noted as
being great, but all have had a noticeable effect on the
surrounding environment to the detriment of the fishermen,
and promised clean-ups and compensation never seem to have
been carried out as stated.

To directly comment on that, that's what
has happened here in the Annapolis Basin back about 10 years
ago.

The Regional Aquaculture, the
Development Advisory Committee was formed, and one of the
big things that the fishermen pushed for in the Basin was to
keep it from being spread out over the whole Basin, and so
we had it contained within a couple of sites, and we just
had them promise if the sites would be abandoned, that they
would be cleaned up and everything removed.

A.S.A.P. Reporting Services
(613) 564-2727  (416) 861-8720
There's one site out of three that went forward and has been successful, and we have two that were not.

One of the sites stayed out in all the Basin, and all the moorings were left there and they didn't disappear until they finally shaved off on the bottom, the big buoys that came up from the moorings.

They finally shaved off and went away so the moorings are still on the bottom of the Basin.

The second one is now comprised of two cages which are crinkled and all in a big ball, and the balloons, and the big buoys are there, and it's an eyesore to everybody who lives on the Basin on that side.

But there's never been one attempt made to clean it up.

Nobody has been made or held accountable to clean up the mess afterwards.

Another example is the Confederation Bridge in PEI. They always say it won't affect the lobster.

Well it's awful peculiar that after the Confederation Bridge was built, the sediment built up from the tides going across the [inaudible] going across the Northumberland Straight, and they're just admitting now, in the last 12 months, that there's been a lot of siltation built up.

And our fishery has all but collapsed in
the Northumberland Straight. It's the most devastated
lobster district there is in the Maritimes right now.
So our concerns are real and genuine
concerns. We're not here today just to go with the flow and
say we don't want the quarry. These are legitimate
continuities, and it's got a potential effect, it's a sure
thing.

The fishery has been here for over 100
years, and we are going to be affected, there is no if, ands
or buts, it's going to happen, and we're the ones...
And it's never mentioned. There's no
articles in the paper on lobster fishermen that are going to
be affected up and down the coast from this, there's no
mention in their mail-out that came out in the paper, so you
know, our questions...
Well, there are questions, and we have
no adequate answers at all. We definitely do not have the
answers to make us feel at ease or make us even think that
we could want this.

PRESENTATION BY THE FUNDY FIXED GEAR COUNCIL - QUESTIONS
FROM THE PANEL

THE CHAIRPERSON: Thank you Mr. Hudson.
Mr. Hudson, maybe you already said this, I don't know, but
you were talking about the lobsters and the feed. They were
following the feed you said.

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
Mr. CHRIS HUDSON: Yes.

THE CHAIRPERSON: What is the feed?

Mr. CHRIS HUDSON: The feed is the herring. The herring stocks.

THE CHAIRPERSON: They eat the herring?

The lobsters eat the herrings or they eat the row of herring?

Mr. CHRIS HUDSON: Both. They all feed from the herring. You'll see the herring... At night time, herring rises to the top of the water, and in the daytime the herring is on the bottom.

THE CHAIRPERSON: So that's how the lobster gets a hold of it, because it's on the bottom?

Mr. CHRIS HUDSON: Yes, it's down on the bottom as well as you have natural mortality of the big herring stocks moving up and down.

But there is... The lobster is... A lot of people make the mistake of thinking otherwise, but a lobster is no different than a fish. They'll feed the same as a fish, they act the same as a fish with the tides, the run of the tides, the strong tides, and... They're no different than a fish.

THE CHAIRPERSON: But you're saying that the herring migrate, and they migrate in close to shore, up the coast?
Mr. CHRIS HUDSON: Yes, they do.
THE CHAIRPERSON: And then the lobster tracks them, is that it?
Mr. CHRIS HUDSON: Yes.
THE CHAIRPERSON: With a two or three-week lag? Not even two or three weeks, it's a matter of three or four days.
THE CHAIRPERSON: I see.
Mr. CHRIS HUDSON: Yeah. It's a very short time span, the lobsters arrive right behind it, and it's a repeated pattern we've seen. I've seen it for 18 years.
THE CHAIRPERSON: Sure.
Mr. CHRIS HUDSON: And it still continues to this day.
THE CHAIRPERSON: Thank you.
Mr. CHRIS HUDSON: Yes.
Dr. GUNTER MUECKE: Just for a bit of clarification. Your council, how many licences does it represent? In your organization, how many...
Mr. CHRIS HUDSON: The Council represents over 200 fishermen.
Dr. GUNTER MUECKE: 200?
Mr. CHRIS HUDSON: That's in excess of probably 400 and some licences. Each fisherman holds
usually a minimum of two licences, a lobster license and as
well groundfish licences.

Dr. GUNTER MUECKE: Okay.

Mr. CHRIS HUDSON: But it's 200
individuals, a little over 200 individuals that our Council
represents, and a lot of them are... Well they're all...
All but maybe 15 of them are lobster fishermen.

Dr. GUNTER MUECKE: And have you got any
feeling, let's say, of how many of them would be actively or
occasionally fishing in the area of Whites Cove?

Mr. CHRIS HUDSON: In the area of Whites
Cove, there would be approximately... In that area, there
would be approximately 15 to 20 boats right in that
vicinity, like within the three-mile radius of that area, 15
to 20 boats that would circumference that.

