

PUBLIC HEARING

WHITES POINT QUARRY AND MARINE TERMINAL PROJECT

JOINT REVIEW PANEL

V O L U M E 12

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

PLACE HEARD: Digby, Nova Scotia

DATE HEARD: Friday, June 29, 2007

PRESENTERS: -Native Council of Nova Scotia (MERDS)
Mr. Roger Hunka
-Ms. Elizabeth May
-Mr. Brogan Anderson
-Mr. Chris Miller
-Mr. Dean Kenley
-Ms. Nora Peach/Judith Peach/Wanda Vantassel
-North Mountain Preservation Group
Mr. Jim Fisher and Dr. Robert Barkwell
Mr. Steve Lewis and Mr. Andi Reardon
Ms. Heather Leblanc and Mr. Jon Percy
-Ms. Cheryl Denton
-Mr. Bruce Cunningham
-Atlantic Canada Chapter, Sierra Club of Cda
Mr. John Bennett
-Mr. William Denton

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Per: Hélène Boudreau-Laforge, CCR

1 Digby, Nova Scotia

2 --- Upon resuming on Friday, June 29, 2007, at 9:00 a.m.

3 THE CHAIRPERSON: Ladies and gentlemen,
4 we'd like to get underway please, thank you.

5 I see some new faces in the audience, so
6 I'll introduce the Panel for you. On my left is Dr. Jill
7 Grant, who is a professional planner.

8 On my right is Dr. Gunter Muecke, who is
9 an earth scientist, and my name is Robert Fournier, and I'm
10 an oceanographer by training, and I'm the Chair of this
11 particular Panel.

12 Some of you will notice that some
13 individuals are wearing headphones at the moment. It's not
14 for simultaneous translation. The acoustics in the room are
15 not very good, so those of you who feel they need to augment
16 the sound, put a set of headphones on, they are much...
17 It's clearer.

18 Any of you in the audience who are
19 planning to provide us with a PowerPoint presentation or
20 anything that involves the computer, bring it to the
21 secretariat if you haven't already done so.

22 We would like to have an early crack at
23 it, because we had to postpone a presentation last week
24 because we had difficulties in reconciling it, so the sooner
25 you get it to the Secretariat, the better it will be.

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1 A brief note about tomorrow. Tomorrow
2 is the last day of this Panel, and tomorrow afternoon is
3 called the closing session.

4 The closing session provides an
5 opportunity for individuals to summarize their presentation,
6 so if a presentation has been made by a registered
7 participant and they wish to summarize, just to hit the high
8 points, we have already registered 18 or 20 individuals who
9 we will attempt to fit in to about three and a half hours
10 or so, which means that they will get about five minutes
11 each.

12 It's not very much but remember, it's
13 only the high points.

14 The Proponent will also be making a
15 presentation at that time. The Proponent of course will
16 have longer than five minutes. I think there's 15 minutes
17 there, but nevertheless the Proponent and registered
18 presenters. I simply bring this to your attention.

19 One other thing before we begin. The
20 schedule today is very, very full. The total number of
21 presenters, the total amount of time available and the
22 expectation that presenters will also interact in the
23 questioning makes the schedule really full.

24 What I'm saying is that it will be
25 necessary for me to exercise a bit more rigour and asking

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1 people to be short or concise or to keep it to the
2 questions.

3 When an individual comes forward and
4 stands at the microphone, what they're being asked to do is
5 to question, not to make a statement.

6 If a statement is underway, I will ask
7 you to terminate it. Please go right to the question, and
8 try and keep it moving along so that we can get everybody in
9 in a reasonable amount of time, okay?

10 So I'm just warning you that we will be
11 a little bit tighter today, a little bit more rigorous today
12 than we have been over the last few days.

13 I think that's all the housekeeping
14 items, so we should get right to it.

15 The first presentation this morning is
16 by Roger Hunka, who is representing the Native Council of
17 Nova Scotia.

18 Mr. Hunka?

19 **PRESENTATION BY THE NATIVE COUNCIL OF NOVA SCOTIA - Mr.**
20 **ROGER HUNKA**

21 Mr. ROGER HUNKA: Good morning. To begin
22 with, I would like to thank the Panel for accommodating the
23 Native Council of Nova Scotia and the Secretariat, who has
24 been very helpful, and the Proponent.

25 It's ironic. Today, when we're talking

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1 about a rock and we look at our massive universe, what is
2 this rock floating at a massive speed, a small dust particle
3 in the whole universe or cosmos as we know it to be. That
4 little rock does have a bit of fuzz on it, and that fuzz is
5 life.

6 It's called earth, mother earth to us.
7 That little fuzz is no more than the fuzz on a tennis ball.
8 It has billions of forms of life on it, all interconnected
9 and all interdependent.

10 The Native Council of Nova Scotia is an
11 Aboriginal Peoples Representative Organization. I provided
12 or I registered with the Secretariat a binder, and I left
13 some out back.

14 In it, it has a fair amount of
15 information. I would suggest, and I'm not going through
16 all of it, piece by piece, because we'll be here forever,
17 but I do want to highlight some parts of this dossier that
18 I would recommend that both the Proponent and the Panel
19 review carefully, as this will be our evidence before this
20 Panel.

21 I have also provided copies to the
22 Proponent. And I'll use some Mi'Kmaq language here and I've
23 provided the Secretariat and the Court Reporter with some
24 spellings, so hopefully they will be reflected in the
25 transcript.

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1 Who are the Mi'Kmaq people? The
2 Mi'Kmaq people are one of the aboriginal indigenous peoples
3 of this land, and it's ironic that just a few miles down
4 from here, actually a lot further, it=s not a few miles, but
5 in Debert, the site of one of the oldest Paleo-Indian sites
6 in North American is recorded, and that's the a four
7 thousand year old site of the Mi'Kmaq people.

8 Also, we know from history that 1604 is
9 an important date in this area too.

10 So, the Mi'Kmaq have been around a long
11 time. The Mi'Kmaq people have a relationship with all forms
12 of persons, including aboriginal relationships with other
13 aboriginal nations.

14 This booklet, the Treaty Handbook which
15 is in the kit, provides more information about contact
16 relationships, and I would suggest you look at it. It
17 identifies over 18 pre-confederation treaties.

18 Pre-confederation treaties are very
19 important, because there are not that many pre-confederation
20 treaties in Canada. There are over 500 treaty relationships
21 in Canada, but very few pre-confederation treaties.

22 They form the basis of the relationship
23 between Mi'Kmaq and all other persons.

24 There are aboriginal people who continue
25 to reside on traditional ancestral homelands. They know

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1 these homelands as Mi'Kma'ki. Mi'Kma'ki takes in Nova
2 Scotia, New Brunswick and P.E.I.

3 In 1690, there was a policy introduced
4 in Parliament in England, and that policy has been the one
5 that has been haunting aboriginal people throughout the ages
6 in all the world. Not just North America, but in Australia,
7 New Zealand, so forth, wherever the British Empire settled
8 with its policy.

9 That policy is one that is of
10 dispossession of resources and lands, disinheritance of
11 identity, of birth's right identity, and now denial.

12 And that policy continues to this
13 present day. And it's sad, but there's where all our
14 problems lie.

15 The Mi'Kmaq are coastal Aboriginal
16 People, and therefore all the coasts are important to them.
17 They're known in the rest of North America as one of the
18 great coast keepers. The Mi'Kmaq occupy the greatest
19 amount of coast of all other Aboriginal Peoples on either
20 coast.

21 I've included in the kit some
22 information about history, homelands, structures and so
23 forth, and I'm not going to repeat it, but I would suggest
24 that you also look at that.

25 What about the terminologies "First

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1 Nations" and "Aboriginal People"? We must remember that the
2 Mi'Kmaq are a clan of people that have always occupied these
3 lands.

4 They have a form of government, a form
5 of language, a form of history. All societal organizational
6 forms are there with the Mi'Kmaq people.

7 The creation of reserves was one of the
8 first to displace, and ironically that started in Nova
9 Scotia, in the 1840s and 1830s. Eventually, that model was
10 copied everywhere.

11 We heard yesterday something about
12 Indian Hill. Many people don't realize that there was only
13 one Band Council up until after the Second World War, that
14 was at Eskasoni.

15 Mi'Kmaq people were forced to, what was
16 known as "walk", to a centralized area known as
17 Shubenacadie. And many persons, many Mi'Kmaq men and women
18 and elders in this area in 1947 and 1948, during the great
19 centralization flop, what I call it, were forced to leave
20 their own homelands there and their encampments, and go to
21 Shubenacadie.

22 And you'll be able to trace a lot of
23 Bear River residents in Shubenacadie to this day.

24 So you have two camps. Not two camps,
25 but two divisions really. You have people on the reserve,

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1 and you have the traditional ancestral homeland peoples.

2 The numbers are pretty well evenly
3 split. The 13 Bands occupy some 45 reserves and the
4 population there is about 7,000, almost 8,000.

5 Off-reserve, again it's organized into
6 communities and there's about 13 communities and the
7 population there is about 9,000.

8 So there's more people living off-
9 reserve than on-reserve.

10 I've provided some Stats Canada maps and
11 comparatives, and you can look at those and you have all
12 those numbers there.

13 So what about Band Councils and Native
14 Councils? And this is important for Proponents to
15 understand. How do you consult with Aboriginal Peoples? Who
16 are they?

17 Well, they have their institutions.
18 They have municipal governments, their national governments,
19 whatever you want, but they are governing bodies recognized
20 either by the Indian Act or recognized by Privy Council
21 Office (PCO) to speak on behalf of or entertain questions
22 and provide commentary as to what their communities may
23 wish, okay?

24 So we have 13 Band Councils through
25 Indian Affairs, and we have Native Councils. They all were

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1 formed

2 approximately in the early 1960s, established themselves.

3 The Native Council of Nova Scotia
4 formally structured itself to be a voice to the councils of
5 government as well as a service provider of many programs
6 and services, health, education, culture, language and so
7 forth, and in that kit I have provided a pile of different
8 fact sheets about the different programs and services.

9 One area that the Native Councils has
10 been involved with a lot has been natural life resources,
11 natural life uses, because of tree requirements.

12 It has a NETUKULIMKEWE'L Commission,
13 that's a natural life commission. It's been established in
14 the early '80s. That Commission administers a range of
15 activities. Let's put it this way, for the community to
16 harvest animal life, berry life, plant life, and it issues
17 yearly guidelines under the authority of the Mi'Kmaq Grand
18 Council.

19 These are guidelines issued every year,
20 and this is a copy of the 2006 one. 2007 hasn't come out,
21 because usually we deal with the moose and the larger
22 animals.

23 We also deal with, and I provided this,
24 various harvesting of resources of the ocean and they're
25 known as the Aquatic Resource Guidelines, and they produce

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1 these every year because certain things change, and these
2 are guidelines to the community as far as conservation,
3 sustainability and how to actually practice **harvesting**.

4 **Netukulimkew=el** is a word that in
5 the Mi'Kmaq language has not yet had an English language
6 **translation**, but it embodies everything. It's a respect **for**
7 **the environment**, it's how to use the environment,
8 remembering to pay respect for it, leave some for the future
9 generations, it's sustainable development, it's responsible
10 conservation and so forth.

11 Equally, the community has produced, in
12 cooperation with many others **materials for better**
13 **understanding**. **We have worked** even with Band Councils **and**
14 **produced** education booklets about what Mi'Kmaq people do on-
15 reserve or off-reserve, but primarily off-reserve, on
16 traditional lands, and they have such **a** booklet known as
17 "towards a better understanding".

18 There are about 40,000 of these out now,
19 and it's been around since 1993. It's basically a **primer**.
20 If you don't know anything about Mi'Kmaq fishing, get this
21 book, it gives you an idea.

22 The community also produces a range of
23 materials dealing with issues about the environment, and
24 SARA. **SARA** is right on the hot line because Mi'Kmaq
25 Aboriginal People have an interest in species, and so they

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1 produce community booklets like this one about SARA. It's a
2 good primer.

3 The fact of the matter is, Environment
4 Canada uses this primer to send out to schools and persons
5 to know basic information about SARA. They also produce
6 materials about the specific species in Nova Scotia.

7 So it does do a lot of work and
8 communicates within the community about natural life issues.

9 I'm not here to condemn or promote the
10 Project, however we have to look at what the Mi'Kmaq see as
11 important.

12 It was best codified I think or best
13 stated by the United Nations Secretary General, Kofi Annan a
14 few years ago that, the greatest challenge to humanity is
15 not peace, it's decision-makers coming to grips with how do
16 you balance social progress, economic development and
17 environmental integrity?

18 How do you balance those three vitally
19 important elements?

20 Until we find the solution, we are going
21 to be always at odds, but we must find solutions.

22 From the aboriginal point of view, from
23 the aboriginal world view, we've always maintained that
24 respect for the environment is first. If you cannot respect
25 mother earth and all her life-giving forces, the mineral

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1 world giving life to the plant world, the plant world giving
2 life to the flesh world, and the flesh world controlled by
3 the elements world of the wind and the stars and the tides
4 and the moons.

5 Those four worlds are all
6 interconnected. We must respect that, and we must govern
7 ourselves accordingly on how we will use these resources.

8 It's not just for social progress,
9 it's not just for economic development. Without air,
10 without water, those things will be unattainable.

11 In 2002, we had heard news about this
12 Project. The community has MERDS, and that's really not
13 meant to be read in French - In English, it's the acronym
14 for Mi'Kmaq Environments Resources Developments Secretariat.
15 We get involved in a range of hearings and EA=s and EIS=s,
16 oil and gas, land and so forth. We try to provide comments
17 or try to encourage the Proponents and the Governments,
18 which they do know, the Governments do know, but for the
19 Proponents, to make contact with Aboriginal People to
20 actually start to talk to them as an important community, to
21 learn what are some of the issues.

22 We heard about this Project, so we did
23 make contact with both the Nova Scotia Department of
24 Environment and Labour, as well as the Canadian
25 Environmental Assessment Agency.

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1 Let me go back. Why is it important to
2 communicate with Aboriginal People? Up until 1982, the
3 denial, the dispossession and the disinheritance were real,
4 but in 1982 something happened.

5 The political will of our governments,
6 including the Federal Government, determined with Aboriginal
7 People to recognize all the Aboriginal Peoples of Canada,
8 that there were, on-reserve, off-reserve, up in the North,
9 everywhere.

10 The leaders determined to include in the
11 Constitution Act of Canada two very important elements.
12 One, recognizing that yes, the Aboriginal Peoples of Canada
13 are a part of Canada, which by the way is an Iroquian word
14 (KA NA DA place there).

15 It also recognized at section 25, that
16 the Aboriginal Treaty Rights of the Aboriginal Peoples of
17 Canada, no matter where they are, will not be abrogated or
18 derogated.

19 In other words, they will not be made
20 lesser or treated as frivolous or as non-existent.

21 And also added is a section 35 and said
22 that the Aboriginal Peoples of Canada includes the Indians,
23 the Inuit, the Metis, the Cree, Ojibwa, Mi=kmaq, Naskapi,
24 and so forth.

25 And they used that term Indian because

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1 you have to remember, the term Indian is not a natural
2 descriptive. It doesn't mean a person. It's really a
3 fanciful creation. It's a colonial-made definition. It's a
4 fanciful creation of what should be an Aboriginal person.

5 So it's important when we use the
6 terminologies that we talk about Mi'Kmaq people, we talk
7 about Aboriginal People, and that's why the acts and so
8 forth refer to Aboriginal People.

9 I know people like to use First
10 Nations, and some of the Aboriginal People on-reserve prefer
11 that rather than "reserve".

12 Now First Nations doesn't mean there was
13 a second nation, a third nation, it means first peoples of
14 the First Nations of peoples, okay?

15 So there's a distinction, and it's
16 important, very important to ensure that a Proponent begins
17 to communicate with the Aboriginal People, because it's not
18 a hard thing.

19 Everybody knows, and you could have
20 found out, that there's 13 Band Councils and one Native
21 Council. It's very easy, and it's replicated throughout the
22 Canada, pretty well the same way.

23 There's 613 Bands in Canada. Indian
24 Affairs should know that. They spend \$7 billion a year, so
25 they'll have a fantastic database about who to contact.

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1 And the Privy Council Office or now
2 Office of Federal Interlocator (OFI) has all the names and
3 addresses of all the Native Councils.

4 So I went through the folder. What we
5 do have? We have a food fishery. We produce materials on
6 food fishery, we talk about guidelines.

7 We also have a communal commercial
8 fishery. And that's an Aboriginal Communal Commercial
9 Fishery. That fishery harvests lobsters and herring and so
10 forth.

11 The community owns close to 100
12 different licenses, has 16 vessels, and it's a community
13 development opportunity.

14 No one person owns the licence, it's
15 owned by the community as a whole. In other words, it's
16 like a cooperative which doesn't exist too often now.

17 It has licences in LFA 34, it has
18 persons living in the area that collect different natural
19 life on the shorelines or in the water for food fisheries
20 and so forth. So there is activity in the area.

21 When we commented on March - Not March,
22 sorry, on August 24th, with the Canadian Environmental
23 Assessment Agency, we registered with them at that time our
24 interest, our need to be involved, and we asked for
25 something, that the terms of reference should include

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1 something which we have always asked for, and not too many
2 times do they include it.

3 But I think I would like the Panel to
4 seriously consider this, because it's **important**. I've been
5 saying this, preaching the same thing for the last 15 years,
6 **both to the Proponents and to the governments**. What is the
7 Proponent's environmental protection policy?

8 We ask that all proponents should be
9 required to file that with any authority, be it the
10 provincial authority or federal authority, to **file a**
11 **corporate environmental policy**. Especially when it involves
12 the environment, but tell us what your corporate policy is.

13 It's not a new thing. The oil and gas
14 industry has been doing that for many years now. They are
15 really developing their corporate policy as to footprints
16 and how to engage people, citizens, government officials,
17 bureaucrats and so forth, and we suggested in our
18 correspondence to the Canadian Environmental Assessment
19 Agency, as well as the Nova Scotia Department of
20 Environment and Labour that those be some of the areas **to be**
21 looked at.

22 There are a number of **other items that**
23 **we corresponded on**. This is on file, I won't go through
24 them. That obviously was left out.

25 But I would think that the Panel may

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1 make use of that.

2 We received the guidelines of March
3 2005. We had commented extensively on what they should
4 include, and I want to turn to some of them now very briefly
5 because in all the years of my involvement with EA=s and
6 EIS=s, I have never, ever seen a 74-page guidance document.

7 I think Steve Chapman and company in
8 CEAA Ottawa deserve a hand of applause, because this is
9 almost a text book on how to design and how to produce an
10 EIS.

11 I mean, all you have to do pretty well
12 is fill in the blanks. That is extensive.

13 I don't really think I=ve seen one as
14 complete. And I'm not knocking the Proponent, but I truly
15 believe that with 74 pages of explanation and all of the
16 areas to be covered, you should not have had any problem
17 filling in a good EIS that could be easily followed, read
18 and covered all those points.

19 Because I have never, ever seen one so
20 extensive before, and this was extensive. It actually
21 covers everything, everything, and explains it all on top of
22 that.

23 So I don't know what happened here, but
24 be that as it may we have many questions unanswered.

25 When I go to section 2.3 in the

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1 Environmental Impact Statement, it talks about:

2 "Biological and human elements..."

3 In other words, the Environmental Impact
4 Assessment is a planning tool to mitigate significant
5 adverse environmental effects induced by the Project, and
6 that is both physical, biological and human elements. It
7 also further says that in that event, you will be able to
8 use both legislation, but the higher standard will apply or
9 prevail.

10 And what is the higher standard? We
11 have the Canadian **Environmental Assessment Act**, but
12 remember, that act is constantly being challenged in the
13 Courts.

14 One of the areas that both the Panel and
15 Proponent is seized with and knows about is that the Court
16 has constantly commented on the appropriateness of an
17 environmental assessment or the appropriateness of an
18 Environmental Impact Statement as far as Aboriginal Peoples
19 go. Were they involved? Were they consulted?

20 And Mikisew Cree, including Haida and
21 Taku River cases, which was referred to by my friend Michael
22 Cox yesterday, is about substantive law issues. That you
23 must talk to Aboriginal People, you must consult. There's
24 no question about it, you must.

25 If they don't want to, well you still

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1 must. You've got a problem, but you must.

2 Mikisew Cree went further, it was a
3 matter about a procedural determination, and that's what
4 we're seized with here.

5 Mikisew Cree said to the Proponent, and
6 that case did not involve the Minister of the Environment,
7 it involved the Minister of Heritage Canada, which at that
8 time had the responsibility for Parks, and I will just quote
9 this:

10 "The Mikisew Cree objection to the road
11 goes beyond the direct impact of closure
12 to hunting and trapping of the area
13 covered by the winter road and included
14 the injurious affection it would have on
15 their traditional lifestyle, which was
16 central to their culture.

17 The Federal Court trial division set
18 aside the Minister's approval based on
19 breach of the Crown's fiduciary duty to
20 consult with the Mikisew adequately and
21 granted an interlocutory injunction
22 against constructing the winter road."

23 And so it overturned just on that one
24 point alone, that there was not adequate consultation.

25 And he further went on to say... And in

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1 that case, there was no attempt.

2 "The fundamental objective of the modern
3 law of aboriginal and treaty rights is
4 the reconciliation of Aboriginal Peoples
5 and non-Aboriginal Peoples and their
6 respective claims, interests and
7 ambitions.

8 The management of these relationships
9 take place in the shadow of a long
10 history of grievances and
11 misunderstandings.

12 The multitude of smaller grievances
13 created by the indifference of some
14 government officials to Aboriginal
15 People's concerns and the lack of
16 respect inherent in that indifference
17 has been as destructive to the process
18 of reconciliation as some of the larger
19 and more explosive controversies, and so
20 it is in this case."

21 And that is what I refer to constantly.

22 Yes, I do believe that the Province of Nova Scotia failed
23 all of us, but it failed you, the Proponent, too.

24 It should have made you aware that you
25 have to consult and it should have provided you some

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1 direction. It **should have** helped to do that.

2 By not doing that, it's actually placed
3 all of us in a precarious position of having two things, **we**
4 either approve or reject. And you don't have to look for
5 reasons to approve or reject this.

6 I mean, and I hate doing this, but on
7 the failure to consult alone there's a substantive reason
8 not to approve the application. But we go on.

9 And, Mr. Chair, you alluded to
10 something in your opening a few days ago or, actually, two
11 weeks ago, which is almost a quote from the guidance
12 document produced.

13 And the EIS will serve as the
14 cornerstone of the Panel's review and evaluation of the
15 potential impacts of the project.

16 The public, including Aboriginal
17 peoples, and I was heartened to learn that because, yeah,
18 we're not a lot. I mean, there's 20,000 Aboriginal people
19 out of a population of almost 900,000 people in Nova Scotia.
20 That's not a lot of people.

21 But they have interests. They have
22 rights they exercise, and so it's important to involve them.

23 The guidelines outline the minimum
24 information. And I won't quote on and on, but this
25 document, the guidance document on preparing the EIS, is

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1 replete with discussion, how to, why to, when to.

2 And I refer to page 9:

3 "And public participation is a central
4 objective of the overall review process
5 and a means by which the concerns and
6 interests of the public are taken into
7 account. In particular, these
8 guidelines require the Proponent to
9 demonstrate an understanding of
10 traditional uses, interests, values and
11 concerns and to recognize and respect
12 them in preparing the EIS."

13 It's not an us and them situation. It
14 is "Let us put in the EIS everything that we know about, and
15 let us work with the people so that the uses, the interests,
16 the values, the concerns are recognized and respected."

17 That's why you have public
18 participation.

19 And yesterday the past Minister, when I
20 asked him that question about the public, is it important,
21 he said it is. Participatory governance has evolved in this
22 country. It started in the '70s. It moved bit by bit in
23 the '80s.

24 Finally, the Canadian Environmental
25 Assessment Act, after a lot, a lot of effort by a lot of

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1 Canadians, has come to the point of saying yes, we want to
2 have the public involved because the public is providing
3 decision makers not just the critique on the technical
4 aspects, but bringing in those issues that are so important,
5 the values, the way we treat the environment, how we see it,
6 why we see it that way.

7 And those things help decision makers,
8 which the Panel is one. They're not the ultimate. We still
9 have the Ministers. But to formulate decisions.

10 It's not all cut and dry and, as I said,
11 it's not just social progress or economic development. It's
12 also environmental integrity, balancing those three.

13 And I don't want to take much time.

14 The reports are totally absent on
15 consultation. Even though I had to kind of drag it out of
16 the DFO fellow, and he was kind. He kind of said, "Well, it
17 could have been better." I think they're deficient, really.

18 But on the area of international
19 agreements, that is asked for. We have, and I provided, a
20 Canadian Biodiversity Strategy. I'm not going to repeat it
21 all.

22 But this Strategy clearly, clearly
23 states this as Canada=s policy.

24 Five minutes. Boy.

25 "A society that lives and develops as

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1 part of nature values the diversity of
2 life, takes no more than can be
3 replenished, and leaves to future
4 generations a nurturing and dynamic
5 world rich in its biodiversity."

6 That hasn't been adequately discussed in
7 the EIS. As well as the NAFTA and all the rest of the stuff.

8 This is so key to this whole project, and it should be.

9 I wonder if I could bargain for my five
10 minutes. I can't. I always try.

11 Also, the World Summit on Sustainable
12 Development, and one important area there. This was, again,
13 announced and we had M. Chrétien and a delegation of
14 hundreds of people in Johannesburg.

15 One very important element that came out
16 of that Summit that was probably, you know, a lot of people
17 thought nothing of it, but for Aboriginal people or the
18 indigenous people of the world it was key.

19 Section 21 or 22:

20 "We affirm the vital role of the
21 indigenous people in sustainable
22 development."

23 And that's another way of saying you got
24 to involve or you have to involve Aboriginal people in any
25 project, no matter in what form.

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1 Those areas are important. I left a
2 little bit about the Canadian Environmental, the preamble.
3 The preamble talks about something very important, Mr. Chair
4 and distinguished Panel.

5 It's not only that it seeks to achieve
6 sustainable development by conserving and enhancing
7 environmental quality and conserves and enhances the
8 environmental quality, but that in the decision-making
9 process that you're anticipating **public participation,**
10 **public guidance.**

11 In other words, whereas the Government
12 of Canada is committed to exercising leadership within
13 Canada and internationally in anticipating and preventing
14 the degradation of environmental quality and, at the same
15 time, ensuring that economic development is compatible with
16 the high values Canadians place on environmental quality.

17 And you see the word "value" again comes
18 out. High values.

19 And in other words, it means that if the
20 society or the community places a high value **on the**
21 **environment,** and we heard yesterday from the former Minister
22 that, from his view as well as many, that the community
23 places **high value on** the environment, no matter what it is,
24 but in their eyes it has a high value.

25 It is, in other words, a resource. It

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1 is an intrinsic resource that is of ultimate value to
2 anything else that happens there. And therefore, a
3 Proponent or anybody must take that into account.

4 You cannot treat that frivolously. It
5 is paramount.

6 So this is why you have their
7 involvement, so that you say, well, there's a value here
8 that I have to respect. And as a Panel, I have to ensure
9 that it was respected, is respected and will be respected.

10 That is the evolution of environmental
11 law as we progress.

12 One last thing. I was confused and I
13 asked many questions about the mineral policy, and I heard
14 about the 2005 *policy*.

15 Well, I cannot find one. The only
16 mineral policy I know of is the one issued by the Government
17 of Nova Scotia Natural Resources in 1996. There are a lot
18 *of policies* under review now. There's a lot of work on it.

19 And I'm not picking at the Province of
20 Nova Scotia. I mean, I'm a Nova Scotian, but I do pick on
21 them once in a while. I guess I have to this time because I
22 think they failed us.

23 In their policy, it says:

24 "The government will provide leadership
25 by implementing the policy and assuring

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1 that the necessary conditions are
2 maintained for the mineral industry to
3 create wealth for present and future
4 generations of Nova Scotians. The
5 government is committed to implementing
6 this policy to the best of its ability,
7 subject to the availability of funds and
8 resources."

9 There's always that regular caveat.

10 Well, what leadership did it show to the
11 Proponent? What leadership did the Nova Scotia Department
12 of Natural Resources show to the community, the Panel or
13 anybody else? I suggest none.

14 And on page 4:

15 "Future supplies of minerals [so on and
16 so forth]... at the same time, there is
17 an urgency to find ways to adapt mineral
18 resource initiatives to changing social,
19 economic and environmental commitments."

20 The three themes keep coming out.
21 Social progress, economic development and environment
22 integrity are together. You cannot dissect them any more.

23 You must look at them together in any
24 project. The Province recognizes this, that the industry
25 must work to be recognized as a responsible corporate and

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1 environmental citizen.

2 I need not repeat this, but a corporate
3 environmental policy is key. We should see the corporate
4 environmental policy.

5 And then we go on, government and
6 industry and so forth. You can read the rest, but page 16:
7 "Cooperation and consultation between
8 the Department, the industry and other
9 interested stakeholders will foster a
10 balance between promoting the search,
11 discovery and development of mineral
12 wealth while, at the same time,
13 sustaining the ecological integrity and
14 biodiversity of natural areas for a long
15 time."

16 All of these languages, all of these
17 words, be they international, domestic, come into even Nova
18 Scotia.

19 And the policy goes on. This is the
20 existing policy, which also applies to aggregate. I know
21 it's not really minerals, but it does.

22 At conclusion, I am just suggesting that
23 it's unfortunate that the Proponent was invited but not
24 helped. Not helped to look at maybe other areas, where are
25 others that I could look at this. Definitely not this one.

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1 Definitely this is not the place to have
2 a mine. This is not the right place. But they were not
3 helped.

4 And I haven't been following every day
5 here. I've got so many **other projects in** my head there.
6 But I'm quite disappointed and disillusioned by the Nova
7 Scotia Department of Environment, but mostly the Nova Scotia
8 Department of Natural Resources, that it hasn't come forward
9 forthright and provided that leadership to all of us.

10 Where are some of the **other** areas?
11 What can you do? How can we **help with** that? What are the
12 balances that we need? How can we ensure that the community
13 values are respected **ed** foremost, environmental integrity,
14 social progress and environmental integrity as well as
15 economic development?

16 How do we do that? That has not been
17 forthcoming.

18 I can't apologize for the Government of
19 Nova Scotia, but as a Nova Scotian I do apologize to you
20 'cause that's not the way we operate. That's not the way
21 Mi'Kmaq people would operate.

22 As I said, I'm not for or against it,
23 but I think this project is wrong in this area. There's not
24 enough information from listening to them.

25 You've tried, but you haven't really

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1 heard everything from the Aboriginal people, and there are
2 some serious impacts that will occur to us from this.

3 I had a lot more, but maybe I'll leave
4 the rest out. Can I borrow my five minutes from tomorrow
5 and do it today?

6 But anyway, I'll leave it at that, and
7 I'm here to answer any questions I may.

8 THE CHAIRPERSON: Thank you, Mr. Hunka.
9 Gunter? No, we have no questions. The Panel has no
10 questions.

11 Mr. Buxton?

12 Mr. PAUL BUXTON: Thank you, Mr. Chair.
13 I have no questions.

14 THE CHAIRPERSON: Are there any questions
15 from the audience?

16 It appears not. Thank you, Mr. Hunka.

17 Mr. ROGER HUNKA: Thank you.

18 THE CHAIRPERSON: Our next presentation
19 is by Elizabeth May. Is Elizabeth May here? Yes, she is.

20 **PRESENTATION BY Ms. ELIZABETH MAY**

21 Ms. ELIZABETH MAY: Good morning, Mr.
22 Chair and Panel.

23 THE CHAIRPERSON: Good morning. Please
24 identify yourself for the record.

25 Ms. ELIZABETH MAY: Good morning. My

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1 name is Elizabeth May. I'm the leader of the Green Party of
2 Canada. I'm extremely pleased to have this opportunity to
3 address the Panel on the subject of the Whites Point quarry
4 and marine terminal proposal.

5 I guess I could summarize my
6 presentation. Since the last presenter mentioned that he
7 was not here to condemn the project or the Proponent, I
8 guess I will.

9 I'm going to attempt to summarize my
10 written brief as much as possible to try to free up some
11 time for the Panel. I know you're hard pressed today.

12 And I just want to reinforce that
13 everything in the written brief I will assume is part of the
14 record and I can hit the high points and add some new
15 information, if that's all right.

16 So my position is leader of the Green
17 Party of Canada. I will skip over those parts of my brief
18 that deal with my background and involvement in
19 environmental assessment.

20 I do want to stress that I have a
21 growing concern that environmental assessment risks becoming
22 a useless exercise. The Proponents increasing, and not just
23 this but others, see it as a hoop that must be jumped
24 through without actually taking it seriously as something
25 that would give guidance to their project to mitigate

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1 environmental impacts, to ensure that they really understand
2 the baseline ecological realities of the environment in
3 which they plan to work and to conduct themselves
4 accordingly.

5 So environmental assessment, when
6 properly undertaken, does play a constructive role in
7 project planning, allowing for alterations of a project to
8 reduce impacts where possible.

9 There's always been the flaw that it's
10 self-assessment, but when it's done rigourously, it gives
11 the Panel and the public some opportunity to actually
12 improve a project and to ensure that, if it goes ahead, it
13 goes ahead in a way that does minimal environmental damage.

14 Now, in other words, most Environment
15 Impact Statements, even with the inherent flaws of self-
16 assessment, do at least generate research that allows a
17 Panel or an agency to assess the baseline state of the local
18 environment and weigh potential impacts.

19 In other words, even poor environmental
20 assessments such as that which I worked on last year which
21 the Sydney Tar Ponds Agency prepared for a Panel at least
22 generated some useful information.

23 In this case, this Environmental Impact
24 Statement represents a new low in decades of Canadian
25 environmental assessment.

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1 Its length cannot obscure the fact that
2 it is devoid of the minimum acceptable level of science
3 required for a Panel to assess impacts.

4 The Environmental Impact Statement
5 repeatedly makes assertions unsupported by evidence. The
6 EIS relies on anecdotal opinion for key conclusions.

7 In fact, the report is dominated by
8 conclusions offered as fact without any or adequate
9 underpinnings of science or reliable information.

10 As this Panel itself noted on the
11 opening day of the hearings, the Proponent has failed to
12 adhere to the guidelines set out in its initial guidelines
13 order.

14 In my comments, I'm going to try to
15 focus on those areas that I don't think you've heard about
16 from other presenters, just in interests of time and to try
17 and attempt to be helpful to you, but I do want to state for
18 the record that the Green Party of Canada supports and
19 thanks the public interest intervenors, the Partnership for
20 Sustainable Development of Digby Neck and Islands Society,
21 the Sierra Club of Canada Atlantic Canada Chapter, and
22 particularly what I found a devastating critique by Dr.
23 Chris Taggart doing so on behalf of the Sierra Club.

24 The fact that his presentation was
25 marked "not peer reviewed" was merely a sign of his academic

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1 rigour, not some lack of the importance of the findings he
2 made of the more gaps than information in the EIS relating
3 to whales.

4 I want to thank the Ecology Action
5 Centre, Canadian Parks and Wilderness Society Nova Scotia
6 Chapter.

7 And while I'm at it, I also would like
8 to thank previous politicians who made this Panel Review
9 possible, the Honourable Robert Thibault, who was Minister
10 of Fisheries at the time, and David Anderson, who's Minister
11 of Environment.

12 I think a Panel focus on a project like
13 this shows the benefits of engaging the public and checking
14 the science.

15 I want to concentrate for a moment now
16 on the NAFTA issue. This has come up, and I just want to
17 say, just for the record, that the Proponent attempts to
18 minimize the threat of Chapter 11. I think that's the major
19 issue for us here, is Chapter 11 of NAFTA, Investor Right
20 Protections.

21 And it's clear this has come up because
22 local residents have concerns.

23 If the Proponent wanted to get rid of
24 the Chapter 11 issue before the Panel and as a concern of
25 the local residents, the most straightforward thing to do

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1 would be to pledge never to invoke Chapter 11, never to sue
2 under Chapter 11, and to post a bond of some kind to that
3 effect.

4 In other words, triggering NAFTA in this
5 instance is entirely at the discretion of the investor and
6 there is no question but that changes to the regulatory
7 environment in Nova Scotia at either the provincial or
8 federal level that Bilcon didn't like could give rise to a
9 Chapter 11 suit.

10 Now, I'll just go through what it
11 presented. The EIS has presented a largely fanciful
12 interpretation of NAFTA investor protections, uncontaminated
13 by experience with Chapter 11 in real life.

14 The EIS asserts that:

15 "Article 1114 implies that environmental
16 considerations should receive priority
17 over encouragement of investments."

18 And the Proponent also attempts to rely
19 on Chapter 12 of NAFTA as a protection for environmental
20 measures.

21 In summation, the EIS claims:

22 "...the broader goal of environmental
23 protection conservation is binding on
24 all parties in their adherence to the
25 specific provisions of NAFTA, including

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1 Chapter 11."

2 Well, let me just briefly summarize.

3 The experience is entirely to the
4 contrary. Chapter 11 has been used successfully by US
5 corporations in suits against Canadian and Mexican
6 governments in a number of cases where state and federal
7 laws or regulations or policy changes were claimed to have
8 reduced profit.

9 One case that was not mentioned by
10 either the Department of Foreign Affairs international trade
11 experts before you or by the Proponent is very relevant, is
12 the case of **Metalclad v. Mexico**.

13 In this case, the US waste disposal
14 giant Metalclad received damages totalling \$18 million US
15 when an impoverished state government in Mexico refused a
16 permit for a 650,000 tonne a year toxic waste disposal
17 facility near the community's water supply.

18 The groundwater in the community had
19 already been contaminated. It was an environmental and
20 health concern that was paramount, and yet the NAFTA Chapter
21 11 Tribunal found that Mexico, at the federal level, owed
22 Metalclad money for the decision of the state government.

23 The test on appeal, and Mexico did try
24 to appeal, is a very difficult one. You have to prove that
25 the decision of the Arbitration Panel was wholly

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1 unreasonable.

2 And it's such a stiff test that Mexico
3 was unable to succeed there.

4 Probably the most bizarre Chapter 11
5 case, also one not mentioned that I've seen in proceedings
6 here, is the case of S.D. Myers, a US-based company that is
7 a waste disposal company, deals with PCB-contaminated waste.

8 It won \$50 million in damages against
9 Canada. I just want to mention this point at page 5 in my
10 brief there's a typo. I want to refer to Article 104 of
11 NAFTA. In my brief, I somehow wrote 24. I apologize.

12 Article 104, by the way, created what
13 was supposed to be a safe haven around key multilateral
14 environmental agreements so that if a government was
15 operating in reference to Endangered Species or the Basel
16 Convention or the Montreal Protocol, those actions would not
17 be seen to be in violation of any other sections of the
18 NAFTA.

19 In fact, of course, Basel, which deals
20 with the transport of hazardous waste, was the one on which
21 the Government of Canada sought to rely.

22 The Tribunal dismissed this and said
23 that since the US had not subsequently ratified Basel it
24 could not be raised as a defence, even though it was
25 referenced by name in NAFTA.

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1 Now, this is one that takes some time.
2 This next sentence is so mind-bendingly bizarre that the
3 only kind of pre-trade experience in reading one needs is
4 Lewis Carroll, but let me read it to you:

5 "Furthermore, even though it was illegal
6 at all relevant times for the US to
7 accept PCB-contaminated waste, Canada
8 was found to have committed an act
9 tantamount to expropriation in
10 prohibiting the export of PCBs to the
11 US."

12 In other words, it would have been
13 illegal for the US to receive the export of PCB-contaminated
14 waste from Canada, but since Canada banned its export to the
15 US, we owed S.D. Myers \$50 million.