Dr. GUNTER MUECKE: Okay.

Mr. CHRIS HUDSON: But also below there,
down in the Islands and the Meteghan boats, they fish out in
the Bay of Fundy and they approach us coming in, out that
four-mile range down below, there's dozens and dozens of
boats there as well that these vessels would have to travel
through.

Coming back to lobster traps. We heard
from one of the lobster fisherman before, and he was
mentioning that for the traps, of course you have to have

A.S.A.P. Reporting Services

(613) 564-2727       (416) 861-8720
tags, right?

Mr. CHRIS HUDSON: Yes.

Dr. GUNTHER MUECKE: And so if you lose them, you only have a certain number of replacement tags, right?

Mr. CHRIS HUDSON: Yes, you do. In District 34, they're allowed 25 in the 1st of February.

Dr. GUNTHER MUECKE: Okay.

Mr. CHRIS HUDSON: They're allowed 25, and then they're allowed under 25 the 1st of April.

Dr. GUNTHER MUECKE: And he couldn't answer my question, but perhaps you could. How long would it take DFO to replace those tags? Let's say you ran out because you're losing traps.

Mr. CHRIS HUDSON: Okay. I can answer that for you. With DFO, you could probably get another set of tags the very next day, but to get a full place of replacement tags, you have to hire an at sea observer to go aboard the vessel at a cost of a little over $300 for a maximum of a 15-hour day.

It's a little over $300, and that observer has to be onboard the vessel, and that's if the observer company has someone available at that time, and they put that person aboard and they go around with the Captain in the boat and they re-tag all the gear that is
left in the water, and then the extra traps have to go on
the new traps. It has to be tagged with an observer
present.

Dr. GUNTER MUECKE: So if you go get the
replacement tags, in order to get them you need that
inspection to make sure that you actually only have...

Mr. CHRIS HUDSON: Yes.

Dr. GUNTER MUECKE: You have to re-tag
the whole bunch?

Mr. CHRIS HUDSON: Yes, it has to be re-
tagged, and your conditions that you receive from DFO state
your new tag numbers and everything to keep everything
legal.

Dr. GUNTER MUECKE: My last question is a
general one.

Mr. CHRIS HUDSON: Yes.

Dr. GUNTER MUECKE: In a case like this,
do you feel that DFO represents the interests of the
fishermen sufficiently?

Mr. CHRIS HUDSON: Well, we hope so.

That's what... The DFO is funded by the taxpayers
obviously. That is their duty and job to uphold our
interests and represent us, as well as look after us and
make sure that our fishery is kept healthy for not just us,
but for generations to come down the road.
It is the one healthy fishery that we have, and without that, everything would collapse. It is the last fishery that works, so we hope DFO is working for us, that's always our hope.

Dr. GUNTER MUECKE: I guess it was more are they doing a good job at it?

Mr. CHRIS HUDSON: They're doing a good job as far as their funding allows them to. They are severally understaffed and underfunded to carry out their jobs properly.

They built new vessels back in the last five years that were up to $7 million, but each branch or office is only permitted so many hours per year, and it's a small amount of hours, under 20 hours per year, to have that vessel replaced because of fuel cost and overtime, if anybody's fishery officer in on the water before 8:00 in the morning or after 5:00, it's overtime, and they can't afford it, so they do the best they can with what they have been given, but they definitely need to be...

They definitely need an upgrade. They definitely need more funding from Government, there's no doubt about it.

Most of the fishery runs pretty clean, but there are trouble spots.

Dr. GUNTER MUECKE: Thank you.
Dr. JILL GRANT: Mr. Hudson, could you clarify for us, we have got the Lobster Council from District 34 coming in. Could you clarify for us what is the nature of these different organizations?

Is yours a voluntary association of fishermen, or what exactly is it?

Mr. CHRIS HUDSON: Yes, our group is... The Bay of Fundy Inshore Fishermen Association is a...

We're a volunteer, non-profit organization, and then we have the Fundy Fixed Gear Council, which is set up to deal with issues pertained to mostly the ground fishery, the sector part of the area, for all of Digby County to the head of the Bay, into New Brunswick, to the border of New Brunswick I should say.

It's our duty to manage a piece of the quota that DFO puts out to us, but yes, it's 100 percent volunteer work.

And the District 34 Advisory Committee, which is the committee set up down in Yarmouth to represent the lobster industry down there is also on a volunteer basis, but they're set up trying to take over the reins from DFO to run the fishery.

It's a real battle to try to do so, the Government doesn't always want to relinquish control usually of a lucrative fishery.

A.S.A.P. Reporting Services

(613) 564-2727

(416) 861-8720
Dr. JILL GRANT: How would you characterize the solidarity of your members on this question?

Mr. CHRIS HUDSON: On the quarry you mean?

Dr. JILL GRANT: On the quarry, yes.

Mr. CHRIS HUDSON: They're all very concerned about it. Everybody is concerned about the same thing, you know? How much effect is it going to have on us, you know?

We can't afford an invasive species coming in and possibly taking over for the lobster or hurting any part of the larval stages of lobster or the small lobsters, which breed solely inshore.

You do not see small lobsters in a larval stage or even up to three years old, which is a lobster only about five inches long, but you will not see them outside of two miles.

They're pretty much solely and very inshore, inclose animals, until they... The bigger the lobster gets, the further they migrate, the deeper the water they stay in.

So they're all very concerned about this.

THE CHAIRPERSON: Mr. Buxton?
PRESENTATION BY THE FUNDY FIXED GEAR COUNCIL - QUESTIONS

FROM THE PROponent

Mr. PAUL BUXTON: Thank you Mr. Chair.

Mr. Hudson, the name that we have down is the Fundy Fixed Gear Council, but you did remind me of the other name, which is the Bay of Fundy Inshore Fishermen's Association, which you represent.

Mr. CHRIS HUDSON: Yes.

Mr. PAUL BUXTON: Is that the organization that Bruce Thériault sits on?

Mr. CHRIS HUDSON: Yes, it is.

Mr. PAUL BUXTON: And I think he is the Vice-President, is he not?

Mr. CHRIS HUDSON: No, he's not.

Mr. PAUL BUXTON: Okay. Has he been in the past or is he some sort of official?

Mr. CHRIS HUDSON: He's... Bruce Thériault sits on our... He's a port rep. He's just a port rep. for one of the local wharves.

Mr. PAUL BUXTON: Okay.

Mr. CHRIS HUDSON: Each wharf that we have in our jurisdiction has a port rep. that we contact just to inform him about what has been done through the Association.

Mr. PAUL BUXTON: Yes, thank you. Bruce
Thériault did in fact come to meetings to discuss the issues of vessel interactions with us, and we were advised that when we tried to get the small group together again to discuss it, and these were the inshore fishermen certainly, I was advised that in any event, he held some position with the Bay of Fundy Inshore Fishermen Association.

We wrote to the Association I'm sure on at least two occasions, and asked if we could come and sit and discuss these sorts of issues, and we received nothing back from the Association.

Were you aware that we had made contact with that body?

Mr. CHRIS HUDSON: No, I wasn't. At one point after we had the meeting at the high school... We were invited at the high school by a gentleman to meet, he wanted to set something up, but we haven't... Nothing since, no.

Mr. PAUL BUXTON: Well, I guess that's rather odd because not only did we want to meet, but we were required to consult with the various groups, and you know, we've had the same sort of reaction from a number of groups that we have written to, that they did not wish to consult with us.

Certainly, we have always wanted to consult with your groups, and we have not been able to, and

*A.S.A.P. Reporting Services*

(613) 564-2727  (416) 861-8720
so I would say you know where we are, we've known each other
for a long time, in fact I think going back to the '90s and
long before that.

Mr. CHRIS HUDSON: Yes.

Mr. PAUL BUXTON: So certainly, we would
very much like to meet with your groups and since we have
not been afforded the opportunity yet, we would very much
like to.

I don't have any specific questions,
thank you Mr. Chair.

THE CHAIRPERSON: Thank you Mr. Buxton.

Questions from the audience?

Mr. CHRIS HUDSON: Could I ask Mr. Buxton
a couple of questions myself? You trap fund mentioned
online, in your presentation online, what is that comprised
of? What is the dollar value there? How do you plan on
setting this up? Who will be going through? What would be
the time-limit on fishermen being compensated?

Mr. PAUL BUXTON: I think we spent sort
of a fair amount of time on that this afternoon. What we
consulted initially, those people that were identified to us
as fishing directly in the Cove, sort of inshore, we are
certainly aware that people set trap lines right out and
into the fishing lanes, and that was the principal reason
that we wanted to meet with your organization.
I understand that the fishermen who are generally very close inshore don't use the troll lines or trap lines inshore, but they do offshore, and we were very well aware of that in our discussions with individual fishermen, and I think that's why we wanted to meet with your group to discuss, you know, how we would set about establishing a fishing lane, what it meant to you, how difficult it would be for you with your traps, and we're still interested in pursuing those discussions.

Mr. CHRIS HUDSON: So to ask you the question again, your trap fund is comprised of what? What's the dollar figure Bilcon has set aside to compensate fishermen for their loss of gear and everything? All there is, is mention of it, mention, I mean, mention of a fund, means nothing to me to see it on a computer screen.

Mr. PAUL BUXTON: I don't think it's really gone that far. I think that this is something that needs discussion and further input from fishermen on. I don't think we've said "X" dollars would be put aside.

What we did say was once something had been established that it would be a, we saw a committee of fishermen representing all fishermen, so that we could deal with a committee representing fishermen and not individuals, and they would make a determination as to whether a claim was valid or invalid, and we could deal with the fishermen.
in that kind of way, rather than trying to deal with every
single individual fisherman.

THE CHAIRPERSON: Mr. Hudson, this is
more like a negotiation, and...

Mr. CHRIS HUDSON: No, I'm just trying to
get some answers that I don't have.

THE CHAIRPERSON: I know, but I don't
think this is the place for it now.

Mr. CHRIS HUDSON: All right.

THE CHAIRPERSON: What I mean is that Mr.
Buxton has offered to meet with you, or with you and your
colleagues, and I think that would be the next step in all
this, okay?

Mr. CHRIS HUDSON: Okay. I just figure
it was fair that he got to ask me some questions, so I
thought maybe I should ---

THE CHAIRPERSON: Well, we've got a whole
bunch of people out here...

Mr. CHRIS HUDSON: --- have an equal
opportunity to ask things, as well.

THE CHAIRPERSON: Thank you, Mr. Hudson.