16 Canada appealed. The test on appeal, as
17 I said, was very stiff and, as a result, Canada failed on
18 appeal.

19 Ethyl Corporation, the case of the
20 manganese-based gasoline additive, MMT, well-known case.
21 The Chapter 11 challenge ended up being settled before the
22 Tribunal ruled as a result of other trade application rules
23 within Canada, but Canada did settle with Ethyl Corporation
24 and pay them over \$12 million, which was taken from the
25 core-based budget of Environment Canada, which I don't

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1 mention in the brief had a significant chilling effect on
2 regulators' willingness to ban toxic chemicals.

3 There was no question that manganese and
4 gasoline additive is used, was not at the time was illegal
5 in the United States.

6 In any case, the applications of Chapter
7 11, just to summarize, do not depend on the decision of a
8 government or regulator being based on weak science, being
9 in any way wrong in principle or in law, or even being trade
10 discriminatory.

11 The only test is, has a foreign
12 corporation experienced a reduction in its expectation of
13 profits. So it's not the case that, in this situation,
14 Chapter 11 wouldn't apply.

15 So, in summation, should this project
16 be allowed to proceed and Bilcon should, in future, face
17 more stringent rules to protect right whales from ship
18 strikes, to protect water quality or lobster habitat or to
19 reduce dust or noise. Any and/or all of these events could
20 give rise to a successful Chapter 11 suit.

21 The presentation of NAFTA Chapter 11 in
22 the EIS is worthless and misleading.

23 Skipping ahead to Kyoto, Bilcon's
24 presentation of the Kyoto Protocol and the science of
25 climate change is also riddled with factual errors.

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1 I'll skip through the ones that are
2 immaterial and merely indicate sloppiness, such as being out
3 of date, not understanding the functioning of the IPCC, and
4 not understanding much about climate science just to put
5 that on the record because I'll come back to sea level rise.

6 They also fail to mention the United
7 Nations Convention for the Protection of Biological
8 Diversity, which is quite relevant to the questions of
9 whether this industrial activity in the vicinity of
10 protected areas violates the provisions of Article 8.

11 The areas surrounding sensitive areas
12 should themselves receive sensitive treatment and
13 management.

14 Moving to Volume 5, Chapter 7, the
15 Need For, Purpose of and Alternatives to the Proposed
16 Project, it's very clear that need in this EIS is treated
17 entirely as the Proponent's desire as opposed to any
18 objectively considered issue of need.

19 We hear that Bilcon feels it needs to
20 have a quarry. It needs access to a source of raw aggregate
21 material not subject to market fluctuations.

22 There are no external measurements
23 provided of this need. The EIS does not explore the impact
24 on either Bilcon or its parent company on either profits or
25 production from having to access raw aggregate material and

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1 recycled aggregate material from concrete.

2 The Panel confirmed on Bilcon's first
3 day that Clayton has not operated its own quarry anywhere in
4 the world. Its vaunted achievements as celebrated in the
5 Bilcon EIS were managed in the complete absence of its own
6 quarry.

7 The EIS does not tell us how. The clear
8 inference is that Clayton does not need this quarry to
9 maintain operations. It merely wants it.

10 The broader conceptualization of need
11 would include such questions as, does New Jersey need more
12 highways. Does Nova Scotia and Digby Neck and environs, in
13 particular, need a quarry, an industrialization? Does the
14 world need more concrete?

15 I note parenthetically that concrete
16 production is a significant contributor to greenhouse gas
17 emissions, and I've got some statistics there about the
18 relevance in the Canadian context.

19 The all-important question of
20 alternatives is given short shrift. The Proponent makes it
21 clear that, from a production standpoint, recycling concrete
22 is a viable alternative, technically.

23 It rejects the pursuit of this
24 alternative by stating as a conclusion that the supply of
25 recyclable materials is inadequate.

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1 There is no presentation of any data as
2 to the current practice of concrete recycling in Canada or
3 in the United States, trends and availability of material
4 for recycling or the costs or relative ease of access to raw
5 versus recycled materials. The EIS simply tells us it is
6 so.

7 The do nothing alternative is dismissed
8 with an outrageous claim lacking evidence or methodological
9 framework anywhere in the EIS. It is one of the most
10 important of Bilcon's unsupported assertions.

11 Essentially, without having done even a
12 rudimentary cost-benefit analysis of this project, Bilcon
13 claims the "do nothing alternative will not result in a
14 viable economic diversification opportunity for the Digby
15 Neck and region."

16 The preceding section never identified
17 as a purpose or need for the project economic
18 diversification of the Digby Neck region. Is the Panel to
19 believe that the Proponent's motivation has suddenly shifted
20 from its desire for a ready supply of basalt to the general
21 benefits of residents of Digby Neck?

22 More significantly, the Proponent has
23 advanced the notion that its project would lead to economic
24 diversification.

25 It omits any examination of the very

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1 real risk that its 34 new jobs in the community will come at
2 the expense of losing some or all of the lobster fishery and
3 its over 300 jobs, loss of tourism jobs estimated at over 80
4 with the opportunity cost of driving away any new tourism
5 investments.

6 In other words, the do nothing
7 alternative is more likely an attractive option in
8 preserving a growing number of tourism jobs, maintaining a
9 lucrative fishery and protecting a way of life.

10 To summarize quite briefly my comments
11 on the Proponent's attempts to say that the Cape Porcupine
12 quarry at the Canso Causeway is in any way relevant to this
13 example, it is not.

14 The Causeway occurs in an area that
15 actually, of course, didn't have an environmental
16 assessment, but it fundamentally changed the area. It
17 destroyed a big chunk of our local fishery at that region in
18 the Strait of Canso, but what it also did was create an
19 industrialized zone at the Strait.

20 So tourists who are driving over the
21 Canso Causeway can see very visibly from the Stora mill and
22 the others that they're in an industrial zone and on their
23 way to Cape Breton Island and the beauty spots that lie
24 beyond.

25 I was surprised to find as many people a

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1 day asked the tourism office what was going on with that
2 quarry as did.

3 Of course, it would not be likely to
4 destroy anyone's sense of their vacation, they're just
5 starting it when they stop at the Visitor's Centre.

6 A more applicable comparison would be
7 the proposed quarry which was proposed in the early '90s,
8 which are familiar to the Panel members for sure, and it's
9 Kelly's Mountain along St. Anne's Harbour in Cape Breton
10 Island.

11 Local opposition there, as here, was
12 strong. Local residents, as here, were concerned that the
13 local lobster fishery could be negatively impacted by silt
14 and gravel.

15 Local residents, as here, were
16 concerned that the scale of the operation was inconsistent
17 with the community and were concerned that the quarry and
18 marine terminal could have a negative impact on tourism.
19 The quarry did not proceed at Kelly's Mountain, and neither
20 should this one.

21 I'm going to skip my comment on water
22 quality and get right to climate change and sea level rise,
23 because I think this is critical, and I'm not sure you've
24 had a whole lot of information on it thus far that I have
25 seen in the evidence.

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1 Bilcon has displayed a complete
2 ignorance of key questions that should have been considered
3 by any Proponent proposing a quarry along the Bay of Fundy
4 and the marine terminal.

5 The summary claims:
6 "The quarry will not cause saltwater
7 intrusion since quarrying will occur
8 well above sea level and fresh
9 water/salt water interface and no
10 pumping will take place."

11 The Proponent makes virtually no
12 allowance for sea level rise resulting from climate change.
13 Given that the project is proposed to have a 50-year
14 lifetime in operation and that sea level rise could have a
15 significant impact in half a century, this omission is
16 disturbing.

17 Now the Proponent has relied on a rate
18 of sea level rise from the Atlantic Marine Geological
19 Consulting Limited of 20 to 30 centimetres a century.

20 This is widely at variance with IPCC
21 figures, and it's noted that IPCC (Intergovernmental Panel
22 on Climate Change), has predicted sea level rise solely on
23 the basis of expanding oceans through warmer and not at this
24 point including...

25 Although they have been heavily

1 criticized for this in recent reports from James Hansen and
2 others in the United States.

3 I brought a recent news article that I
4 can leave with you from the New York Times, it's a
5 scientific paper for the Philosophical Transactions of the
6 Royal Society, in which six leading scientific institutions
7 in the United States, led by Director James Hansen of
8 NASA's Goddard Institute for space studies are critical of
9 the IPCC consensus for omitting the potentials in the next
10 century from Greenland to Antarctica, as I note in my
11 brief.

12 But that's a criticism of IPCC. All the
13 same, IPCC's estimates are much higher than the one the
14 Proponent has used.

15 I was intrigued by the study that they
16 did rely upon, Shaw et al, which was a Geological Service of
17 Canada paper from 1998 titled: "Sensitivity of Coasts of
18 Canada to Sea Level Rise."

19 Now that paper, although almost 10
20 years out of date at this point, places sea level rise at
21 0.65 metres by 2100, which is more than twice the upper
22 range of sea level rise the Proponent cited in the body of
23 its EIS.

24 And when I wrote this, I wrote:

25 "It is likely the study undertaken by

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1 the Geological Survey of Canada would be
2 quite different with the more recent sea
3 level rise projections..."

4 I pursued this and found that one of the
5 co-authors of the Shaw et al. paper, Don Forbes, who is now
6 a research scientist still at the Geological Survey of
7 Canada, Chaired the Intergovernmental Panel on climate
8 change section on coastal issues.

9 I pursued it with him, and I have an e-
10 mail from him, and also the most recent or 2007 IPCC
11 projected level of temperature and sea level rise, but he
12 had some specific comments.

13 If I could read them into the record...
14 And it's in relation to Digby Neck.

15 He agreed that new projections with a
16 maximum level of 0.59 metres under the scenario that's
17 labelled in this graph as A1-F1, in other words an estimate
18 of sea level rise under the IPCC scenarios.

19 He mentions, he says:

20 "As you correctly point out, this does
21 not include potential impacts of
22 increased contributions from the
23 Greenland Ice Sheet and the Western
24 Antarctica Ice Sheet due to accelerated
25 outlet glacier dynamics.

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1 Local sea level change will not
2 necessarily be the same as the global
3 mean, but the evidence suggests that in
4 this area (in other words around the Bay
5 of Fundy), we're likely to see about the
6 same rise.

7 Local relative sea level rise (which is
8 different) are what the beach and wharf
9 see is also affected by vertical land
10 motion dominated by post-glacial
11 effects.

12 We do not have any good data from the
13 Digby Neck area, but Myles suggest a
14 rate of 10 to 15 centimetres per century
15 and perhaps more.

16 A conservative approach would add 20
17 centimetres to 60 centimetres for an
18 estimate of 80 centimetres maximum
19 relative sea level rise over the coming
20 century in the Digby Neck area, plus any
21 unexpected icecap inputs."

22 So I think that is clear, and it shows
23 that the Proponent has failed entirely to assess or update
24 or inform itself on sea level rise on its marine terminal
25 operations, on the potential for storm surges that could

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1 affect quarry operation.

2 We simply don't have enough information
3 in this report, having had the Proponent rely on nearly 10-
4 year-old science in a rapidly evolving area.

5 Further evidence that the Proponent has
6 not adequately considered the risk factors of a changing
7 climate regime is found in the Project description where
8 Bilcon states that:

9 "Positive surface drainage will be
10 maintained on the quarry site with
11 drainage ways and sediment retention
12 ponds designed for 10-year flood
13 events."

14 Given the change in climate regime,
15 even planning for 100-year flooding events is probably
16 inadequate.

17 Looking at a 10-year flood event on the
18 basis for future planning over the next 50 years is clearly
19 reckless.

20 Regardless of the probabilities of
21 tipping point events, the minimum projected sea level rise
22 and the Intergovernmental Panel on Climate Change global
23 consensus far exceeds the figure the Proponent has used, and
24 taking the conservative global consensus - and again that is
25 conservative, the risks are real as Dr. Hansen keeps

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1 pointing out that we could hit loss of the Greenland Ice
2 Sheet or the Western Antarctica Ice Sheet...

3 The approach taken by the Proponent is
4 entirely inadequate to assess the level of damage and
5 potential infiltration of sea water into fresh water, nor
6 of the potential damage to the site with attendant
7 contamination to the surrounding environment.

8 My last point, just briefly to touch on
9 the marine mammals issue. Dr. Taggart's excellent brief has
10 made it clear that the Proponent ignored a large body of
11 literature and minimized the impact on an extremely
12 endangered species.

13 It's striking that what the Proponent
14 believed to be an adequate investigation was a non-expert
15 survey over a one-month period in only one year.

16 Bilcon contracted with a local whale
17 watch operator to provide information on sightings of marine
18 mammals and seabirds.

19 Never, never has a federal Environmental
20 Impact Statement process seen such an inadequate level of
21 investigation for such a significant issue.

22 The issue of the plight of the extremely
23 endangered Right Whale is further minimized by the
24 reproduction of a chart prepared for another purpose of
25 sightings of marine mammals in the Bay of Fundy two decades

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1 ago.

2 I just found extraordinary that anyone
3 would bother to be producing a report like this listing the
4 right whale as "abundant locally".

5 It is hard not to interpret the
6 Proponent's EIS as deliberately misleading, because they
7 do go on later to note that it's a species at risk under
8 SARA.

9 The discussion of mitigation measures to
10 protect the right whale is premised on a number of
11 questionable assumptions, and I just want to mention three
12 of them:

13 The first one is that avoiding blasting
14 when right whales have been sighted is an adequate measure.
15 Will blasting cease when visibility is poor?

16 It's noted that blasting will not take
17 place during fog, but there are many other weather
18 conditions that impair visibility and as previous witnesses
19 have testified, spotting right whales from the shore is
20 problematic even under clear conditions because you can't
21 really distinguish the whales from the white calves all that
22 easily.

23 Two, another assumption, that the
24 shipping routes can avoid right whales, when Bilcon notes
25 that avoidance is "at the ship captain's discretion".

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1 What good are its assurances if
2 everything is under the ship captain's discretion?

3 And similarly, three, that speeds will
4 be reduced in areas where the probability of encountering
5 whales increases, even though "the vessel's speed is the
6 responsibility of the ships captain and dependent in part on
7 prevailing sea conditions".

8 In conclusion, it is a rare case,
9 perhaps unprecedented, where the threat to an ecosystem, to
10 existing employment and traditional sustainable industries
11 and community values from an unsustainable development
12 offering minimal economic benefit set against large economic
13 risk, has been coupled with such a woefully sub-standard
14 effort to assess impacts.

15 This is an occasion when a Panel
16 should express clear dissatisfaction. It is important to
17 send a message not only to Bilcon, but to other proponents
18 who attempt to meet environmental Assessment obligations
19 through volumes of meaningless paper.

20 Given the inadequate information base,
21 the substantial threat to the most endangered whale species
22 on earth, the contemptuous attitude of the Proponent to
23 community members and their legitimate concerns for their
24 future, it is urged that the Panel issue a recommendation
25 that the proposed quarry and marine terminal represent an

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1 unacceptable risk that cannot be mitigated.

2 Thank you.

3 THE CHAIRPERSON: Thank you Ms. May.

4 Ms. ELIZABETH MAY: Thank you.

5 **PRESENTATION BY Ms. ELIZABETH MAY - QUESTIONS FROM THE**
6 **PANEL**

7 Dr. JILL GRANT: Ms. May, I wonder if I
8 might ask you about the sea level rise question.

9 You indicated... I just want to make
10 sure of the figures clearly, but that there may be
11 additional levels related to melting of Greenland icecaps.
12 Do you have specific figures on that or it's just a
13 generalized concern?

14 Ms. ELIZABETH MAY: No, no, no, that's
15 not a generalized concern. The work that has been done
16 by... It's in the published literature.

17 Four to five metre additional sea level
18 rise would occur in losing the Greenland Ice Sheet. Four to
19 five metre sea level rise would also occur if we lost the
20 Western Antarctica Ice Sheet.

21 And just to read you from the summation
22 of the most recent paper of the six U.S. scientific
23 institutions:

24 "The IPCC analysis and projections do
25 not well account for the non-linear

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1 physics of wet icesheet disintegration,
2 ice streams and eroding ice shelves, nor
3 are they consistent with the
4 paleoclimate evidence we have presented
5 for the absence of discernable lag
6 between icesheet forcing and sea level
7 rise."

8 So the position of a number of
9 significant and globally respected scientists is that the
10 Western Antarctic Ice Sheet and the Greenland Ice Sheet are
11 significant concerns in the coming century.

12 Either one of them would contribute to
13 four to five metres of sea level rise, so cumulatively a
14 10-metre sea level rise, which we don't like to think about,
15 you know?

16 Dr. JILL GRANT: And you indicated some
17 specific concerns about the Bay of Fundy related to coastal
18 rebound I presume?

19 Ms. ELIZABETH MAY: Yeah. Don Forbes,
20 again there was an additional section to his e-mail. This
21 is again Dr. Don Forbes, research scientist at Geological
22 Survey of Canada who notes:

23 "To clarify, the land motion is downward
24 subsidence in this area (speaking of
25 Digby Neck) on the periphery of the

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1 former [inaudible] type Ice Sheet, so
2 downward motion gives an apparent rise
3 in sea level, which will be added to any
4 actual sea level rise.

5 In the upper Bay of Fundy, there is
6 evidence for a rapid expansion of the
7 tidal range over the past few thousand
8 years, so that the higher tide level is
9 rising more rapidly than the main sea
10 level."

11 So we're talking about... When I used
12 the figure of IPCC current consensus, which is noted leaves
13 out the other potential abrupt climate impacts, but based on
14 a warming and expanding ocean, we're talking about 0.60
15 metre sea level rise by the end of the century.

16 Now that would be augmented by the
17 subsidence issue in this region, and Dr. Forbes advises to
18 add another 0.20 to the 0.60, for a total of 0.80 sea level
19 rise as a conservative estimate of relative sea level rise
20 for the Digby Neck area.

21 Although again, just to say his caveat:
22 "...we do not have any good data from
23 the Digby Neck area, but models suggest
24 a rate of 10 to 15 centimetres per
25 century, and perhaps more."

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1 Then he says it's a conservative
2 approach, et cetera, and it's coming to 80 centimetres
3 maximum, relative sea level rise for the coming century in
4 the Digby Neck area, plus any unexpected icecap inputs.

5 And I'll leave all his coordinates with
6 you, should the Panel wish to... I just didn't... In the
7 time available, I didn't think I should try to insert a
8 new expert witness, but I was grateful for his willingness
9 to comment, because he was the author of both the paper
10 cited by the Proponent, and also he oversaw the drafting of
11 the chapter on coastal impacts in the most recent IPCC
12 report.

13 Dr. GUNTER MUECKE: Ms. May, could I
14 refer you to the greenhouse gas emissions from this
15 Project?

16 Ms. ELIZABETH MAY: Yes.

17 Dr. GUNTER MUECKE: Over the hearings, we
18 have arrived at a figure of about 100 kilo-tonnes per year.
19 Would you like to comment on how significant you think this
20 is in terms of Canadian commitments for instance?

21 Ms. ELIZABETH MAY: Yeah. Well, our
22 overall greenhouse gas reduction target to meet Kyoto is
23 about 280 mega tonnes, or 280 million tonnes.

24 So obviously, this particular Project
25 isn't going to be a significant contributor to the total

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1 amount of greenhouse gas emissions in Canada.

2 But in the context of a country that
3 must rapidly reduce emissions, any additional non-essential
4 emissions of greenhouse gases should be avoided and
5 rejected.

6 We have... And the papers suggest, in
7 terms of the scientific papers around sea level rise Dr.
8 Hansen has used, we could hit those points where we have a
9 runaway greenhouse effect essentially, where nothing for the
10 human reductions in greenhouse gases will make any
11 differences by 2016 if we don't have sharply reduced
12 emissions before 2016.

13 So in that context, a large industrial
14 project that produces a 100 kilo-tonnes of greenhouse gases
15 a year is simply not a good idea.

16 The province of Nova Scotia obviously
17 has just accepted some new greenhouse gas reductions
18 targets. This is inconsistent with those provincial
19 targets.

20 The province of Nova Scotia should be
21 moving rapidly to stop using coal to generate electricity,
22 and you know, finding alternatives for that, whether they
23 can access natural gas, but in the context of a planet where
24 greenhouse gases are now about 384 parts per million, and
25 the pre-industry revolution level was 275 parts per million,

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1 looking at the long lag times in the atmosphere and the
2 difficulties faced in reducing emissions rapidly, any new
3 project with additional emissions for no benefit is really
4 one to be rejected, and it is of concern.