Mr. CHRIS HUDSON: Thank you.

THE CHAIRPERSON: Were there questions
from the audience? Sorry, we got all sidetracked here.

Yes. Mr. Hudson, could you come back for a moment? I'm
I was thanking you before I'd asked the audience if they had a question for you. So yes, there is a question.

PRESENTATION BY THE FUNDY FIXED GEAR COUNCIL - QUESTIONS
FROM THE PUBLIC

Mr. TERRY FARNSWORTH: Terry Farnsworth, vice-president of the same association, Bay of Fundy In-Shore, and a member of Council Executive, which I should also mention that we have affiliating with on the Fixed Gear Council the Maritime Fishermen Union.

THE CHAIRPERSON: Ask Mr. Hudson a question?

Mr. TERRY FARNSWORTH: I'm going to ask Mr. ---

THE CHAIRPERSON: Buxton.

Mr. TERRY FARNSWORTH: --- Buxton, sorry.

We've heard a little bit about...

THE CHAIRPERSON: You're not going to carry on the same conversation that was just...

Mr. TERRY FARNSWORTH: I'm going to ask a question to this gentleman.

We've heard a bit about the compensation projectory for upcoming events. My curiosity is the question about what about the silt and the other things that...
are going to affect and restrict our fishing area.

THE CHAIRPERSON: Maybe a brief response, Mr. Buxton, but as I said to Mr. Hudson, this is more in the form of a negotiation. The reason for these hearings is to inform us; to give us information to make a decision on. And this kind of information is useful up to a point, but essentially it becomes a negotiation between partners.

Mr. TERRY FARNSWORTH: I'm not negotiating. I'm just asking a question. But I'll resign.

I'm sorry.

THE CHAIRPERSON: Mr. Buxton, do you have anything to offer here, or?

Mr. PAUL BUXTON: At this time, I think we really haven't talked about issues like silt into the water because, you know, there are regulations that cover that specific activity. You know, we are not allowed to put silt in the water under Provincial regulations, let alone Federal regulations. So our intent is not to put silt in the water. If it happens, then I think it would have to be assessed as to whether there is any damage, et cetera.

THE CHAIRPERSON: Mr. Stanton?

Mr. KEMP STANTON: Yes. I'd just like to clear up the point of what does your Council consider in-shore fisherman, and do you cross over? Do you represent off-shore fishermen and in-shore, or... Like, the weir

A.S.A.P. Reporting Services

(613) 564-2727  (416) 861-8720
that's next to the site, would that be in-shore fishermen,
or would that be something totally different?

Mr. CHRIS HUDSON: It'd definitely be in-shore fishermen. An in-shore fisherman is pretty much
anybody who's in any of the confines of the Bay of Fundy,
the off-shore, what we would consider off-shore fisheries,
the off-shore fishery, which is National Sea and stuff.

But pretty much what we consider an in-shore fisherman is the weir fisherman, the hand-liner, the
long-liner.

THE CHAIRPERSON: So if you're fishing in
the Bay of Fundy, you're an in-shore fisherman?

Mr. CHRIS HUDSON: Yes. We're classified
as in-shore fishermen by the Government, Ottawa, everybody.
That's our classification is the in-shore fishery, yes.

THE CHAIRPERSON: Okay. Thank you.

Mr. CHRIS HUDSON: If I may, just one
question of Mr. Buxton. Just, I'll make it quick. You also
may find it to, a little bit of knowledge in it for
yourself.

When you talk about the compensation, if
there is a tragedy with the fishery itself, from an invasive
species, or something happens to the lobster fishery that is
linked to this, or there is a big downturn in the fishery,
what kind of insurance is there, or is there insurance? Is
there a huge compensation package fund which could run into
hundreds of millions of dollars, as the lobster fishery in
sou'west Nova in 34 is worth 390 million directly into the
economy.

What kind of insurance package, or is
there something in place? Like, I mean, we have... I have
not seen any mention of that on line in your presentations
or anything like that. I mean, what is there to cover a
possible catastrophe from an invasive species or a major
disruption in the lobster fishery?

Mr. PAUL BUXTON: There is none that I'm
aware of, Mr. Chair. But I wonder if you would just indulge
me for a moment.

I have a letter here from Mr. Farnsworth
to ourselves.

"I have received your invitation which
was issued to the Bay of Fundy In-Shore
Fishermen's Association to attend an
informal open house at the Bilcon office
on June the 8th at seven p.m.

I understand the purpose of the informal
open house is to expand the scope of
Bilcon's public liaison with community
groups and exchange information about
our concerns and your project.

A.S.A.P. Reporting Services
(613) 564-2727
(416) 861-8720
Please be advised that our association's understanding is that a Panel review has been established to address our concerns about the potential environmental impacts of your proposed project. We do not wish to have any type of informal discussions, nor do we wish liaison. The Panel is public and documented and that is the way we feel our association is best served. We did not appreciate the manner in which CLC meetings were conducted in the past, and we do not wish to do the same sort of thing in a different fashion.

Thank you for your invitation; however, we feel we must decline.

Sincerely yours, Terry Farnsworth Vice-President/Bay of Fundy In-Shore Fishermen's Association."

Mr. CHRIS HUDSON: Yes. I'm not, I wasn't aware of that response, but if I was then my signature would've been there at the bottom of that along with his.

We do not wish to have consultations with Bilcon. We are fully, one hundred percent, against
this project going in, so we do not feel the need to meet
with and try to pick through a supposed trap fund or
compensation package or lane for fishermen that has to stay
out of so we don't lose our gear. It's going to be a major
destruction in our livelihood, and there is no way around
it. It's inevitable. It's unavoidable. We are not
interested in negotiating.

Dr. JILL GRANT: Mr. Hudson, in your
response to the question that Mr. Stanton asked you about
the in-shore fishery, you mentioned about a weir just off of
Whites Cove. We noted in the Environmental Impact
Assessment that there's relatively little discussion about
the herring fishery, and you've mentioned that there's
herring going along there, and now you've mentioned that
there is weir.

Is it your understanding that there is
weir fishing going on for herring every year, or has it
stopped several years ago, as indicated in the EIS?

Mr. CHRIS HUDSON: No, the Bay of Fundy,
there's currently operational weirs on the Bay of Fundy
side, around Whites Point and above Whites Point. It's been
an ongoing fishery now for as long as I can remember being a
fisherman. There's always been weir operations. There is
not the magnitude of weir operations going on, on the coast
of the Bay of Fundy like there used to be back years ago,
for sure. But there are still active weir fishermen on the Bay of Fundy along the coast, in the near vicinity of White Point for sure, yes.

THE CHAIRPERSON: Mr. Marcocchio? Is that, do you want...

Mr. BRUNO MAROCCHIO: Yes. I'm Bruno Marcocchio, with the Sierra Club of Canada.

I think you've made it clear that the position of the in-shore fishers is that mitigation isn't an option here; that you feel there's a risk to your livelihood, and that this project is inherently incompatible with your enterprises. And I think you've made that quite clear.

You've mentioned, however, that you were dissatisfied with the performance of the CLC in the past, and that you didn't want to be a part of a repetition of that. Would you mind outlining some of the problems with that CLC and why your group might not be interested in a process like that?

Mr. CHRIS HUDSON: CLC? Could you...

Mr. BRUNO MAROCCHIO: The Citizens Liaison Committee that was referred to in the letter that was set up by Bilcon several years ago. I don't think they've had a meeting for three years now. And we've heard
a little bit of discussion about a dissatisfaction with both
the membership and the representation on there. I thought,
I just wondered whether you had any thoughts on it.

Mr. CHRIS HUDSON: I haven't dealt with
that too much. Terry obviously has had more info on the CLC
than I have. I had not dealt with that part of it.

Mr. BRUNO MARCOCCHIO: Thank you very
much.

Mr. CHRIS HUDSON: Terry might, should be
able to answer your question on that, though.

Mr. TERRY FARNSWORTH: As you know or
don't know, in the past 11 years I've had to attend an awful
lot of meetings of the issues that are threatening our
cultures in fisheries globally, top down, and I have found
it very overwhelming, I must say, to work my way through
learning to be a vice-president of our association and
define my roles and duties.

For the most part, the fishermen of our
community have elected me in the beginning of structuring
our association and learning to chair meetings and all the
other elements, and I remember walking into the store in
Centreville with some of the questions I heard fishermen
asking, and so I went in the store, the same store that's on
the newsletter there, the picture of, and I went in there
because I always enjoyed going in there. You know, they
talked nice to me and offered me coffees and everything.
And I started to kind of do a little fishing as to what the Liaison Committee was about and how it was structured and those kinds of things, because in my mind I had my own scope of how we established ourselves at the many, many things that are accumulating our livelihood and our place in which we live.
And I mentioned a question as to who chairs the meetings, and all these other things, and asked the question to Ms. Nesbitt about the concerns the lobster fishermen had about ballast water and all the rest of it.
Well, don't you know, like bang, she got very upset. She thought that I was questioning her integrity and her education and that she was ensuring me that she would never let anything harm the community.
I attended one meeting in the Gulliver's. I don't know if this gentleman remembers or not. And I was asking who was monitoring or policing the activities as to whether or not the ballast water is released outside of Canadian waters, and he held up a handful of papers and he said, "They're just guiding principles".
Well, you've got to understand how I feel as a fisherman, a hand-liner with a few hooks and a lid, with sou'police management, many, many workshops.
tireless meetings, and away from home. In order to go hand-
lining, I have to call a monitoring company. I have to call
observer company. I get numbers this long to go fishing,
and this number to come in.

Everything in my livelihood, as my
culture, as a traditional fisheries we once knew, is combed
over and worked over to the state where our communities are
no longer the communities we once knew.

And my sense that was coming from this
Liaison Committee, that was neither supposed to be for or
against, seemed awful strange to me that she would get that
upset of question, a simple question. And I was betrayed as
the enemy.

And I sadly left that store and I
haven't been back since. And I have the feeling that
negotiations have not worked very well with our Provincial
Government, the Federal Government, or otherwise. So the
whole community has questioned this Liaison Committee, and
all the reassurances, everything is going to be okay.

That's why we have a Panel here, and I'm
sure everybody listening here, for the most part, knows
where I'm coming from as to why I, whether I feel confident
that I accept or trust or believe that everything's going to
be okay.

THE CHAIRPERSON: Thank you, Mr.