5 Thank you.

6 THE CHAIRPERSON: Ms. May, I would like
7 to bring you back to the NAFTA comments you made. Actually,
8 I was looking for a clarification.

9 The Tribunal decisions that you cited
10 with regard to Canada and the United States, were they post-
11 approval?

12 That is, were some kind of deals
13 struck between organizations in the two countries, and it
14 was only after a deal had been struck or approval had been
15 reached that it then went to a Tribunal, or did any of those
16 have anything to do with a process similar to the one we're
17 in now, which is leading up to an approval or a rejection of
18 a proposal?

19 Ms. ELIZABETH MAY: Oh no. In fact,
20 specifically the **Metalclad** case was exactly that. The
21 Proponent was seeking approval to build a waste disposal
22 plant.

23 Essentially, the back story is it
24 appears that the bribed local officials and that at the
25 state level, they were told: "No, this is too dangerous to

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1 the water supply."

2 So they had had an initial permit to
3 begin operations, but they had not had their state approvals
4 that they needed, so **Metalclad** sued.

5 But it had not had its approvals
6 finalized at the state level, nor had it actually built the
7 project, and yet it received \$18 million from the Federal
8 Government of Mexico as a result of the state government
9 saying no to allowing a hazardous waste disposal facility to
10 move in.

11 So theoretically, if I can infer the
12 meaning of the question, if Bilcon was turned down here,
13 could they sue under Chapter 11, well probably.

14 THE CHAIRPERSON: Thank you. Mr. Buxton,
15 any questions?

16 Mr. PAUL BUXTON: Thank you Mr. Chair, I
17 have no questions.

18 THE CHAIRPERSON: Questions from the
19 audience. Okay. Would you please... Over here please so I
20 can see who is in interested. There are at least two
21 people.

22 **PRESENTATION BY THE GREEN PARTY OF CANADA - QUESTIONS FROM**
23 **THE PUBLIC**

24 Mr. Morsches?

25 Mr. BOB MORSCHEs: Doctor, it's Bob

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1 Morsches. I have a question for Ms. May and really the
2 Green Party.

3 Would you support a project... Like
4 Bilcon could produce 150-hectare provincial park or natural
5 nature conservancy.

6 In doing this, it could build a pier for
7 canoeing, kayaking and sailing scooters at this pier, where
8 they could dock. They could build a resort hotel like the
9 size of the Pines.

10 They would have to blast very small
11 areas so that they could allow access to pass throughout the
12 350 acres. With that, they could send that to Clayton.

13 In developing the nature conservancy,
14 they would allow of course the pond and the flora and the
15 birds and rarest other animals to run free.

16 I think if they did something like that,
17 Bilcon would become the most famous international company to
18 have a nice place like that.

19 It saves the whales, the lobsters, other
20 fish and other species, and it really saves our environment,
21 and it would create at least 150 jobs at the resort hotel,
22 same as Pines. The Pines has about 150.

23 Now the question is would you support
24 such a thing?

25 Ms. ELIZABETH MAY: At this point, having

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1 spent a good deal of what I laughingly refer to as my free
2 time reading their Environmental Impact Statement, I
3 wouldn't trust Bilcon to put up an ice cream stand next to
4 the highway in this area.

5 --- CROWD CHEERING

6 THE CHAIRPERSON: Please, please, it's
7 not respectful.

8 Mr. BOB MORSCHEs: Thank you Doctor.

9 THE CHAIRPERSON: Thank you. The woman
10 in the back I think was next. Please, yes, come forward.

11 Ms. HELEN OPIE: My name is Helen Opie,
12 and I'm from Granville Ferry. My question I think is
13 probably to Bilcon.

14 These numbers of greenhouse gas
15 emissions, is that only for the quarry in Digby Neck or does
16 it also include what would be added emissions for the added
17 concrete manufacturer in the States?

18 Mr. PAUL BUXTON: It only refers to the
19 Whites Point process.

20 THE CHAIRPERSON: It excludes the United
21 States.

22 Sister Barbara?

23 SISTER BARBARA: Thank you Mr. Chair. My
24 name is Sister Barbara, and I'm from Rossway, Digby Neck.
25 Hello Ms. May, thank you for your presentation.

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1 My presentation a week ago was totally
2 on sea level rise, and so I thank you for that
3 clarification.

4 My question... I was also concerned
5 about the explosives that are going to be used, it's
6 ammonium nitrate, very toxic, and there's going to be a
7 residue left over after the blasting, and I believe it's
8 going to seep into the Bay of Fundy.

9 Now according to **Fisheries and Oceans**
10 **Act**, it's illegal to dump any of this ammonium nitrate into
11 our oceans. So does the quarry have to be approved and then
12 they start working, it seeps into the Bay of Fundy, and then
13 Environment Canada says: "Oh, oh, you're polluting the Bay
14 of Fundy and you're going against the **Fisheries and Oceans**
15 **Act**, so we're going to have to shut you down."

16 So then NAFTA comes into effect, is that
17 correct?

18 Ms. ELIZABETH MAY: Thank you Sister, I
19 apologize for not having known that your brief addressed sea
20 level rise.

21 I had seen earlier briefs and I'm very
22 grateful for the support that you have given for local
23 community members to protect the area.

24 I will try to answer the question as an
25 environmental lawyer, although I'm no longer practising, but

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1 if the...

2 Of course, ammonium nitrate is toxic and
3 is a pollutant, but under the **Fisheries Act**, materials don't
4 have to be toxic, they may only have to be deleterious to
5 fish.

6 Until the current **Fisheries Act** changes,
7 which they are trying to pass it in the House of Commons and
8 the Senate.

9 But under the current **Fisheries Act**, any
10 material that is deleterious to fish and any waters where
11 fish are found violates the **Fisheries Act**.

12 This being a very hazardous material
13 would be specifically of concern, and my memory of DFO's
14 response to this in these hearings was that they hadn't even
15 been really considering it. They hadn't been aware of it as
16 a contaminant.

17 I hope that I understood that correctly.
18 So they weren't paying attention to it. If it did
19 contaminate the waters, they could chose to prosecute, they
20 can also chose to ignore it.

21 Our history of the application of the
22 **Fisheries Act** in Canada is more a litany of governments
23 choosing to ignore polluters than to prosecute them.

24 If they chose to pursue the matter and
25 shutdown the quarry, yes, they would then... Bilcon of

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1 course could at any time...

2 But Bilcon could sue the Federal
3 Government if they were asked to follow a different shipping
4 lane or if they were asked to cease operations for any
5 reason or to modify operations or to reduce noise levels,
6 you know?

7 Anything that has an impact on their
8 expectation of profits, quite short of actually shutting
9 them down, could result in a Chapter 11 lawsuit.

10 SISTER BARBARA: Cannot the Government of
11 Canada put in laws to prevent this?

12 Ms. ELIZABETH MAY: Yes, the Government
13 of Canada could put in better regulations around the use of
14 blasting materials, the proper storage, do everything
15 possible to regulate to minimize the chance of seepage.

16 It doesn't appear to be adequately
17 regulated as an area right now.

18 SISTER BARBARA: Okay, well...

19 THE CHAIRPERSON: Thank you Sister
20 Barbara.

21 SISTER BARBARA: Thank you.

22 Ms. ELIZABETH MAY: Thank you.

23 THE CHAIRPERSON: Are there any
24 additional questions? Yes, Ms. Peach.

25 Ms. JUDITH PEACH: Judith Peach of

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1 Waterford. My question is again on the NAFTA, Chapter 11,
2 okay?

3 Say the Panel was to approve one aspect
4 of this project, which is the quarry, and not approve the
5 marine terminal because of the possibility of effects on the
6 marine environment, could they also in that case sue under
7 Chapter 11 still at the approval level?

8 Ms. ELIZABETH MAY: Yeah, let me just be
9 clear. Chapter 11 is a blanket investor right provision
10 that does not have any of the normal requirements that a
11 lawyer would look to before putting forward a case to a real
12 court.

13 So an Arbitration Panel can be
14 convened at the whim of an investor not publically known...
15 That's the problem of having a complete catalogue of
16 Chapter 11 cases, it's difficult because there's no
17 publication of a Chapter 11 challenge against the Government
18 by a corporation.

19 And there is no penalty for frivolous
20 suits, and given the success of some fairly frivolous
21 efforts, and I regard the **S.D. Myers** case as classic because
22 it would have been illegal to accept the PCB contaminated
23 waste in the U.S. We were prohibiting it as export, and
24 they still won.

25 So given that and they still won, a

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1 foreign investor has no constraints whatsoever in trying any
2 Chapter 11 suit it might like to try.

3 There's no award of costs against a
4 corporation for a pointless nature into the Chapter 11
5 area.

6 A lot of corporations have used threats
7 of Chapter 11 cases. There was a threat against British
8 Columbia that never materialized. There have been a number
9 of other threats used in the public domain.

10 This is an area of NAFTA that was...
11 And I've spoken to the people who actually negotiated this,
12 and this was never their intention. They had no idea that
13 something like the **NRTFO** court case could ever come up or
14 the **S.D. Myers** PCB case, that it would ever come up.

15 They were negotiating what they
16 thought was real expropriation protections, and this notion
17 of expropriation could include regulations, could include
18 approving part and not the other, could include...

19 I mean, it could include... It could
20 include even the fact that I have just insulted them. They
21 could sue anybody because the **Etyl Corp.** court case included
22 damages for loss of Etyl Corp. reputation because the House
23 of Commons passed a law that banned their product.

24 They regarded the debate in the House of
25 Commons as damaging to their international reputation, this

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1 from a company that is still selling leaded gas in
2 developing countries, so I don't think they have much of a
3 reputation to protect, but they thought they did, and that
4 was one of their grounds of complaint.

5 Now that case was resolved before the
6 Arbitration Panel finished.

7 So yes, they could sue for anything.
8 There's nothing to constrain an international investor from
9 suing in Canada.

10 They might not win, but they can sue
11 anyway.

12 THE CHAIRPERSON: Thank you. Any
13 additional questions? If not, thank you Ms. May. Thank you
14 very much.

15 The next presentation will be by
16 Brogan Anderson. Is Mr. Anderson here? Ms. Anderson,
17 sorry.

18 Keep it about six inches away from you,
19 and identify yourself and your affiliation please.

20 **PRESENTATION BY Ms. BROGAN ANDERSON**

21 Ms. BROGAN ANDERSON: Good morning
22 everyone, Members of the Panel, Proponents and members of
23 the audience.

24 My name is Brogan Anderson. I currently
25 live in Wolfville, Nova Scotia, and I moved there from

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1 Central Canada when I was 25 years old.

2 I am one of the anti-statistics if you
3 will because all the time in the news, we hear about the
4 trend of young people moving away from this province, and as
5 someone who went the other way, I can tell you that my
6 experience is somewhat unique.

7 so I thought I would offer you some
8 points of view from that perspective, as a young person who
9 moved to and not away from Nova Scotia.

10 First of all, I didn't move here for a
11 job, I moved here for quality of life. So if this
12 proposed Project flaunts itself as the answer to people
13 moving away, there better be a close look at the total
14 balance sheet.

15 It isn't just about jobs as some
16 abstract unit, as though one job is the same as any other
17 and as though people move here or stay here only for the
18 "all mighty job".

19 You could look at this proposal like any
20 new neighbour moving into a place, except this one happens
21 to be a corporate neighbour who will have more impact on the
22 place than your average citizen.

23 And you might say: "Well, we don't mind
24 having new neighbours, as long as they don't harm what is
25 already here."

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1 Which may be a small community, but it
2 is a vital one with current economic activities that include
3 fishing and tourism.

4 So why would you allow a new neighbour
5 that would destroy the livelihood of the fishers and tourist
6 operators, a neighbour that plans to engage in 24-hours
7 operations that could impact the grounds of lobster
8 spawning and wildlife viewing as well as a good night of
9 sleep?

10 What possible justification is there to
11 let an outside interest come in and use the place to their
12 own purposes with no intention of a long-term vision for
13 Digby Neck?

14 This proposal spells disaster for
15 fishing and tourism in this area, and I don't understand how
16 this could be stated to be a non-significant impact.

17 The Environmental Impact Statement
18 drafted by Bilcon explicitly describes local impacts as non-
19 significant. This is an arbitrary use of the word
20 significant and there is no reason to accept this spin on
21 the word.

22 The Merriam Webster dictionary defines
23 significant as:

24 "...having or likely to have influence
25 or effect, important."

1 I can only conclude that Bilcon is
2 saying that local effects are not important and by defining
3 them as insignificant, they are attempting to free
4 themselves of having to answer for them.

5 So far as the human side of this
6 proposed quarry and deep so far, there's another whole piece
7 of the issue which is not human focussed.

8 As far as we know, there are three
9 intelligent life forms on this planet, that is to say
10 animals that form long-term social bonds, communicate,
11 exhibit curiosity and problem solving abilities and mourn
12 their dead.

13 Humans are the ones we most commonly
14 focus on, and I won't take the time today to discuss the sad
15 plate of elephants.

16 This brings us to the third important
17 species, whales. Whales communicate with sound as we do,
18 but use a range of sound much greater than the human ear can
19 detect, and send waves of sound through long frequencies so
20 that sound can travel long distances before it is picked up
21 by another whale.

22 Has anyone considered the disturbance to
23 whale habitat due to blasting noise and shipping noise?

24 If this proposed quarry and deep-sea
25 port go ahead, there is no mitigation possibility in terms

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1 of the effect of the ambient noise that would be projected
2 into the whales' world.

3 We have an interesting situation here
4 where there are not only wales in the Bay of Fundy, but a
5 specific species of endangered whales, the Northern Right
6 Whale.

7 If nobody here cares if they go the way
8 of the Dodo, I'm not here to argue that point. But assuming
9 the best intentions of humans, after hunting right whales,
10 the right whale to hunt to near extinction, it might be
11 smart to consider what things we might do to help their
12 population regain a point of stability and start to recover
13 from mass slaughter.

14 The Proponent's suggestion that they
15 could monitor for whales with binoculars is not just
16 preposterous, it's insulting.

17 A 2005 report in coastal management
18 tells us, and I quote:

19 "Modelling studies suggest that the
20 North Atlantic Right Whale population is
21 declining, and some models predict that
22 extinction could occur within 191 to 245
23 years. Declining survival of females is
24 of particular concern for the species.
25 Females historically produce more than

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1 six offsprings during their lifespan,
2 but that number has now been reduced to
3 fewer than two.

4 The prevention of as few as two female
5 deaths each year would improve the
6 chances of recovery."

7 That's from Fujiwara and Caswell, 2001,
8 and I'm still quoting:

9 "Demographic predictions are even more
10 dyer should food resources decline. In
11 light of these grim predictions, active
12 conservation efforts for the species are
13 critical, particularly in reducing
14 human-caused mortality."

15 When two female deaths each year could
16 make the difference, are you going to trust a guy with a
17 pair of binoculars to see them out on the water and call off
18 blasting for the day?

19 With the prospect of climate change
20 ahead of us, which we know will mean food resource decline,
21 can we risk extra stress to the marine environment?

22 The possibility of ship strikes is not
23 the only concern here. Females give birth to their first
24 calf at an average age of nine years.

25 The calving interval for right whales is

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1 between two and seven years, with means ranging from 3.12 to
2 3.67 years.

3 In the Western North Atlantic, there was
4 a significant increase in the calving interval from 3.67
5 years for the period of 1980 to 1992, to 5.8 years for the
6 period 1990 to 1998.

7 The increase in the calving interval is
8 of particular concern and together with other perplexing and
9 biological parameters may suggest the population is under
10 rather unusual biological, energetic or reproductive
11 stress.

12 In other words, whales are having fewer
13 offspring by having their offspring further apart, and
14 nobody knows why.

15 Would it be so farfetched to think
16 that if you were a whale and you experienced additional
17 habitat stress in the form of noise from a large quarry and
18 large cargo ships travelling through your waters that this
19 would be likely to drive down reproductive rates rather than
20 improving them?

21 The precautionary principle says that we
22 shouldn't do something when we don't know enough about it to
23 know that it's safe to go ahead, that it will do no harm.

24 In the case of the right whale, there is
25 so much we don't know. You might say it's the perfect case

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1 to invoke the precautionary principle because of the risk of
2 what we could lose, a species that evolved 25 million years
3 ago and is still here with us today, leading its quiet, non-
4 violent cetacean-brand life.

5 Thank you.

6 THE CHAIRPERSON: Thank you very much Ms.
7 Anderson. Gunter? Jill?

8 Dr. JILL GRANT: No, thank you.

9 THE CHAIRPERSON: Mr. Buxton?

10 Mr. PAUL BUXTON: Thank you Mr. Chair, I
11 have no questions.

12 THE CHAIRPERSON: Questions from the
13 floor? It appears not. Thank you very much Ms. Anderson.

14 We will now take a 15-minute break.

15 --- Recess at 10:36 a.m.

16 --- Upon resuming at 10:52 a.m.

17 THE CHAIRPERSON: Ladies and gentlemen,
18 we would like to resume, please.

19 --- Pause

20 THE CHAIRPERSON: Okay. We are now about
21 to have a presentation that was actually delayed a week,
22 unfortunately. Dr. Janet Eaton intended to make this
23 presentation last week and we had a computer glitch,
24 unfortunately, so we welcome her back again. And we thank
25 you for taking the time to come here a second time as well.

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1 So would you identify yourself and your
2 affiliation, and then proceed?

3 **PRESENTATION BY THE SIERRA CLUB OF CANADA - Dr. JANET EATON**

4 Dr. JANET EATON: Thank you very much,
5 Mr. Chair.

6 I'm Dr. Janet Eaton. I'm representing
7 the Sierra Club of Canada and also the Sierra Club
8 International Committee on Corporate Accountability and
9 Water Privatisation.

10 And I also would like to identify myself
11 as an independent researcher and a part-time academic who's
12 taught in several Nova Scotia universities, most lately
13 Acadia University, where I taught courses on Critical
14 Perspectives on Globalization, and Environment and
15 Sustainable Society and Community Political Power.

16 So in addition, I'm associated in a
17 volunteer capacity with the Green Party of Canada Shadow
18 Cabinet.

19 So I want to touch on some of the same
20 issues and thematic areas that I have followed since the
21 beginning of this process on behalf of the Sierra Club, and
22 that includes public participation and cumulative impacts
23 and KNIGHTIA.

24 And I also want to talk to the economic
25 paradigms involved here, which is another aspect that I've

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1 followed with this throughout.

2 I want to mention why the Sierra Club of
3 Canada has been involved in this issue from the beginning,
4 and that is because one of our goals is a transition to a
5 sustainable economy, and we feel that this is contrary to
6 that goal.

7 And the Sierra Club also questions the
8 unquestioned assumptions of corporate economic globalization
9 and suggests they're a major cause of global environmental
10 crises.

11 Also, the Sierra Club International
12 Corporate Accountability facilitates the Club's response to
13 the corporate abuse of power and its advocacy of enforceable
14 measures to ensure corporate accountability in relation to
15 the environment.

16 From the beginning, as I noted, I have
17 particularly, on behalf of the Sierra Club, noted that we
18 have a model economy in the Digby Neck and Islands which has
19 been put in place, really, through years and years of
20 community effort, part of which was assisted by the Nova
21 Scotia Government's Department on Community Economic
22 Development and regional authorities on community economic
23 development.

24 And this was to reinforce this as a
25 small-scale participatory, sustainable economy based on

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1 inshore small-scale fishing, on ecotourism and so on.

2 And in contrast to that, we are faced
3 here with the intrusion of a different model which is
4 related to corporate economic globalization.

5 You can see on the left of the slide an
6 example of how that global economy is working right now, and
7 you'll see that there are shipping routes now from China
8 through to Nova Scotia and into the continent, and you can
9 see on the lower left that what is projected are major,
10 major KNIGHTIA super corridors running through the continent
11 from Mexico to Canada.