A.S.A.P. Reporting Services
(613) 564-2727 (416) 861-8720
FUNDY FIXED GEAR COUNCIL  
(QUESTIONS FROM THE PUBLIC)

Farnsworth. Mr. Buxton, do you want to ask any questions to  
Mr. Farnsworth, since he's made a statement, perhaps?  
Mr. PAUL BUXTON: I don't think so, Mr.  
Chair.  
THE CHAIRPERSON: All right.  
Mr. PAUL BUXTON: The Chair of the CLC, I  
understand, is making a presentation, so I think that that  
would be a good opportunity for the Panel to ask the Chair  
of the CLC how she thinks things went.  
THE CHAIRPERSON: All right. Thank you.  
Are there any additional questions from the audience?  
Thank you, Mr. Farnsworth. Thank you, Mr. Hudson.  
We're coming to the last presentation.  
That's Laura Hussey. Is she here? Yes. Representing CPAWS  
Nova Scotia.  
I understand that this is a half-hour  
presentation, so we're going to take five minutes to stretch  
our legs and so forth, and then we'll be right back to it,  
okay?  
We'll be more alert for you.  
--- Recess at 8:47 p.m.  
--- Upon resuming at 8:53 p.m.  
THE CHAIRPERSON: Okay, we're about ready  
to resume.  
As I mentioned ago, this presenter is
Laura Hussey, who is with CPAWS Nova Scotia.

PRESENTATION BY CANADIAN PARKS AND WILDERNESS SOCIETY - NOVA SCOTIA - LAURA HUSSEY

Ms. LAURA HUSSEY: Hello, and thank you to the Panel and to members of the Canadian Environmental Assessment Agency, and to the Proponent.

My name is Laura Hussey, H-u-s-s-e-y, and I am the Marine Coordinator for the Nova Scotia Chapter of the Canadian Parks and Wilderness Society, or CPAWS.

CPAWS is a non-profit organization that works to ensure that nature comes first in the management of parks and protected areas, that additional protected areas are created, and that land and sea are managed to retain Canada's bio-diversity and wilderness.

The Society achieves this through a combination of research, education, and advocacy, and through working co-operatively with other conservation-oriented groups, with Governments, First Nations, and communities.

The interest of CPAWS in the area of the proposed Whites Point Quarry Project stems from the thesis work completed in 2004 by Master student Victoria Sheppard at Dalhousie University. This research identified the Digby Neck and Islands area as the best existing opportunity in the Bay of Fundy for the creation of a national marine...
conservation area, or NMCA.

An NMCA is a type of marine-protected area that is managed by Parks Canada; in many ways, the marine counterpart to the land-based National Parks system, though there are some differences in the ways the two types of parks are managed.

For example, NMCAs are not necessarily intended to protect green areas in a pristine and wholly-unaltered state, but rather are managed for sustainable use with smaller areas of higher protection.

Activities such as fishing and tourism can still take place within the boundaries of an NMCA. Quarrying, however, cannot.

Like National Parks, the cultural history of an area can also be an important aspect of an NMCA.

The NMCA program sets out 29 marine regions in Canadian waters and aims to establish a representative protected area in each. The Bay of Fundy is one such region. No NMCAs have yet been established anywhere in the Maritimes, leaving much of a marine environment, including many ecologically-significant areas, without protection.

The Bay of Fundy in particular is an important region. It is a natural wonder, with its
exceptionally high tides and high biological productivity levels, and it hosts a variety of fascinating marine life, from the endangered North Atlantic right whale to rare large horse mussel reefs.

However, it is also a relatively small region that is already subject to much coastal development and industrial activity. This leaves it very vulnerable to ecological degradation, and also means there are fewer options available for establishing marine protected areas, even though these could play an important role in maintaining the health, productivity, and bio-diversity of this unique marine region.

The Digby Neck coastline and surrounding marine waters constitute an ecologically significant area. Digby Neck has been identified as a site of special interest by the Nova Scotia Museum of Natural History. A 2003 Canadian Manuscript report of fisheries and aquatic sciences, authored by Basidia and others, Digby Neck was identified as an area of importance to coastal shorebirds and waterfowl, as well as an area of high fin fish diversity.

This area provides important habitat for a number of species of whales and other marine mammals.

Further down the neck, Brier Island has been identified as a globally-significant area for migratory
birds, as well as an important year-round feeding area for
sea birds. Parks Canada has called it an area of
outstanding biological value, noting large numbers of marine
mammals, rare and unique coastal plants, and its importance
as bird habitat, among other features.

Off shore from the Neck, in the Bay of
Fundy, is an important whale sanctuary created to help
protect the highly-endangered North Atlantic right whales
that migrate annually to the Bay.

The ecological value of the Digby Neck
area is well documented. Moreover, Ms. Sheppard's research
that I mentioned earlier found this area to be the only
place in the Bay of Fundy region to have many of the right
social conditions to explore the creation of a marine
conservation area.

She found there to be some support among
local residents in the area for conservation efforts that
would protect their coastal and marine resources, and also
found that there were a number of existing organizations
here that could facilitate local involvement in a process to
determine possible protection measures.

The establishment of a marine
conservation area could also be compatible with and even
beneficial to the existing local fishing and tourism
industries.
There are many social and ecological features that make this region a good candidate for conservation measures.

This natural value of the Digby Neck coastline must be carefully considered, as this the context within which this project will be set.