12 You can see there's projected super-port
13 in Halifax which would receive those ships and be trucked on
14 major large double-sized and triple trucks all the way down
15 through.

16 And I'm just mentioning this now
17 because it is in stark contrast to the type of small-scale
18 economy we have here, and it's in stark contrast to the type
19 of economy that we need if we're going to preserve our
20 future and have a sustainable future.

21 I think we'll get to that in a few
22 minutes.

23 So what we've had here is, in the
24 present economy, a tradition of community economic
25 development. It's sustainable, it's small scale, localized,

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1 community based. It's been participatory.

2 It's based on ecotourism. It's a
3 retirement area, small-scale fishing, marine research,
4 learning and discovery centres and intermediate technology.

5 And that's the slide I was looking for
6 earlier, which just shows that this is not only an ideal
7 small-scale economy, but it's what we could consider a model
8 economy, and it's been recognized as such by the UN Habitat
9 Settlement, which named it to its Global Best Practices
10 list, and it was recognized by UNESCO as a paradigm of
11 community economic development.

12 I just wanted to mention that because
13 this is not just any small-scale community. This is a model
14 economy.

15 And on top of that, we live in an era
16 when we know that we're facing the end of cheap oil, and
17 that is going to be constraint for this global economic
18 model, and we're going to be looking to the future to small-
19 scale economies.

20 And so it's not only been a model in the
21 past; it's a model in the sense of being a model for a post-
22 peak oil kind of future.

23 So we have something here that we need
24 to be very proud of and that we need to preserve. And this
25 is just total anathema to see this kind of quarry coming

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1 into a model like this.

2 And we see that with a kind of
3 industrialized economy we move to industrialization of a
4 unique bio-region, an undemocratic imposition on local
5 community by a foreign corporation and our own government,
6 and I'll talk to that under the participatory section.

7 It derails local sustainable development
8 by introducing large-scale unsustainable industry and the
9 cumulative impacts is a huge threat as more industries would
10 be attracted by a deep sea port and, actually, by the
11 globalized economy now, which is in a hyper growth mode with
12 the super-corridors Atlantica and the deep integration
13 that's happening at this time, largely beneath the radar
14 screen of public and Parliamentary scrutiny.

15 I'm not going to spend time on this,
16 simply for anyone that wants to take time to go through this
17 Powerpoint, which will be on the web site.

18 Just a note that, for the last 400
19 years, we've been operating in a scientific mechanistic
20 industrial paradigm which conditions our mindset in a
21 certain way and it conditions the way we treat knowledge in
22 disciplines, and it creates bureaucracies with silos and it
23 has created different disciplines, including an economic
24 discipline, which functions very much in that way, in an
25 unconnected way, which doesn't see itself as connected to

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1 the environment or to people.

2 And the metaphor for that has been a
3 machine or a clock.

4 We know now that we face a very
5 unsustainable future. We worry about the survival of the
6 planet, actually.

7 And as a result of that, we're starting
8 to think in a more systemic way. Other presenters here have
9 mentioned that, that the Aboriginal tradition and
10 perspective has always viewed the earth in this way and now
11 we're finally realizing that the time has come to listen to
12 our Aboriginal forebears and to perceive our planet as a
13 whole system, what some call Gaia, Mother Earth.

14 The metaphor there is a network, a web
15 or so on.

16 And I'm not going to go into all the
17 components of that, but what I want to do is to mention how
18 that translates through to the economy. And it's been the
19 last 20 or more years that we've had this shift where nation
20 states no longer have the control over their economies and
21 there's been this shift to globalization with its structures
22 like the WTO and the KNIGHTIA Secretariat and the IMF and
23 the World Bank and so on.

24 And they're based on this very
25 mechanistic line of thinking.

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1 That kind of thinking leads to a global
2 economy that promotes a globalized market and absentee
3 ownership. It puts money in corporations first. It
4 advances material and financial growth.

5 It treats nature as a mine and a dump
6 often. It maximizes material consumption. It nurtures
7 monoculture.

8 It promotes global competition and
9 community against competition and often results in economic
10 exclusion and inequality.

11 I'm not going to read the second column
12 because we know pretty much that that is the kind of economy
13 that we are talking about for this region.

14 And I just want to mention that in
15 these global negotiations that are going in, to try to move
16 towards a global model, many of the negotiators recognize
17 that they're in a box, and they go to these meetings.

18 And somebody like Martin Kohr from the
19 Third World Network, he has recognized this in his writings
20 where he shows two boxes. And he shows one which is the
21 current negotiations which he feels they're trapped in but
22 they still, as Third World nations, have to go and try to
23 negotiate for some kind of position within it, although it's
24 not been forthcoming.

25 The other box is the systemic change

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1 box, which is the one we're talking about here and for which
2 Digby Neck is a model.

3 And so I want to mention that we're
4 reaching an imperative and we are stuck in a bit of a box.

5 Just to show that we are at a crucial
6 time, we've heard the word "tipping point". I just want to
7 mention, some of the collapse scenarios that hover over us
8 right now and there's very, very adequate research on these
9 scenarios from the end of cheap oil to global economic
10 collapse and the collapse of corporate globalization.

11 And that's one thing that I wanted to
12 make very clear, that today we are negotiating under an
13 aspect of the corporate global economy a free trade
14 agreement, KNIGHTIA, at the same time that there's really
15 very mounting evidence that not only has KNIGHTIA been based
16 on flawed assumptions and that it has failed in the promises
17 that it sought to deliver and it has been oversold, as even
18 the economist said, but also the whole notion of the
19 corporate global economy has now been considered a failure
20 by remarkable economists like Herman Dailey, like Joseph
21 Stieglitz, like David Horton.

22 The IMF's internal studies and the World
23 Bank internal studies have shown failure, so it would be, I
24 feel, a travesty and tragic to move ahead and sacrifice
25 Digby Neck on this altar of globalization when it's failing,

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1 but we are not having the debate in this country, and that's
2 why I felt I had to introduce it here because it has to be
3 introduced.

4 It's well out of time when we actually
5 have to talk about the global context of where we live.

6 We know it's a global, inter-connected
7 Gaia type of earth and planet, so we have to inter-connect
8 our theories and our perspectives when we're talking about
9 this, and especially the local to global perspective has to
10 come into this.

11 And just in terms of the fact that
12 we're at this turning point where we must have these kinds
13 of shifts, I always go back to Robert Heilbroner, who is a
14 very famous economic historian in the United States, and who
15 spoke in Canada in the Massey lectures in 1992 and gave an
16 outstanding assessment of where global capitalism would be
17 in the 21st century.

18 A wonderful series of lectures if you
19 haven't read them. Oh, and he wrote a wonderful economic
20 history, which I'd recommend to anyone, and he wrote "The
21 Worldly Philosophers", so he's a very broad-ranging thinker.

22 And back in 1976, he predicted the
23 demise of the particular economic model that we're operating
24 now on, and that was for three reasons, and one was the
25 ecological limits.

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1 And we've seen this today. We've no
2 doubt about that any more.

3 In order to progress on the current
4 economic model, we would need three plants just even right
5 now. Heaven knows how many more at the rate we're moving.

6 Also, he said, that at some point,
7 probably around now, 30 years hence, the value system that
8 this particular business civilization has been based on
9 would come under severe scrutiny.

10 And I think that's what we've seen over
11 the past 20 years as civil society has recognized that, and
12 so we will talk a little later here about the values of
13 that.

14 And so what I want to suggest is that
15 part of our job here is to get ourselves out of the
16 mechanistic box of simply trying to be within a model that
17 attempts to mitigate.

18 And although I must agree with Elizabeth
19 May that this particular environmental assessment process
20 has been exemplary in trying to get us a little bit out of
21 that box, but the critique of environmental assessments has
22 been that it's a mitigation process, so it's almost like a
23 foregone conclusion, although we do have a sense with this
24 one that that may not be the case.

25 And we do have ways to argue around

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1 that, but generally speaking, that has been the case.

2 And so it is, therefore, imperative that
3 we have this larger frame to look at the whole process
4 that's going on and to ask ourselves how big is our umbrella
5 as we examine this.

6 And I think that's going to be crucial.

7 As you'll see when you look at the degree of greenhouse
8 gases that will accumulate, not just from increased
9 industrialization of the shores of the Bay of Fundy, but
10 from this whole global economic model that is still
11 persisting in which business and government leaders are
12 trying to continue to propagate.

13 Let me see. I wanted to mention that
14 the problems with this whole political economic constraint
15 that we find now with this model, it's embedded in the
16 fabric of the practical operation to society, especially in
17 our energy systems, our agricultural systems, our
18 transportation and manufacturing.

19 And particularly because I'm going to be
20 speaking about transportation, I just wanted to make that
21 clear, that we need a vision of how a whole system is put in
22 place.

23 Think of it, too, in terms of the sub-
24 systems.

25 And I just simply wanted to mention

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1 this. This is something that just came to me this past
2 week, and that is a discussion that I had with Raymond
3 Parker, who is another advocate of a sustainable Annapolis
4 Valley, which is now on line.

5 And I will submit it as evidence because
6 in this we talk about a sustainable Annapolis Valley and a
7 sustainable Digby Neck and we talk about the large frame,
8 the integration frame, the Atlantica frame and how
9 unsustainable that is for our food security. We're
10 particularly focussed on that.

11 And in that, we talk about the
12 importance of small-scale fishery for the future, so food
13 security is an issue.

14 In terms of public participation, I
15 want to mention three things. In 1990, there was a super
16 quarry proposed for this area. It's still on line, the
17 Society for the Preservation of the Eastern Head.

18 Now, that quarry was stopped through
19 public efforts and participation and, at the time, by a
20 government that recognized the value, the ecotourism value
21 of this region. And it was at a time when the government
22 was promoting this and you'll remember the signs that went
23 up and so on.

24 And so we must ask ourselves, if that
25 was the case then, what has changed? Why is this now being

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1 promoted?

2 And I think that's another reason why we
3 have to look at this broad picture of the kind of global
4 economic model that has evolved and is continuing to evolve
5 in spite of the fact that we have so much evidence that it
6 is flawed and it's failing and it's leading to this
7 increasing greenhouse gas emissions.

8 And we have government reports put in
9 place to say, superficially anyway, that we need to do
10 something about it. But I don't think we've got all the
11 facts, and that's why I'm trying to present some of them in
12 this report today.

13 Another aspect that we need to
14 consider in this case is if there was a genuine attempt at
15 public participation, why was a SLAPP suit served on one of
16 the outstanding citizens of this community for making
17 comments about her ancestors on that land?

18 And we see that lawsuits are clearly
19 aimed at intimidating middle-class citizens who have assets
20 and a strategic legal action against public participation
21 since they have a chill effect, deterring all involved from
22 continuing to freely participate. And this, indeed, was the
23 case in this situation.

24 And so if that's the case, I'm simply
25 making the argument that the public participation, the

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1 consultation process does not seem to be genuine if that
2 type of a SLAPP suit was served.

3 Similarly, if you look at Arnstein's
4 letter of citizen participation, something that I recall
5 from my community development work many years ago and that I
6 went back to consult, you can see that there's degrees of
7 public participation. And you can see that consultation
8 really, in terms of the broad understanding, is more of a
9 degree of tokenism.

10 And I think you've heard some evidence
11 in this set of hearings that, indeed, it does seem like
12 tokenism, what has transpired.

13 And in fact, that's why it's important
14 to go back to these two paradigms to look at what happens
15 under a global economic regime and what happens under a true
16 small-scale participatory community-based scheme.

17 And I would suggest that we've had a
18 model of the participatory mode here in Digby Neck up until
19 recently, and some of the aspects of that are really well
20 covered in literature that's emerging such as "Alternatives
21 to Economic Globalization" by Mander and Cavanagh, and some
22 of the characteristics are of a participatory democracy.

23 Subsidiarity is really important here
24 because that's essential to sustainable societies, and that
25 means that you make the decision at the level that's closest

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1 to the people impacted. And I'll give you an example of
2 that.

3 When the Supreme Court of Canada decided
4 and ruled in favour of a municipality having its own
5 pesticide by-laws, they cited various reasons, and one of
6 them was subsidiarity. The other was in terms of
7 environmental law and so on, but this is an important
8 concept for us.

9 And the problem is, in a global economic
10 regime, it's overridden, and so we exist right now at a
11 tipping point in our society where we could lose control of
12 the very essence of sustainability and of citizen
13 participation if we aren't aware of these things and we
14 don't bring them into our decision-making.

15 So ecological sustainability is part
16 of this more localized paradigm and common heritage and
17 human rights and so on, and food security and safety and the
18 precautionary principle.

19 That was another thing they drew upon in
20 the Hudson decision in the pesticide case.

21 And so we've had public participation.
22 It's been a model.

23 I'm sure more is to come. This process
24 on Digby Neck will be written up as a model and it will
25 probably serve in textbooks around the world because,

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1 indeed, it has been a model of citizen participation.

2 Now I want to speak a little about
3 cumulative impacts and the way that this has been
4 approached.

5 I'm showing there the area of the North
6 Mountain. And in terms of cumulative impacts, in our
7 presentation in 2006 we looked at the industry trends.

8 We looked at the purchase of lands
9 adjacent to the proposed quarry site, the basalt off the
10 coast of Brier Island, which presents another potential site
11 of industrialization.

12 We looked at the fact that we know now
13 across the Bay that the possibility of basalt industries
14 arise with the basalt fibre being very, very prized.

15 And we looked at the North Mountain
16 basalt concerns, and that would be the proliferation of
17 quarries verified by the Department of Natural Resources'
18 presentation indicated that, indeed, there were other
19 applications for possible quarries in this area.

20 We looked at the bottled water plant
21 that was proposed here and, of course, linked to the deep
22 water pier, and other potential mining industries.

23 We've heard about uranium and the sand
24 mining off the coast from Brier Island to Cape Split.

25 All of these things are documented in

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1 the brief that Sierra Club presented in 2006.

2 So these are the cumulative impacts that
3 are very concerning.

4 Also, coastal super quarries and mega
5 quarries offer a solution for low-cost aggregate demand at a
6 time of rapid suburban growth, so we can fear that this
7 super quarry would just be an indication that further
8 quarries will accrue here if, indeed, it goes ahead and it
9 seems profitable.

10 In the Scottish Superquarry 1980 Report,
11 they named 15 potential sites along the Scottish western
12 coast and islands.

13 And so we see that there's a trend
14 that's linked to this whole globalized economy. The global
15 economy is very much based on transportation needs, and
16 including large mega highways, as we will see on the
17 proposals for major super corridors throughout the United
18 States, from Mexico to Canada.

19 And reports show an increase in the
20 demand for rock will be increasing.

21 I don't know if we can see the map. No,
22 I don't think that's very visible. Okay.

23 In terms of cumulative impacts, I want
24 to mention the increased shipping and the possible
25 environmental impacts of that, which will include the

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1 concerns around right whale hits, collisions, oil spills,
2 greenhouse gas emissions and loss of biodiversity and
3 habitat and loss of food security.

4 And here we see the potential for
5 increased shipping, environmental impacts and possibility of
6 right whale hits.

7 I'm not going to go into detail on that
8 because I think that's been adequately covered, but we have
9 to consider that that is a major issue.

10 We also need to be concerned about the
11 potential for shipping collision.

12 Now, also added to the cumulative
13 impacts would be the greenhouse gas emissions. And Anna-
14 Maria Galante earlier in the week, or was it last week now,
15 did some calculations to show that the greenhouse gas
16 emissions would be considerable from the number of the 48
17 suggested trips that the tankers would be making back and
18 forth.

19 And so I wanted to point that out, that
20 that's an increase to the global emissions that we've
21 already seen are unsustainable. That's just from one.

22 Now, obviously if we increase the number
23 of refineries and the shipping increases, then we have to
24 use the multiplier effects.

25 And from the Proponent's report, we've

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1 seen suggestions that the number of vessels per year from
2 the Canaport will be increasing 134 possibly. If the L&G
3 plants go ahead, we've got those predictions there.

4 And so if we find that the greenhouse
5 gas emissions from the shipping to and from the proposed
6 Digby Neck quarry is really too high, try to imagine the
7 further developments on this Bay of Fundy and what that
8 would mean.

9 We have to look at the impacts on the
10 biodiversity.

11 Ecosystem biodiversity gives rise to
12 healthier, more robust ecological communities that are more
13 effective at resisting climate change.

14 Biodiversity provides benefits
15 referred to by economists as "ecosystem services". And
16 economists estimate ecosystem services in 1997 to be worth
17 three times the global GDP.

18 So this is something that we haven't
19 really adequately assessed but which we really need to
20 consider.

21 Ecosystems are deteriorating at an
22 appalling rate because of the dominant economic system which
23 has led to a crisis in the majority of the world's
24 ecosystems.

25 The Bay of Fundy ecosystem demands

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1 respect and preservation of its biodiversity and integrity.

2 And so let's just look at the impacts,
3 then, on food security.

4 Major increases in shipping has the
5 potential to destroy small-scale sustainable fisheries and
6 costal communities.

7 If the White Point quarry results in 48
8 more vessels per year, consider how many vessels there would
9 be alongside North Mountain if quarries proliferated because
10 of KNIGHTIA.

11 We know now what impact would be on the
12 lobster fishery. We've heard that in these presentations.
13 We've just heard from the fisherfolk in this area about
14 that.

15 I listened to Mr. McKay's plea with
16 interest for a decision that recognizes the long-term
17 sustainable nature of Fundy eco-economy versus proposed
18 industrial development in general and the Whites Point
19 quarry in particular.

20 We need to recognize and calculate the
21 ecosystem services of the Bay of Fundy and to reject the
22 industrial development of Digby Neck. It is innately
23 morally, socially, politically and ecologically indefensible
24 given the already aggressive industrialization of the New
25 Brunswick side of the Bay.

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1 I think a few years back somebody said
2 to me that it's just a disaster in waiting. They've done
3 some kinds of probability calculations on oil spill in this
4 area, and it's very high likelihood now.

5 So if that isn't enough in terms of the
6 potential for oil spills and contamination of this Bay of
7 Fundy, there's more to come with the Atlantica plans for
8 super corridors, energy corridors, short haul shipping
9 routes and the SPP focus on Canada as a natural resource
10 base for the North American economy.

11 So that just gives you an idea of how
12 quarries relate to this whole North American entity which
13 some refer to looking towards North American union and which
14 comes under now the aegis of the Security and Prosperity
15 Partnership for North America which is promoting this kind
16 of an economy and promoting one which has a very, very high
17 level of transportation by, mostly, trucking.

18 So let's look at, then, the kinds of
19 impacts that this Atlantica, which is a part of the SPP.
20 It's taking the Security and Prosperity Partnership
21 framework for North America and looking at the Atlantic
22 region.

23 We would find Bay of Fundy shipping with
24 major increases. We're seeing the LNG plants.

25 We're seeing a projected super port of

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1 Halifax already under way, possibly another one up on the
2 coast of Guysborough.

3 We're seeing super corridors under
4 construction, and trucking and truck trains and so on are
5 going to be the preferred mode of transport.

6 So we have to look, then, at the
7 greenhouse gas emissions from this and how this quarry
8 actually fits into a larger picture. It's really important
9 to see this as part of a larger picture that's emanating at
10 this time.

11 GPI Atlantic's 2006 analysis, and that's
12 the Genuine Progress Index group under Ron Coleman that have
13 done tremendous analyses in terms of the impacts of the
14 global economy.

15 They show that Nova Scotia's
16 transportation system, with its heavy reliance on roads,
17 both for passengers and freight, is not sustainable and its
18 problems are growing.

19 Between 1990 and 2002, passenger travel
20 increased by 5.2 percent and truck freight traffic by 66
21 percent. Greenhouse gas emissions from heavy duty diesel
22 trucks increased by 54 percent and emissions from light duty
23 gasoline trucks, including SUVs, jumped by more than 60
24 percent.

25 So you can see the picture that's

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1 emerging here and how quarries will fit into that picture
2 and how the trends with quarries has shown that we need them
3 in remote places that can produce large amounts of the
4 aggregate for the global highways of the world, and that's
5 why we had the look up along the coast of Scotland for
6 Britain and European highways. And that's what we're seeing
7 here now.