It is necessary to evaluate what the potential impacts of large-scale industrial development might be on this ecologically-important, yet vulnerable and unpredictable marine and coastal eco-system, and whether this is an appropriate area for such an undertaking as a proposed project.

We should also keep in mind that Canada has committed, through international conventions and agreements, to creating a network of marine-protected areas in Canada by the year 2012. Without a network of MPAs in place or even planned, and without any provincial or regional coastal policies in place, large coastal developments such as this need to be very carefully scrutinized within a larger context of conservation planning.

Continued large-scale development, in the absence of the safety net that can be provided by a strong network of protected areas and other conservation measures, can only lead to eventual ecological disaster.

A.S.A.P. Reporting Services

(613) 564-2727 (416) 861-8720
The beginnings of this disaster are already upon us, as evidenced by fisheries collapse, the growing numbers of species at risk, degraded and disappearing habitats, decreasing air and water quality, and other tell-tale signs of ecological deterioration.

To sum up, CPAWS would recommend to the Panel that any environmental impacts that may result in this project must be considered to be of greater-than-usual significance, due to the fact that this is an area of outstanding natural value, on a regional, provincial, and even national and even international scale.

This is especially true, given the high levels of uncertainty surrounding many of the project's potential impacts, such as the effects of blasting and noise on marine mammals on other species, impacts of the project on migratory birds and other birds that inhabit the area, and impacts on rare plants, to name just a few.

There is little protection in place in this region, despite the consensus of various researchers that it is an ecologically-significant area.

Until such time as appropriate conservation measures are in place that reflect the natural value of this area, great caution must be exercised in considering any further development.

Thank you.
THE CHAIRPERSON: We were under the impression it was a longer presentation.

Laughter

Ms. LAURA HUSSEY: No, it's not. That's it.

PRESENTATION BY CANADIAN PARKS AND WILDERNESS SOCIETY OF NOVA SCOTIA - QUESTIONS FROM THE PANEL

Dr. JILL GRANT: You reported on Ms. Sheppard's thesis that suggested a marine conservation area in the Digby Neck and Islands.

I wonder if you could give us a better idea of what the status of that recommendation is within Parks Canada or other Government agencies? Has that recommendation been accepted or what?

Ms. LAURA HUSSEY: Well, ultimately something like this, ideally, you want it to start from the community itself. If there is, as the report suggested, some basis for support there, this would need to be built upon. It would have to be something that the community wanted, and wanted to pursue.

Unfortunately, at this time the energies of many of the community members are sort of tied up in this process.

However, all of the elements are there. It would just be a matter of building that, and I think
that would need to start from a local level as opposed to
from a Government level.

    If that answers your question.

Dr. JILL GRANT: Yeah. And can you give
me a bit of a better idea, you said that Canada has
committed to this system of national marine conservation
areas. Have some of them already been designated, and is
there some kind of time line by which they will all be
determined?

Ms. LAURA HUSSEY: As for... There are
several types of marine-protected areas that can be
established in Canada. There's Oceans Act MPAs and the
national marine conservation areas through Parks Canada, and
there's also marine wilderness areas under Environment
Canada that can also be established.

    As for the NMCAs specifically, there are
only two that have been officially designated so far; one in
the St. Lawrence River estuary, and one in the Great Lakes.
    There's another one in the Great Lakes that's currently
underway, as well as one on the west coast, but none on this
coast.

    And the 20/12 deadline was one set as a
part of a number of international agreements, so Canada did
sign on to that, and have committed to that. However, it is
questionable at this point if they'll actually reach that
Dr. GUNTER MUECKE: Are there other areas along the Atlantic Canada coast that are under consideration, and how does this particular site rate in comparison to the others, or is there a rating?

Ms. LAURA HUSSEY: As for sites that are currently being considered on the east coast, les Isles de la Madeleine are currently under consideration; however, there's some trouble there jurisdictionally between Quebec Government and the Federal Government in terms of actually designating it.

There is also an area in Newfoundland that's in early stages of consideration on the southwest coast near Burgeo.

As for the Bay of Fundy region, one factor affecting establishment of an NMCA in that area is that there was previously a candidate site identified in the West Isles on the New Brunswick side that unfortunately fell apart. The whole kind of community involvement aspect didn't turn out so well, and so that kind of stalled further development in the Bay of Fundy of an area.

So it's been a while since Parks Canada has actually officially reviewed this area and determined a candidate site; however, CPAWS is working to meet with the Director General of Parks Canada in the near future to
discuss, in particular, the Bay of Fundy, because we feel it
is an important region and something that needs to be looked
at seriously.

THE CHAIRPERSON: Would the presence of a
quarry prevent you from going forward anyway?

Ms. LAURA HUSSEY: It wouldn't
necessarily prevent it. However, it would limit options.
As I said, an NMCA generally encompasses often not only the
water but coastal areas, as well, and the only two things
that are specifically laid out in the National Marine
Conservation Area Act that aren't allowed in an NMCA are any
sort of mineral or petroleum exploration exploitation and
ocean dumping.

So if the quarry were to go ahead, that
specific area of the Digby Neck coastline would necessarily
have to be excluded from the area that was part of the NMCA.
So it would limit options, to some degree, and it could
become... There are possibilities that it could complicate
the process of actually deciding on and pursuing such a
designation.

THE CHAIRPERSON: Mr. Buxton?