8 The global transportation infrastructure
9 built to service the global economy brings a multitude of
10 negative consequences.

11 With export production, the central
12 feature of free trade, there's been a massive increase in
13 ocean shipping, air cargo transport, highway trucking, et
14 cetera, and corresponding increase in infrastructure.

15 The latter includes new highways,
16 seaports, airports, pipelines often built in pristine
17 wilderness on indigenous lands and in rural communities.
18 That's from Mander and Cavanagh: "Alternatives to Economic
19 Globalization", which is a reference I referred to earlier
20 in the presentation.

21 Ocean shipping has expanded more than
22 tenfold since the 1950s, primarily because of increased
23 commodity export activity from economic globalization.

24 Ocean shipping accounts for more than 90
25 percent of commodity trade shipments, with industry

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1 consuming more than 140 million tonnes of fuel annually,
2 polluting oceans, destroying wildlife and emitting carbon
3 dioxide.

4 Especially problematic is that most
5 ocean shipping is fuelled by very low quality oil, Bunker C,
6 and is extremely heavy polluter.

7 So many experts predict a doubling of
8 trans-oceanic shipping activity over the next 10 years.

9 So this is just to put the Digby Neck
10 quarry within that broader context of where globalization is
11 taking us.

12 And as I mentioned, a globalized model
13 which we know now is not sustainable and which other parts
14 of the world are trying to move away from.

15 So I ask the Panel to consider the
16 overall impacts of this unsustainable model and to consider
17 how we are going to get out of this destructive economic box
18 if we don't take a stand here on Digby Neck.

19 I also want to mention Elizabeth May did
20 some analysis of KNIGHTIA, and so we do know that that is a
21 threat. It's clear from DFAIT's presentation earlier in the
22 week, or was it last week, we know that KNIGHTIA is in place
23 to enhance the rights of investors.

24 We have no guarantee that KNIGHTIA won't
25 contribute to further export of aggregate and quarries if we

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1 permit Whites Point to go ahead. And this would lead to
2 devastating consequences for the Bay of Fundy, as I've
3 showed.

4 We know now that KNIGHTIA was over-sold
5 and there is a growing movement to abrogate KNIGHTIA.

6 The EIS guidelines in the SCC submission
7 in response to people's concerns, the SCC response to the
8 Bilcon EIS. Okay, I'm just looking at what the Sierra Club
9 of Canada has already spoken to in our various
10 interventions, and in the response to the Bilcon EIS, we had
11 six questions, and I don't think any of those were answered.

12 And then in the Public Hearings, June
13 2007 presentation on NAFTA Chapter 11 from DFAIT and the six
14 questions from the Panel Chair, we also recognized that our
15 concerns are not allayed at all, and I recall that the
16 Chairperson mentioned, after looking at the... After
17 hearing the presentation from the Department of Foreign
18 Affairs and International Trade representative, my reading
19 of your presentation was that this is a uniformed process,
20 except when it isn't. And when it isn't, that's when it
21 becomes challengeable, right? Okay.

22 So NAFTA Chapter 11 and the Environment,
23 there's an expectation from the evidence from past rulings,
24 such as **Ethyl, Methanex** and **S.D. Myers**, and Elizabeth May
25 covered that very adequately today to show us that there are

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1 severe limitations there for protecting the environment
2 under the regime that's set in place.

3 University of Toronto, Professor Stephen
4 Clarkson, on the **S.D. Myers** decision, said the arbitrators
5 decision was a flight of stupefying the legal logic which
6 discriminated on aberrant grounds, and according to
7 Professor David Boyd, the foremost Canadian environmental
8 law expert and author of "Unnatural Law, Re-Thinking
9 Canadian Environmental Law and Policy", the most detrimental
10 part of NAFTA threatening the Canadian Environmental Law is
11 Chapter 11, and he argues that Chapter 11:

12 "Offers protection from domestic
13 environmental legislation and
14 regulation, while providing an
15 unprecedented method for resolving
16 disputes, a process that runs counter to
17 international law, where Governments
18 historically were given access to
19 dispute resolution mechanisms."

20 There was a Canadian Commission, the
21 Commission on NAFTA study assessed environmental effects of
22 free trade, and they said indicators such as a greenhouse
23 gas emissions, loss of bio-diversity and loss of primary
24 forest and habitats did not display the kind of turning
25 point that was found for NO2 and SO2. Like that was not an

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1 issue, but the others are.

2 Instead, there appear to be a continuous
3 rise in greenhouse gas emissions or habitat degradation as
4 GDP per capita continued to rise. NAFTA's been shown to
5 lead to marginal increases in aggregate carbon monoxide air
6 pollution, as well. So although the evidence shows a robust
7 and direct trade/environment link in the transportation
8 sector, it relates to increased air pollution from freight
9 transportation, invasive species from entry of alien species
10 from expansion of transportation pathways.

11 So we have evidence, then, that in the
12 transportation sector, that this is going to lead to
13 increased pollution.

14 Also evidence of Governments, that
15 Governments have hobbled implementation of the environmental
16 sidebar of NAFTA. Again, Professor Stephen Clarkson, a
17 foremost authority in Canada on economic globalization and
18 on the North American integration, he indicated that...
19 Refers to the successes of the Commission on Environmental
20 Co-operation in supporting the ecologists' goals, but notes
21 that:

22 "This success has prompted the three
23 member states to hobble the nominally
24 successful super-national institutional
25 body."

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1 He suggests that:
2 "This failure of reality to meet
3 expectations was deepened by the
4 revelations of Chapter 11's true
5 potential to empower foreign
6 corporations and castrate democratic
7 government."

8 So I would also just quickly mention
9 that the Sierra Club of Canada, in its review of NAFTA
10 showed also that Canada received a failing grade for 11 out
11 of 13 years.

12 So we conclude that NAFTA was oversold.
13 That is a general conclusion now. The evidence continues
14 to grow from think tanks, academic centres, institutes,
15 political analysis and so on, and three Canadian political
16 parties are now calling for NAFTA to be rescinded.

17 According to University of Toronto
18 economist, Stephen Clarkson, again:

19 "NAFTA provided the constitutional
20 framework for locking in neo-liberal
21 policies and accelerating continental
22 economic integration."

23 And these are just some... I'm not
24 going to... I'm rushing now. I know I'm almost at the end
25 of my time, but these are some of the most egregious aspects

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1 of Chapter 11, the Investor State mechanism, Chapter 19...

2 THE CHAIRPERSON: Dr. Eaton?

3 Dr. JANET Eaton: Yes?

4 THE CHAIRPERSON: You're over time, so
5 could you...

6 Dr. JANET EATON: Yes, I'll sum up. Yes,
7 okay. Okay. I'm talking here about the security and
8 prosperity partnership, and how it has morphed into that,
9 and I just want to mention that we also have TILMA, inter-
10 provincial free trade agreement which is coming on board
11 now, which is also very threatening, and which overrides
12 some of our environmental rights.

13 And most worrisome is that in the
14 proposed economic union, Canada will be subservient to a
15 dominant world power which, under its present
16 administration, has clawed back and destroyed years of
17 progressive environmental legislation; what Robert F.
18 Kennedy, Jr. has called "Crimes against nature".

19 So the Government of Nova Scotia should
20 reject this quarry, regardless of the chill factor of NAFTA.
21 It should stand its ground, and reject NAFTA, as well. And
22 if, as the EIS report appears to indicate, the
23 Proponents(sic) foresees no implications at all in relation
24 to NAFTA, would they guarantee in writing never to use NAFTA
25 Chapter 11 against the Governments of Canada.

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1 So remember another world is possible.
 2 It's time to shift the dominant economic and energy
 3 paradigms. We only have limited time, and we need to move
 4 away from this paradigm, and remember that we can move
 5 beyond this kind of scenario. We do need to preserve Digby
 6 Neck, and we do need to stop the quarry.

7 And remember from Julia Sauers famous
 8 book on this very site of the quarry:

9 "Old Fundy beating on shore, clouds
 10 overhead, and the gulls mewing; the
 11 grandest spot on the continent, and your
 12 homeland".

13 Thank you.

14 THE CHAIRPERSON: Thank you, Dr. Eaton.
 15 Do we have any questions?

16 Dr. JANET EATON: Okay.

17 THE CHAIRPERSON: The Panel has no
 18 questions. Mr. Buxton? Over to you.

19 Mr. PAUL BUXTON: Thank you, Mr. Chair.
 20 I have no questions.

21 THE CHAIRPERSON: Questions from the
 22 audience, please?

23 **PRESENTATION BY Dr. JANET EATON, SIERRA CLUB OF CANADA -**
 24 **QUESTIONS FROM THE PUBLIC**

25 SISTER BARBARA: My name is Sister

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1 Barbara, and I'm from Rossway. Thank you for your
2 presentation. I'm glad that NAFTA's trying to be rescinded.
3 I was never for it, and am still not for NAFTA.

4 My question is the Governments are
5 always promoting to save the environment, but how do we get
6 the Government to practice what it preaches? Do they have
7 an environmental plan especially due to the Atlantica coming
8 on now? Has the Government got a plan for the environment
9 to save it?

10 Dr. JANET EATON: Yes, there is new
11 legislation in place, which, in theory, looks good, but I
12 think that as we've seen, and as we can see here, the broad
13 analysis does not often come into the picture, and I think
14 that therefore the legislation can be less effective.

15 And, for example, we... Well, I'm
16 sorry. I've lost my train of thought. Yeah, but I...
17 Yeah.

18 SISTER BARBARA: It does have a plan?
19 The Government?

20 Dr. JANET EATON: The Government
21 presently in Nova Scotia has a plan, yes, to try to limit
22 emissions, and to try to be within the framework, but I
23 think that often legislation is proposed, and the
24 legislators themselves don't see this big framework. And so
25 I think that it's...

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1 We really do have to broaden the picture
2 of analysis now, and make sure that Governments at all
3 levels understand the level of impact of this global
4 economic model, especially in an era when we're so
5 threatened by global greenhouse gas emissions. That now is
6 the one thing that we can really use to drive home the point
7 that his kind of unlimited global economic model is simply
8 not sustainable.

9 And I think I've presented some analysis
10 that shows that, just in relation to the Bay of Fundy, it's
11 totally unsustainable. And if you look at this quarry of
12 part of that whole overall impact, we can see that now's the
13 time to take a stand and start looking at a sustainable
14 future for this region, and which will then be for the
15 world, if we look at it, you know, in terms of the global
16 co-operation that's now necessary to shift this paradigm.

17 SISTER BARBARA: Thank you.

18 THE CHAIRPERSON: Thank you, Sister
19 Barbara. Mr. Hunka?

20 Mr. ROGER HUNKA: Roger Hunka. I was
21 quite interested in your raising of the Hudson case
22 subsidiarity, having an understanding that Canada bought
23 into the bio-diversity convention, and has proclaimed or
24 promoted that the values of Canadians are foremost.

25 And in reading the Hudson case, would

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1 you then say if there's a failure of the Federal Government
2 to act, or the Provincial Government to act, that the
3 Municipal or local Government can act? In other words, take
4 on that role, based on the Hudson case? In this case, if
5 the Federal Government won't [inaudible] that the community
6 could say we don't want it?

7 Dr. JANET EDEN: Well, certainly based on
8 Hudson, we can say that, you know, Municipalities can and
9 should act in regard to pesticide elimination, which was
10 what the case was specific for, but I'm not a lawyer, so I'm
11 sure it has broader interpretation, as well.

12 But I think it was a very significant
13 case, but it's very, very worrisome that under North
14 American integration, which is a very real possibility now,
15 if you're following what's going on. In late August, the
16 Prime Minister and Presidents of the three countries are
17 meeting to further that integration, so it's worrisome that
18 our own precedents, our own legal precedents within our
19 country could be overridden by a broader North American
20 integration process.

21 So that's why I believe that citizens
22 really now have to sit up and take notice of these
23 integration efforts that are going on, largely under the
24 radar screen of public scrutiny. Thank you.

25 THE CHAIRPERSON: Mr. Ackerman?

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1 Mr. JERRY ACKERMAN: Jerry Ackerman.

2 Thank you for what you've said, Dr. Eaton.

3 You did refer to corporate government,
4 and I think that's a key aspect of the total, but you did
5 not refer to making war on the world, and the role of
6 corporate governments in carrying that forward. Do you not
7 see that as a major global result in terms of the ecology,
8 and the diversity, and all the hit list that you list?

9 Dr. JANET EATON: The corporate...

10 THE CHAIRPERSON: Dr. Eaton, could I ask
11 you to be brief?

12 Dr. JANET EATON: Very brief.

13 THE CHAIRPERSON: We're really running
14 out of time now.

15 Dr. JANET EATON: Yeah, okay. Just the
16 corporate global economic model that we have seen gives very
17 short shrift to the broader values that we value here in
18 this democratic society, and so that is a major concern that
19 this point in time, that model is still being highly
20 promoted, and I think this is where we take a stand, and we
21 use our expertise and our awareness that Nova Scotia is
22 unique, and has a smaller-scale economy, and we need to
23 bring that forbearance, you know, to bear in this case.

24 THE CHAIRPERSON: I think we'll bring the
25 questions to a close, at that point. Thank you very much,

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1 Dr. Eaton.

2 Our next presentation, final
3 presentation for this morning, is Chris Miller. Dr. Miller,
4 identify yourself, and proceed.

5 **PRESENTATION BY CANADIAN PARKS AND WILDERNESS SOCIETY - Dr.**
6 **CHRIS MILLER**

7 Dr. CHRIS MILLER: Well, first of all,
8 thank you for the opportunity to be here today. My name is
9 Chris Miller. I'm a wetland scientist with a PhD from the
10 Wetlands Research Centre and Department of Biology at the
11 University of Waterloo. I'm also the Wilderness
12 Conservation Co-ordinator for the Nova Scotia Chapter of the
13 Canadian Parks and Wilderness Society.

14 The Canadian Parks and Wildness
15 Society is a national, non-profit organization that has been
16 working to protect Canada's wilderness since 1963. We have
17 20,000 committed members across the country, over 50 staff
18 and 13 different chapters, including the one right here in
19 Nova Scotia. Our organization is committed to using the
20 best possible scientific analyses to guide our decision-
21 making on conservation issues.

22 So today I will be providing expert
23 opinion on the potential impact of the proposed Whites Point
24 Quarry on a coastal wetland located within that study site.

25 The ecological significance of coastal

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1 wetlands is well known. These places provide nutrients to
2 marine ecosystems, spawning areas for fish, habitat for
3 migratory birds and rare species, and buffer zones against
4 storm surges and coastal erosion. They also purify
5 groundwater, control runoff and sequester carbon from the
6 atmosphere, to name a few.

7 They are truly remarkable ecosystems
8 that maintain ecological benefits disproportionate to their
9 size and prominence on the landscape.

10 To understand the particular
11 significance of the coastal wetland at Whites Point,
12 however, I must first step back a little bit. Worldwide,
13 there are two main types of coastal wetland systems, the
14 first being mangrove swamps located in the low latitudes in
15 the tropics, and the second being tidal salt marshes in the
16 temperate zones in the mid to high latitudes.

17 These two wetlands types account for the
18 majority of coastal wetland systems on the planet, and are
19 very well known to most.

20 Globally, however, there are other types
21 of coastal wetlands that are significantly less abundant.
22 One such example is coastal peatlands which only occur on
23 the planet where the circumpolar force zone encounters the
24 ocean. This includes right here in Nova Scotia, and
25 adjacent jurisdictions in Canada and New England, as well as

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1 parts of Northern Europe, Russia and Alaska.

2 The coastal peatlands are more
3 geographically restricted than mangroves or tidal salt
4 marshes and are much understudied by comparison. Not a lot
5 is known, for instance, about the nature and rate of their
6 [inaudible] evolution.

7 I spent five years investigating a
8 coastal peatland system in Nova Scotia at Sandy Bay in the
9 southwestern portion of the Province. It's not too far from
10 here. And what I discovered was when you start examining
11 the palaeoecology of these wetlands, you start uncovering
12 some interesting things.

13 For example, the coastal fen that I
14 examined at Sandy Bay, again, not too far from here, is very
15 old, having formed at a time when sea level was much, much
16 lower than present, and the coastline was actually located
17 hundreds of kilometres away on the Continental Shelf.

18 It turns out that this particular
19 wetland actually formed well inland from the coast as an
20 inland wetland system, and just happens to be located on the
21 coast today due to ongoing sea level rise. It is a coastal
22 wetland with an inland genesis and that's extremely unusual.

23 So the point here is that what you see
24 on the surface for these types of wetlands is not always
25 what it perceives to be, and that's why it's important to

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1 look deeper into the past to see how these wetlands form,
2 and understand their natural parameters in which they
3 operate, so that we can figure out, beyond a reasonable
4 doubt, how they will likely respond to anthropogenic
5 disturbances.

6 So why does this all matter? Well, it
7 just so happens that one of these interesting coast land
8 peatland systems occurs within the Whites Point study site,
9 and despite several requests to examine its palaeoecological
10 significance, the Proponent has not provided this
11 information in the Environmental Impact Statement.

12 The need to carry out a
13 palaeoecological assessment was brought to the Proponent's
14 attention on several occasions. In January 2005, I reviewed
15 the initial Environmental Assessment documents for the
16 Whites Point Quarry Proposal, and requested that the
17 palaeoecological significance of on-site wetlands be
18 investigated. This request was added to the wetlands
19 section of the EIS Guidelines by the Panel in March of 2005.

20 More specifically Section 9.1.3.3
21 requires the Proponent to examine the potential importance
22 of wetlands for palaeoecological studies, and again, Section
23 10.1.3.3 requires the Proponent to assess the value of
24 wetlands for their palaeoecological studies.

25 Over a year later, after that, when the

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1 Proponent released the initial Environmental Impact
2 Statement based upon those specific Guidelines, I was
3 surprised to see that the palaeoecological significance of
4 the wetlands on site had still not been investigated.

5 In my follow-up submission to the Panel
6 in August 2006, I pointed out that this omission had still
7 not been corrected. When the final Environmental Impact
8 Statement was released a year later, still, once again, the
9 document was entirely silent on the role of palaeoecological
10 analyses in assessing coastal peatlands on site.

11 No palaeoecological assessment was
12 carried out. There was only a blank space in the reference
13 table showing where the results of the palaeoecological
14 assessment should have been located. The comments was
15 merely "Noted", with no further discussion or evaluation,
16 and that, to say the least, was disappointing.

17 Because the coastal peatland on site has
18 not been assessed for its palaeoecological significance,
19 there's no way to independently determine how this
20 particular wetland will likely be impacted by the proposed
21 undertaking, and there is a reason for concern. Despite the
22 lack of baseline data provided by the Proponent, quarry
23 operations are proposed within the coastal peatlands sub-
24 watershed.

25 The wetland will also be cut off from

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1 its current source of water, perhaps even diverting an
2 ephemeral stream. It could also receive discharges from
3 redirected surface flow, some of which would be emanating
4 from the settle ponds, themselves.

5 And it will be located adjacent to a
6 rock storage pile, and the on-site processing facilities,
7 and my written submission with include maps that will point
8 out these features.

9 In addition to that, upon closer
10 inspection, it would appear that the Proponent has mis-
11 identified the wetland as a coastal bog. It is more likely
12 to be a coastal fen, judging by the slope of the wetland,
13 it's apparent dependence on surface flow and the presence of
14 marsh-like vegetation that is referred to in the Report.

15 This is a significant mistake, because
16 bogs and fens are very different wetland types. Bogs are
17 ombrotrophic meaning their source of water comes exclusively
18 from precipitation, while fens are ologotrophic and as such,
19 are dependent upon surface flows and groundwater inputs.
20 This sort of basic information is critical in developing a
21 proper strategy to protect the wetland, yet is largely
22 absent from the Environmental Impact Statement.

23 Without knowing the origins of the
24 coastal peatland, or its hydroseural(ph) history, one cannot
25 properly judge the potential impacts of the proposed

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1 undertaking on this wetland system, which the Proponent has
2 rightly identified as being significant and deserving of
3 protection.

4 Nor can one accurately determine if the
5 mitigative measures put in place would be sufficient to
6 protect this wetland, without that baseline information.
7 It's likely that the 30-metre buffer zone and the plan to
8 pipe water into the wetland from the quarry site are
9 insufficient mitigative measures, and that bigger exclusion
10 zones are needed, particularly given the absence of detailed
11 site-specific palaeoecological information for this wetland,
12 which was requested two years ago.

13 So, in conclusion, one, the coastal
14 wetland on site is significant and must be protected; two,
15 insufficient data is provided in the Environmental Impact
16 Statement to determine the likely impact of quarry
17 operations on this wetland; and three, the Proponent has not
18 assessed the palaeoecological significance of this wetland
19 as required by the Environmental Impact Statement
20 Guidelines. Thank you.

21 THE CHAIRPERSON: Thank you, Dr. Miller.

22 PRESENTATION BY THE CANADIAN PARKS AND WILDERNESS SOCIETY -
23 QUESTIONS FROM THE PANEL

24 Dr. GUNTER MUECKE: Dr. Miller, perhaps
25 just for context sake, why is the palaeoecological

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1 information on these wetlands of importance to us at this
2 time?

3 Dr. CHRIS MILLER: The palaeoecological
4 significance of wetlands gives you a window into the past,
5 and in particular, for that wetland which is of
6 significance, being a coastal wetland system on the Bay of
7 Fundy, where there's only 15 percent of those wetland
8 systems remaining. By understanding the palaeoecological
9 significance, we'll understand how this wetland formed, and
10 the natural parameters at which it changes over time, which
11 will allow us to judge how anthropogenic effects will likely
12 influence the wetland.

13 And basic information such as it
14 ombrotrophic, or it is ologotrophic is really important,
15 because it can tell you should we be pumping water into this
16 wetland, or should we not? How big of a buffer zone does it
17 need? Is it transgressing over time? Is it regressing over
18 time? Has sea level changed, influenced its hydroseural
19 development?

20 All of these basic scientific questions
21 can be addressed by examining the palaeoecological values
22 stored in the soils of the peatland, itself. Being an
23 anaerobic environment, it preserves microfossils extremely
24 well.

25 Dr. GUNTER MUECKE: Does it provide us

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1 with paleoclimate information?

2 Dr. CHRIS MILLER: Yes. In addition to
3 that, I would expect that the fossil pollen that's likely
4 preserved in the sediments to contain a record of landscape
5 change dating back to when the peatland first formed, and
6 that could give us some indications as to how climate has
7 changed in this part of Nova Scotia.

8 And on a global scales, Nova Scotia is
9 particularly well-positioned to understand global climate
10 change, being in the North Atlantic where the oceanic
11 circulation patterns are particularly sensitive to climate
12 change. And, in fact, if you look at the peat records of
13 the wetland I studied for my doctoral dissertation, there's
14 a very clear signature of the [inaudible] event, which was a
15 period of rapid warming, followed by a period of rapid
16 cooling in Nova Scotia at the turn of the last glaciation.

17 I would expect that this particular
18 period would provide clues about how this particular
19 environment in Nova Scotia will respond to future global
20 climate change. And, again, given the paucity of wetlands
21 in this part of Nova Scotia, there's not too many
22 opportunities left for us to have this window into the past.

23 Dr. JILL GRANT: Thank you, Dr. Miller.
24 That was very helpful. Can you please give us a better
25 understanding of the difference between a coastal bog and

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1 coastal fen, and why you would interpret the EIS to be in
2 error in defining this as a coastal bog?

3 Dr. CHRIS MILLER: Yes. There's five
4 main types of wetlands which can be broken down, using a
5 hierarchy, the first division normally being organic or
6 mineral. Both bogs and fens are organic wetlands, but the
7 principal difference between a bog and a fen is that a bog
8 is ombrotrophic meaning it gets 100 percent of its water
9 from the atmosphere; from precipitation. It's perched or
10 raised above the groundwater table.

11 A fen, on the other hand, relies upon
12 inputs of the groundwater and its surface flow, and as such,
13 has access to more nutrients and minerals in the groundwater
14 table. So it's a pretty basic, important distinguish to
15 make because it means is the water coming in or going out of
16 the wetland. Being a sloped fen, in my opinion, it seems
17 pretty clear that the water's flowing through the system,
18 and is not emanating outward.

19 But, again, we would want the baseline
20 information, and I'll note that the Panel specifically
21 requested the Proponent to carry out a series of transects
22 of cores, both parallel and perpendicular to the ocean, and
23 that was a specific request made to the Proponent, and the
24 response from the Proponent was that this would be done at
25 the mining permit stage, if it was requested by the Panel.

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1 And in my opinion, it was already requested by the Panel,
2 but was not undertaken.

3 THE CHAIRPERSON: Mr. Buxton?

4 Mr. PAUL BUXTON: Thank you, Mr. Chair.
5 I have no questions.

6 THE CHAIRPERSON: Questions from the
7 audience from the floor?

8 **PRESENTATION BY THE CANADIAN PARKS AND WILDERNESS SOCIETY -**
9 **QUESTIONS FROM THE PUBLIC**

10 THE CHAIRPERSON: Please come forward.
11 Miss Peach and please, yes, come forward. Anyone else
12 interested can just line over there.

13 Ms. JUDITH PEACH: Have you been on the
14 site? Have you seen the bog?

15 Dr. CHRIS MILLER: I've not walked on
16 the bog, itself, but I've observed it using satellite
17 imagery.

18 Ms. JUDITH PEACH: From the air?

19 Dr. CHRIS MILLER: Yes, that's correct.

20 Ms. JUDITH PEACH: If you were on the
21 site, what would you look for to determine whether it was a
22 bog or a fen?

23 Dr. CHRIS MILLER: Well, there's things
24 that you can notice right away, like the type of vegetation.
25 Bogs tend to be more nutrient-impoverished, so the plants

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1 that grow there tend to be a different variety, different
2 types than plants that require more nutrients. So you get
3 species like the Pitcher Plant which is insectivorous so to
4 get the nutrients it needs, it needs to capture insects.
5 With a fen, you tend to find more sages and grasses.

6 So that would be my quick initial
7 assessment. Then I'd want to take a couple of water
8 samples, and other measurements to actually determine what
9 the concentrations of nutrients area. And in addition to
10 that, I would want to take a series of cores so I can
11 measure the depth and do some work on the groundwater table.

12 Ms. HEATHER STEWART: Heather Stewart,
13 and I'd like to ask you a question about the Proponent's
14 proposed 30-metre buffer around our preservation zone,
15 around the coastal bog. Do you (a) feel that buffers are
16 adequate, and do you feel that this specific buffer is
17 adequate?

18 Dr. CHRIS MILLER: Thank you for that
19 question. I read through the Report, looking specifically
20 where they came up with the 30-metre figure, and I couldn't
21 find it, and that's one of the reasons why you want to
22 understand the particular site-specific requirements of that
23 wetland.

24 If it's dependent upon water flowing
25 into the system, you'll need a much bigger buffer zone than

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1 if it's a bog system where the water's flowing out, as one
2 example.

3 So in terms of what's an adequate
4 buffer, it's hard to say without that information. A
5 precautionary approach would require, in my opinion that the
6 mine not penetrate the watershed that that bog is dependent
7 upon, at the very least until we have a better understanding
8 of how that wetland formed, and how it's likely to change in
9 the future.

10 Ms. HEATHER STEWART: Could I ask a
11 second question?

12 THE CHAIRPERSON: A follow-up, yes.

13 Ms. HEATHER STEWART: Also, a
14 constructed wetland has been proposed for the 50-year
15 closure. It will be a runoff ditch which will essentially
16 take processed materials from the upper end, which is the
17 southwest corner, into along the preservation zone and down
18 into this coastal fen.

19 Could you give us a comment on how you
20 think that might affect the fen?

21 Dr. CHRIS MILLER: I'm not an expert on
22 wetlands per se. I haven't examined that specifically, but
23 I did note that one of the potential outflows of the
24 settling pond is directly into this coastal fen system and
25 then into the ocean.

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1 And I would have concerns about what
2 suspended particles or what other dissolved minerals or
3 pollutants are in that water, and I'd want to make sure that
4 there's a monitoring program in place that can assess that.

5 And I also note that that was a specific
6 request made by the Panel as well at an earlier phase of
7 this Review was asking for clarification as to what's going
8 into that bog and why.

9 And in my opinion, the response from the
10 Proponent was unsatisfactory.

11 Just to follow up on the buffer zone
12 thing, a good example to use is watercourse for forestry
13 industry where they quite often use buffer zones. And
14 you'll see some of the more progressive industrial forest
15 companies here in Nova Scotia moving toward 100-metre buffer
16 zone.

17 And that would be to mitigate just the
18 removal of trees and not the removal of soil in particular.

19 So, in my opinion, I would think that a
20 30-metre buffer zone would be inadequate, particularly given
21 the absence of information specific to that wetland.

22 THE CHAIRPERSON: Thank you. Additional
23 questions?

24 Mr. PAUL BUXTON: Mr. Chair, maybe I
25 could make a comment here, and I'm sure that the Panel has

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1 already got this.

2 But we have stated very clearly in the
3 EIS and in responses to the Panel and in this series of
4 hearings that never, at any time, was water contemplating
5 going from the constructed wetland into the bog. It was
6 simply a misinterpretation, I don't know who by.

7 It has never gone from the wetland into
8 the bog.

9 Dr. CHRIS MILLER: I appreciate that
10 clarification. I have a clarification of my own.

11 If you look at the map and the location
12 of the settling pond, it's actually situated on top of the
13 ephemeral stream, the temporary stream which flows into that
14 bog.

15 So although that particular settling
16 pond may not empty out directly into that bog, it'll be
17 located in a position that right now is naturally providing
18 water to that wetland system.

19 And in fact, a couple of the maps which
20 are provided shows pipes diverting at either underneath the
21 settling pond or around the settling pond into the bog, so I
22 would have concerns and would need more information.

23 I do not accept what you're suggesting,
24 that there will be no impacts just because the sediment pond
25 does not influence the bog directly.

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1 Dr. GUNTER MUECKE: Mr. Miller, in our
2 discussions during the last two weeks, one of the concerns
3 that has arisen is about residues of ANFO that are or may be
4 generated involving ammonium and nitrates there's a
5 possibility of these nitrates getting into the groundwater
6 system.

7 From what you just have said, if the
8 nutrient content of the influxing waters, be they surface
9 waters or groundwater, reached what you call a fen, what
10 would be the consequences, do you think?

11 Dr. CHRIS MILLER: One of the key
12 characteristics of a coastal peatland, either a coastal bog
13 or a coastal fen, is that they tend to nutrient impoverished
14 wetland systems naturally.

15 They don't have a lot of nutrients
16 compared to, say, a tidal salt marsh, which would have a lot
17 of nutrients. So one of the main issues with the long-term
18 management of these types of wetlands is the fertilization
19 of them, either on purpose or accidental, a process that we
20 refer to as eutrophication.

21 And so the concern I would have would be
22 that this would add nutrients to a wetland where the species
23 that inhabit that particular system are dependent upon
24 nutrient impoverished conditions.

25 It would fundamentally change the

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1 communities of that wetland site, which is important, and on
2 a global scale is a wetland type that is not as abundant as
3 some other coastal wetland types.

4 In addition to that, this is an alkaline
5 environment, which makes it a particularly interesting
6 peatland for academics like myself to study where you have a
7 wetland system, which would be normally acidic, potentially
8 having alkaline conditions.

9 THE CHAIRPERSON: Okay. No additional
10 questions? Fine.

11 Thank you very much, Dr. Miller.

12 We will break now until 1:15.

13 --- Recess at 12:05 p.m.

14 --- Upon resuming at 1:15 p.m.

15 THE CHAIRPERSON: Ladies and gentlemen,
16 we'd like to begin.

17 Before I call the first presenter,
18 there's something I omitted this morning that I should have
19 mentioned, and that is the business of undertakings.

20 As you're all aware, initially
21 undertakings were spaced out in a more or less even fashion.
22 Then, all of a sudden, they became bumped to the last day.
23 Well, the 29th. Not the last day tomorrow, so a number of
24 them are due at the moment.

25 And over the last 24 hours, we received,

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1 I think, 34 of them, so they have come in with a rush.

2 I'm not going to even read the numbers
3 for you. It would take too long. You wouldn't remember it,
4 I think. So the easiest thing to keep in mind is that a
5 list of all the undertakings that have been requested and
6 with an indication of those which have been received are
7 available at the Secretariat.

8 So anybody who wants that information
9 can access it very easily that way.

10 I should also point out in addition to
11 the ones that have already been received, I believe the
12 number still outstanding is 25. So there are 25 requests
13 for information which have not been received yet.

14 And once again, you can find that
15 information from the Secretariat.

16 We begin the afternoon session with
17 Dean Kenley, please.

18 **PRESENTATION BY Mr. DEAN KENLEY**

19 Mr. DEAN KENLEY: Mr. Chair and Panel
20 members, thank you for this opportunity.

21 My name is Dean Kenley, and I own and
22 operate the Fundy Complex here in Digby. The Fundy Complex
23 consists of, the backbone business is the Fundy Restaurant.

24 As well, we have another restaurant
25 downstairs, two liquor establishments, a gift shop, a

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1 tourist attraction and some four-star suites.

2 Our latest addition three years ago was
3 a whale-watching company called The Dockside Whale Watching.

4 Here again, we operate right out of Digby and we launch
5 from the marina right here in town.

6 We're open year round, and in the winter
7 time we employ between 24 to 28 full-time and part-time
8 people. In the summer time, peak season, right now where
9 we're heading, we're employing between 60 to 75 people,
10 which will peak in August.

11 The whale watching part of it itself, we
12 employ three full-time and four part-time people. There's
13 sales staff, we have three Captains, myself, and two First
14 Mates for the vessel.

15 We operate on a steady basis and, for
16 example, in the last three days we've done six tours and had
17 successful sightings five out of the six tours. That's in
18 the last three days.

19 I, myself, have done one tour this week,
20 which was Wednesday night. We went out at 5:00. We had 17
21 passengers.

22 We went right out through the gut here,
23 and I started west northwest just off the lighthouse, and
24 within three-quarters of a mile we sighted two minke whales
25 and we sat there with the passengers for 15 or 20 minutes,

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1 let the passengers view the whales, took some pictures.

2 And then, after they swam off, we turned
3 west southwest and headed directly towards a rock we call
4 Seal Rock. It is just east of Gulliver's Cove.

5 Just so we have some bearing here, if
6 I'm not mistaken I think the lighthouse here in Digby is
7 approximately 12 to 15 miles east of Whites Point.

8 So we headed towards Seal Rock. And
9 Seal Rock is right on the coast. At Little Water there's
10 about a 30-foot span that separates this rock from the
11 coast. And the seals are usually there at low tide, which
12 the tourists enjoy seeing.

13 So we're just about approaching Seal
14 Rock and there's another whale right there just off of Seal
15 Rock, so it might have been 100 metres from shore. So we
16 stopped, sat there and watched that whale for a while, and
17 then proceeded down to Seal Rock.

18 Once the tourists had some pictures of
19 the seals, we continued west towards Gulliver's Cove, and
20 within a short period of time there were two more whales.
21 One was a minke whale and the other one was a finback whale.

22 And these two whales were within 50 to
23 100 metres of the shore, of the coast.

24 All of our sightings over the last three
25 years have been very, very close to shore. The closest one

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1 that I remember was two years ago, and it was a pair of
2 right whales. And it was right at the beginning of
3 Gulliver's Cove, which would be anywhere from seven to 10
4 miles east of Whites Point.

5 And these two whales, these two right
6 whales, to me, initially, I thought they were just rolling
7 in the water and possibly, for one moment, I thought they
8 might have been mating.

9 But three days later, the locals
10 corrected me, and what it is, they go in close to shore
11 where they can have their head above water and they rub
12 their bellies on the rocks. So the local informed me.

13 He said, "No, they weren't rolling or
14 mating", he said. "They scratch their bellies on the
15 rocks."

16 And these whales were within 50 to 100
17 feet of the shore, very, very shallow water.

18 These are the things that I've
19 experienced and seen myself in the last three years, and
20 this last trip that I just spoke of was just Wednesday
21 night, just two days ago.

22 I'm very, very concerned that this
23 project that we're here discussing is going to alter this.
24 I don't see any positive effect whatsoever that can come out
25 of this to help us or improve our business. I can only see

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1 negative effects.

2 I've got no scientific or biology
3 background, but I try to do quite a bit of research on the
4 Internet myself. I couldn't find any data or research done
5 that compared blasting on shore and the effects it had on
6 whales in the ocean.

7 The only data I could find was off
8 Virginia that was done by the US Navy, and it was blasting
9 in the water.

10 So my thought is there's no hard
11 evidence here that could show that it will not affect the
12 ecosystem and the whales. And for that being said, there
13 has to be a negative effect from this and, if not, there's
14 just too many unforeseen and too many unknown factors here
15 that could affect this.

16 We're directly above that site, and
17 the least little bit of change in the ecosystem can
18 seriously affect our whale sightings and my business. And
19 we're quite a major player and quite a major employer in the
20 Town of Digby.

21 I mean, we've talked about jobs here and
22 I've heard many comments about it. We take the jobs that we
23 create seriously. Like I say, the whale-watching division
24 of our business alone creates seven full and part-time
25 jobs.

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1 I've always been pro industry and pro
2 business, and there's no doubt that 34 jobs are badly needed
3 here, but I think we have to look at the big picture and
4 realize that there's a lot more than 35 jobs that are at
5 stake if this project ends up creating the negativity that
6 everyone seems to think it will.

7 I just strongly feel that the least
8 little change in that area to the ecosystem, whether it's
9 micro-organisms or the krill or the herring or the mackerel,
10 it could easily alter the migrational direction of these
11 whales and thus could ruin that part of our business.

12 And there would be a lot of indirect
13 spinoff as well because it has become a very strong part of
14 our complex. We have people that come stay with us that go
15 whale watching. They stay in our suites. They have
16 breakfast at our restaurants. They have dinner at our
17 restaurants and then they come in, relax, and have drinks
18 and entertainment on the weekends as well.

19 So it's not just one part of our
20 business. It's the spinoff from that part as well.

21 I'll try and keep this short. I just
22 wanted to make it clear that there is a local whale-watching
23 business here. We operate right out of Digby, and I
24 seriously think that this could alter it in a negative way.

25 THE CHAIRPERSON: Is that what you had to

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1 say?

2 Mr. DEAN KENLEY: Pardon me?

3 THE CHAIRPERSON: Are you finished?

4 Mr. DEAN KENLEY: Yes.

5 THE CHAIRPERSON: I have a question for
6 you.

7 Mr. DEAN KENLEY: Sure.

8 **PRESENTATION BY Mr. DEAN KENLEY - QUESTIONS FROM THE PANEL**

9 THE CHAIRPERSON: Do you ever see any
10 right whales in that close?

11 Mr. DEAN KENLEY: Those two, that
12 sighting that I saw was right whales.

13 THE CHAIRPERSON: Oh, I thought you said
14 minkes and fin.

15 Mr. DEAN KENLEY: That was Wednesday
16 night.

17 THE CHAIRPERSON: Oh, I see.

18 Mr. DEAN KENLEY: The two whales that I
19 saw in close to shore, they were the ones that were rubbing
20 their bellies.

21 THE CHAIRPERSON: Oh, the ones who were
22 rubbing their bellies were right whales.

23 Mr. DEAN KENLEY: Yeah. That was two
24 years ago I saw them.

25 THE CHAIRPERSON: Oh, I see.

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1 Mr. DEAN KENLEY: And I saw that
2 personally. I've got photographs.

3 THE CHAIRPERSON: Sorry. I thought you
4 were still talking about minke.

5 Mr. DEAN KENLEY: I mean, we were in
6 close enough watching them. I was Captain of the boat that
7 day. I'd keep one eye on the whales and I kept looking down
8 because we were in such shallow water I was afraid of going
9 aground. And they were very, very close.

10 THE CHAIRPERSON: One other question I
11 have for you, are you unique amongst the business community
12 in Digby with regard to your feelings to this project?