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

I have no questions.

THE CHAIRPERSON: Okay. Any questions

from the audience?
PRESENTATION BY CANADIAN PARKS AND WILDERNESS SOCIETY OF
NOVA SCOTIA - QUESTIONS FROM THE PUBLIC

THE CHAIRPERSON: Yes, Sister Barbara.

SISTER BARBARA: I just have a quick question. My name is Sister Barbara, and I'm from Rossway. And I've never heard of Canadian Parks and Wilderness Society. Are you not-for-profit?

Ms. LAURA HUSSEY: Yes, we are a non-profit, non-Governmental organization.

SISTER BARBARA: Mm-hm. And how long have you been in operation?

Ms. LAURA HUSSEY: The Canadian Parks and Wilderness as a whole is a national organization, and that's been, that was established, I think, in the '70s. The Nova Scotia chapter was first established in 1991, I believe. But it's one of the smaller chapters.

SISTER BARBARA: Thank you very much.

Thank you for your talk.

THE CHAIRPERSON: Ms. Hussey, someone earlier this evening, I forget who, said they ought to declare the Digby Neck as a park. Has that ever been considered?

Ms. LAURA HUSSEY: Well, I'm not sure if it's been considered as a land-based park, but certainly, as I said, the NMCA designation is under Parks Canada, in many
ways, the sort of coastal and marine counterpart of a
national park.

So essentially, an NMCA would be similar
to, yeah, a national park. It's a national level of
designation with certain restrictions and things associated
with it.

THE CHAIRPERSON: So you wouldn't declare
it a park as we think of it. It would be a more specialized
kind of part. A coastal zone, essentially, is it?

Ms. LAURA HUSSEY: Yes. It is a park,
and as with any Parks Canada Park there is generally, in an
NMCA, some degree of infrastructure development there in
terms of interpretive centres and things like that.

So it's very much like a national park.
The only difference is that, given the history of use of
marine and coastal areas, usually an NMCA does take into
account the fact that traditional and sustainable uses of
marine and coastal resources are allowed, as opposed to
usually in a national park it's something that's kind of set
aside and not for resource extraction or anything like that.

THE CHAIRPERSON: Is that a question
coming, Mr. Marcocchio? Yes, go ahead.

Mr. BRUNO MAROCCHIO: Thank you, Ms.
Hussey. We heard from Art MacKay, the St. Croix Estuary
Project, that the two main areas of biological diversity in

A.S.A.P. Reporting Services

(613) 564-2727  (416) 861-8720
the Bay are the Digby Neck area, as well as Passamaquoddy Bay.

With that knowledge of the incredible diversity and how important these two areas of high productivity are to the functioning system of the whole Bay of Fundy, do you think it would be prudent to engage in an exercise of documenting both trophic flows through that system and that incredible diversity now before any industrial take place?

Ms. LAURA HUSSEY: I'm sure that could be useful. There's certainly a lot that's not yet known about the area and how it functions. Yeah, it would be useful.

Mr. BRUNO MAROCCHIO: Thank you.

THE CHAIRPERSON: Thank you. Mr. Mullin.

Mr. DON MULLIN: Yes, it's Don Mullin.

Ms. Hussey, I'm sure you're familiar with the efforts that have been undertaken over the last four or five years to try to establish a Bay of Fundy Marine... Well, now what are we calling it? A Discovery Centre. And I think you met with the champions of that. Might I assume that that would be very compatible and complementary to a national marine conservation area?

Ms. LAURA HUSSEY: Yes. I would certainly think so. As I mentioned, generally with the establishment of an NMCA you would have interpretive
centres, things like that, to facilitate education about the
area, portraying and kind of showcasing the both natural and
cultural features of the area, so that would certainly go
hand in hand, I think.

And as I said, part of the reason why
this area was seen as an appropriate place for searching an
NMCA designation is because it did seem compatible with some
of the local developments here with the tourism and eco-
tourism developments that have happened, and as I said, it
could potentially be compatible with a number of the
fisheries, as well. And that could be worked into something
like this, as well.

THE CHAIRPERSON: Mr. Farnsworth.

Mr. TERRY FARNSWORTH: Partly a comment
and partly a question.

At the place in Cornwallis where we
found to have a place to have community discussions, which
we call the marine resource centre, many, many times we've
had workshops on marine protected areas and the urgency for,
where there is an area of migratory and so much life, I
always relate to it, the heart to the ocean, in the bigger
picture.

So I guess I'm asking if we could meet
and, perhaps on a workshop, at some point, members of the
marine resource centre and all parties involved with marine
resource centre and all that it incorporates would very much love to have a workshop on the urgency of global impact, especially in this area. Would that be possible?

Ms. LAURA HUSSEY: Yeah, I think that would definitely be possible. Actually, I believe Ms. Sheppard, when she was doing her research, that was at least one or two of the participants in her study were representatives from the marine resource centre. So we're definitely interested in your input on this, and in order to move forward we definitely, I think, have to discuss some of it, for sure.

THE CHAIRPERSON: Thank you. Anyone else? If not, we will adjourn until 1:00 tomorrow afternoon.

Thank you, Ms. Hussey. Thank you very much.

--- Whereupon the matter was adjourned at 9:12 p.m. to resume on Tuesday, June 26, 2007, at 1:00 p.m.