13 Mr. DEAN KENLEY: The business
14 community in Digby, I can't speak on that, to be honest with
15 you, because I work seven days a week and I stay within my
16 own business. And I really haven't had any deep discussions
17 with any other businesspeople.

18 I mean, it takes a full-time effort to
19 run a business in this area, and I spend a lot of time in
20 it, so I can't really speak for any other businesses.

21 THE CHAIRPERSON: Thank you.

22 Dr. GUNTER MUECKE: You mentioned that
23 for this particular trip the seal colony off Seal Rock, I
24 believe it is, formed part of the trip.

25 Is that a regular part of your route in

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1 terms of to show them to the tourists, and what effect do
2 you think the quarry would have on the seal population and
3 how close is Seal Rock to the proposed quarry?

4 Mr. DEAN KENLEY: That's a good question.

5 Yes, it's a normal part of our tour.

6 What happens is, if the tide's about halfway, about half
7 full or half empty, however you want to explain it, on the
8 way down the rock is exposed and the seals are normally
9 sunbathing on top of the rock.

10 If the tide is halfway and up, the rock
11 is usually covered and they're usually out fishing. That's
12 what they do. When the tide's up, they get off the rock and
13 go fishing.

14 If it's lower tide, we usually head
15 directly to the rock so they can view the seals, but at a
16 higher tide we usually don't bother.

17 The effects of the quarry, as I
18 mentioned, if there's any negative impact on the ecosystem,
19 you know, the krill, the herring, these seals eat just about
20 everything. They're like scavengers.

21 So if there's any negative effect there,
22 it's going to have to affect these seals, yes.

23 Dr. GUNTER MUECKE: A bit of a follow-up
24 on that.

25 To your knowledge, do other whale boat

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1 operators or ecosystem boat operators use the seal colony as
2 you do?

3 Mr. DEAN KENLEY: Well, here again I
4 can't speak for the whale-watching firms off the Island or
5 Digby Neck. There's more down there.

6 We're the only one that operates out of
7 Digby. There used to be another company, but he folded
8 about two years ago.

9 But down off the Islands, I know there's
10 eight or 10. And I can't speak for them. I'm not sure if
11 there's seal colonies down on the Islands.

12 I know they don't come up this far, the
13 other whale boats.

14 And speaking of sightings and stuff, I
15 know there's been some discussion about looking for whales
16 with binoculars and things, and it's very difficult to spot
17 these whales sometimes.

18 When they come up and then dive again,
19 sometimes it's a split second. I mean, they don't come up
20 and play for very long.

21 And most of the times we do have
22 sightings, like Wednesday night we had 17 people on board
23 plus the two crew. There were 19 of us. And that's when
24 it's easier to see whales 'cause you've got more eyes
25 looking.

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1 But I've been out there myself before
2 and, I mean, you have to scan really fast. And I mean, I've
3 had fishermen who have come in who have spoke to me at the
4 wharf or in town after a tour and they say, "What channel do
5 you stay on in the VHF?"

6 And I'll tell them, "Well, we usually
7 stay on 16." "Well, I was hollering at you trying to get
8 you on channel 6 or channel 8", he says. "You guys were
9 there looking around", he said, "there was two minke right
10 behind you playing."

11 So they're there, but sometimes they're
12 hard to see, you know. You're right there amongst them
13 sometimes and you miss them. It's a very short window that
14 you see them. They spend 90 percent of their time under
15 water.

16 Dr. GUNTER MUECKE: Thank you.

17 THE CHAIRPERSON: Mr. Buxton?

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

19 I have no questions.

20 **PRESENTATION BY Mr. DEAN KENLEY - QUESTIONS FROM THE PUBLIC**

21 Mr. ANDY MOIR: Andy Moir from Freeport.

22 Just a question so I have it clear in my mind.

23 The folks on your boat when they're out
24 there, would they actually be able to see the quarry at
25 Whites Cove and, if so, what impact do you think that might

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1 have on their ecotourism experience?

2 Mr. DEAN KENLEY: From the water side,
3 I'm not exactly sure where Whites Cove is. I don't think we
4 go down that far.

5 You might be able to see it in the
6 distance, but physically, I don't think the sight of it
7 would come into play in a negative way to the tourists, no.

8 THE CHAIRPERSON: Any additional
9 questions? Apparently not, so thank you, Mr. Kenley.

10 Mr. DEAN KENLEY: Thank you.

11 THE CHAIRPERSON: The next presentation
12 is by Judith Peach, Nora Peach, and I gather Wanda Van
13 Tassel will be also involved.

14 **PRESENTATION FROM Ms. JUDITH PEACH, Ms. NORA PEACH AND Ms.**
15 **WANDA VANTASSEL**

16 Ms. JUDITH PEACH: Although I respect
17 you as equals and appreciate the hard work you've put into
18 this review process, I do not thank you for giving us the
19 opportunity to speak today.

20 Public involvement in this process is a
21 right, not a privilege. We will be giving three
22 presentations. The first two will be very short in order to
23 give Wanda Van Tassel the bulk of the allotted time.

24 Ms. NORA PEACH: I am Nora Peach, a year
25 round resident of Digby Neck. The photographs that

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1 accompany this presentation, with a few obvious exceptions,
2 are scenes of Digby Neck.

3 This area rivals Brier Island in beauty,
4 peacefulness and cultural heritage.

5 I am concerned about the violence this
6 project would impose on the people and the environment of
7 Digby Neck. I see a mega quarry as alien to this place.

8 Removing the rock we stand on and
9 shipping it away is a violation of our landscape and
10 heritage.

11 There is also another dimension to this
12 violence. The people who depend on the land and sea for
13 their livelihood, as their ancestors did before them, have
14 not had an adequate say in the process, not just the CEAA
15 Joint Panel Review process, but also they have not been
16 consulted about their vision for the future.

17 The Provincial Government's policy is to
18 encourage this type of development, and it proceeds secretly
19 until we find out.

20 I believe we, the people, have the right
21 to decide for ourselves what is sustainable development, and
22 we need to start exercising our right to self-determination.

23 This mega quarry proposal is reminiscent
24 of the thinking of the 1960s when Canada's resources were
25 just there to be extracted for profit with no thought or

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1 understanding of the potential negative effects on the
2 environment, including the local residents. We should know
3 better by now.

4 Paul Buxton has done some very good
5 things for Annapolis County over the years, but I believe he
6 looks down on Digby Neck, the place and the people.

7 We on Digby Neck have some progressive,
8 sustainable ideas for development in the area. Perhaps Mr.
9 Buxton should refocus his energy on the good development he
10 has done in the past.

11 Our society is so full of violence, it
12 is important for there to be non-industrialized places that
13 people can visit to renew their spirits.

14 I'm reminded of Paul's Letter to the
15 Philippians:

16 "Finally, brethren, whatsoever things
17 are true, whatsoever things are honest,
18 whatsoever things are just, whatsoever
19 things are pure, whatsoever things are
20 lovely, whatsoever things are of good
21 report, if there be any virtue and if
22 there be any praise, think on these
23 things."

24 Ms. JUDITH PEACH: I'm Judith Peach. I
25 have five points to make.

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1 First, this is a decision about the
2 proposed project, not an evaluation of the Proponent's
3 competence.

4 Second, there is insufficient baseline
5 information with which to predict environmental effects.
6 You don't know Digby Neck well enough, through the EIS, to
7 know how this ecosystem works.

8 For example, data is foggy on existing
9 hydrogeology, local human culture and economy and the marine
10 environment.

11 Third, there's insufficient engineering
12 detail of this project to be able to confidently predict
13 environmental effects.

14 The conceptual design is, by definition,
15 preliminary. Even municipal level project reviews require
16 detailed engineering design.

17 The CEAA Joint Panel Review is one of
18 the most stringent environmental reviews in Canada. It
19 should include a cumulative effects assessment.

20 The environmental effects of this
21 project should also be examined in the context of other
22 existing and proposed projects in the area.

23 Fourth, we can't depend on the Nova
24 Scotia Government to adequately assess the final version of
25 the project or to adequately regulate the construction,

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1 operation or reclamation phases. We can't depend on our
2 Federal Government to protect the local fisheries from
3 industrial and marine accidents at White Cove.

4 Finally, this project is, by nature,
5 unsustainable on many levels. The product is a non-
6 renewable resource. The economic gains promised by the
7 Proponent may be limited or outweighed by negative economic
8 and social effects, and we cannot continue to increase
9 greenhouse gas emissions.

10 The Government of Canada seeks to
11 achieve sustainable development by conserving and enhancing
12 environmental quality and by encouraging and promoting
13 economic development that conserves and enhances
14 environmental quality.

15 Ms. WANDA VAN TASSEL: Hi. My name is
16 Wanda Van Tassel, and I live in Gulliver's Cove. And what I
17 do for a living is I do periwinkles, I have a tourist home
18 and I have a company, Fundy Dulce.

19 Me, as well as many in our community, go
20 dulcing from the areas. There are people who do this from
21 Victoria Beach down along Digby Neck and right to the
22 Island. There's all different types of fishers that do
23 this.

24 This is some of the areas where the
25 dulce is picked from, and I guess what I need to say is that

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1 I'm really worried for the future of myself and others with
2 tourism, fishers of all the different industries we've
3 heard.

4 And this is a part of Gulliver's when
5 you're coming down to the end.

6 Danny Mills summed it up when he talked
7 about our community, and I want to thank him for saying that
8 because we're proud of who we are and what we do.

9 We work very hard in our areas, and we
10 don't want to see bad things come here because if something
11 bad happens, then what's going to happen to us with the
12 settlement(sic) ponds if the water flows up and this stuff
13 comes from the pond. The settlements could land on the
14 dulce, and how many pickers could be out of work.

15 We're worried about invasive species
16 and micro-organisms, and the reason why, if these do come
17 here from the ballast water and they begin to grow, then
18 could they not wipe out our marine plants?

19 Other quarries coming to the area into
20 Gulliver's. We've heard rumours.

21 Last summer there was a man that was
22 down to the beach, and he was with a firm. And it's Jacques
23 Whitford. And when he come to the area, my husband began to
24 talk to him.

25 And he said why he was there was the

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1 people that own the 1150 acres across from where I live was
2 seeing if it was possible to put a wharf in. He began to
3 ask Calvin questions on if people fished from there and what
4 we did.

5 What I feel, if Whites Point quarry
6 comes in here, I do feel great potential for other quarries
7 coming in, and I think we need to look at that.

8 And then what could be affected? The
9 quality of dulce and the periwinkles, the dulce pickers and
10 the winklers and our future if we lose these jobs. We don't
11 have a lot to gain.

12 This is another area, and this is a
13 young lady that lives in the community. She works very
14 hard. She's now in college, but she still comes here and
15 she'll pick dulce and make money for herself to help her out
16 with college or whatever.

17 Jobs at the quarry, do we need them?
18 Would we do them?

19 This is my husband. He's pulling in the
20 boat in Gulliver's Cove, so that's when the dulce is done
21 and picked and he's coming back home. Then he puts the boat
22 on and brings it home.

23 This part here is suggestions for the
24 Panel. I believe that a plebiscite needs to happen, and I'd
25 love for you guys to come down the Neck and see for

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1 yourself.

2 Questions for Bilcon. Why hasn't the
3 Claytons been available to answer questions during this
4 hearing? Why did Bill, Junior wait until after the hearing
5 to visit Digby?

6 I had a lady call me, and she was doing
7 a survey. And in this survey, she asked me a lot of
8 questions about the area and what I felt about it, and I've
9 only got 10 minutes, so I can't take up all my time, but I
10 am scared for what's going to happen.

11 I will answer any questions you have on
12 dulcing, periwinkling and hand-lining, weather in the ocean,
13 conditions in the near shore waters, local tourism, the role
14 of my environment on the way of life, effects of this
15 project on my community now and in the future, Digby Neck
16 culture, environment and local economy.

17 Thank you.

18 THE CHAIRPERSON: Thank you, ladies.

19 PRESENTATION BY Ms. JUDITH PEACH, Ms. NORA PEACH AND Ms.

20 WANDA VANTASSEL - QUESTIONS FROM THE PANEL

21 Dr. JILL GRANT: Ms. Vantassel, I wonder
22 if I could ask you a few questions about winkling and
23 collecting dulce?

24 Can you give us an idea of how many
25 people are involved in the harvest of these materials in

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1 Digby Neck region?

2 Ms. WANDA VANTASSEL: Well, on the winkle
3 part of it, there is a buyer, and he buys winkles from a lot
4 of the local pickers in the area. And what he has given me
5 on that is there's 96 winklers that they bought from in
6 2006.

7 In the dulcing part of it, I'm not 100
8 percent sure, but I would say it's 50, 60 people that do
9 this.

10 Dr. JILL GRANT: And what contribution
11 does this make to people's income? Is it the major source
12 of income for some people, or is it one of the many things
13 that people engage in? Is it part of making a living?

14 Ms. WANDA VANTASSEL: It is. It's a part
15 of making our living. And that's why I do different things
16 in the areas, as many other people do.

17 They dulce. Some of them may have other
18 jobs when that's over that they do. I open the tourism home
19 as a part of another way that I can make a living.

20 Dr. JILL GRANT: Are there particular
21 seasons for winkling and collecting dulce?

22 Ms. WANDA VANTASSEL: Okay. With
23 winkling, you can do that year round. With dulcing, you can
24 start that in April. You'd end the end of September, the
25 first part of October.

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1 THE CHAIRPERSON: Ms. Vantassel, does the
2 natural resources of winkles and dulce, does that sustain
3 all the individuals that you mentioned, 90 on one hand, 60
4 on another?

5 Is there enough dulce and enough winkles
6 around to keep everybody supplied or, put it another way, is
7 that if 20 or 30 more people became involved, would the
8 environment still sustain that?

9 Ms. WANDA VANTASSEL: Okay. On the
10 winkles, people have done this for quite a few years. And
11 what I personally find with doing that is there's not as
12 many around as what there was, but what the divers are
13 saying is outside, they're seeing all kinds.

14 So what's happening is, depending on
15 the temperatures of the waters and stuff like this, the
16 winkles keep coming in, so then when you go on the tides to
17 pick them.

18 With the dulcing, dulcing has been here
19 for generations. My husband, as a child, used to go
20 dulcing. His parents used to go dulcing, as many other
21 people in that area have.

22 And what we found there is, to me, I
23 don't really see a big problem. When you go and pick, the
24 tides are every two weeks. There's a big set of tides and a
25 small set.

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1 On these tides, when we first start out,
2 it's just starting to grow. Then, on the next set of tides,
3 it's grown thicker and better. Then, when we return to go
4 back to that, it's even better.

5 And by the end of summer, it grows
6 really good.

7 We have different areas where we travel
8 to go and do this, so it's not just one beach being picked
9 all the time. But so far, what I've seen, I do know that,
10 you know, there's no rules. There's no regulations. But
11 people have done this for a very long time.

12 THE CHAIRPERSON: I have a question for
13 all three ladies. One can answer it, but all could answer
14 as well.

15 Do you think your community's in a state
16 of decline?

17 Ms. NORA PEACH: A state of transition,
18 and...

19 THE CHAIRPERSON: Where is it
20 transitioning to?

21 Ms. NORA PEACH: Well, I think there
22 could be more small business. There is some already. And
23 the people have so many interests and skills, I think they
24 could take care of things.

25 There's trail work to be done. There's

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1 places for visitors to be welcomed for accommodation and
2 meals and so on. Local investment could create jobs. Some
3 of us are willing to work on that one for small loans and
4 that sort of thing for people.

5 There's a discovery centre talked about
6 and being developed and work towards the sustainable
7 fishery, which could bring the fishery back to the way it
8 was.

9 And I think that we need some land use
10 planning. We have so many ideas we'd like to be able to
11 work on that and not to be focussing on the quarry and
12 whether it's coming or not and what our future's going to be
13 here.

14 THE CHAIRPERSON: Ms. Vantassel, can you
15 add anything to that?

16 Ms. WANDA VANTASSEL: I would like to
17 add about the tourism. I am a member of the Digby Area
18 Tourism Association, and I hear a lot about, you know, what
19 is tourism, like what is the extent and what can happen and
20 how things can grow.

21 And I know that the Nova Scotia Tourism
22 Human Resource Council, they put on a program last year, and
23 this program was to have younger people come in, and it was
24 called "Welcome, Ready to Work". And it's tourism careers.

25 In this career thing, there was around

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1 12 people that had come to this course, and I was one of the
2 12. I wasn't paid for going. I wanted to do this. I
3 wanted to learn.

4 In this, at the end of it, we had nine
5 different certificates given to us. The younger ones were
6 paid to do this course, and at the end of this, the young
7 ones were to give a resume and the tourism people would help
8 them try to find jobs.

9 So I believe that the tourism industry
10 is working towards the younger people in our areas.

11 I do know that, right now, there is
12 natural resource based, and it's with wildlife, and there's
13 a plan out there. And I don't know if you received a copy
14 yet or not, but the plan is there.

15 And in Gulliver's Cove, one of the
16 destinations for bird watching is down close to the water
17 where there's a pond. I do know that there are plans on
18 doing trails in certain areas, having walkways. It's all
19 nature based.

20 It's not four-wheelers and stuff like
21 that. It's just nature trails to go and see some of the
22 stuff and the beauty that we have.

23 And I guess the other thing that I'd
24 like to say, when I heard about people saying that this
25 quarry could bring attractions to the area, in Gulliver's

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1 there was a couple signs that come up in through the Cove
2 within the last couple weeks.

3 We had visitors come to stay for a
4 couple nights' stay. It was four people. And before they
5 left, they come up to the house and they said, "We'd like to
6 ask you some questions."

7 And I'm like: "Okay." And they said:
8 "You know, we see these signs and", they said: "...but first
9 we need to know how you feel on the quarry."

10 And what I said to them was: "It
11 shouldn't matter what I feel or where I am. If you have
12 questions, ask me."

13 So then they began to talk about the
14 area and stuff like this, and I said: "Well, you know", I
15 said: ""e have heard a story about potential of a quarry
16 coming in the area."

17 What they said is that they come here
18 and when they come here, it's for the peace and quiet and
19 that if a quarry come in the area, they wouldn't be back.
20 And then they began to tell me about a quarry that goes on
21 in their area.

22 And this quarry is not a huge quarry.
23 It goes for six to eight weeks a year. The rock is used
24 local, but the problems they're having and some of the
25 stories that they told me was that the dust that comes from

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1 this, the shaking of the houses, how the little fellow...
2 Okay.

3 These people have a daughter and they
4 have a son. The owner of this quarry will go and give this
5 young girl money to take her son out of the house, so he
6 gives her gas money, and to take her out of the house while
7 the dynamiting is going on.

8 She said: "You know what? And the
9 buzzers are loud." And she said: "What I see here for a
10 quarry and what I'm hearing is that it can be a lot more
11 worse on your lives than it is on ours."

12 So then, two days after that, there was
13 a gentleman and his wife and two people who had come to the
14 area: "So I've heard in the quarry talks that, you know, it
15 could be good for tourism, could bring in more revenues to
16 the area."

17 So I don't normally make it a public
18 statement to talk to people about these issues, but what I
19 did do was, the morning that these people were leaving, I
20 went and I spoke to them and I said to this man: "Can I ask
21 you a question?"

22 And he said: "Sure. Go ahead." And I
23 said: "I'm just wondering, what would you think if a quarry
24 come in the area", I said: "How would you feel? Do you
25 think it would be an attraction to the area and that it

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1 could, you know, help the economy and stuff?"

2 And the first thing he said to me was:
3 "The number 1 thing I would say here is the O2 emissions,
4 which I don't know a lot about it, but I know that it's
5 chemicals and stuff that come off." He said: "People are
6 breathing those in."

7 And the next thing I'd say is: "I come
8 here for the beauty of Digby Neck and the peaceful and the
9 quietness." And he said: "And would I come back if this
10 happened? No."

11 And that's only two people that I've
12 spoken to.

13 THE CHAIRPERSON: Thank you, Ms.
14 Vantassel. Ms. Peace, do you have anything to add?

15 Ms. JUDY PEACH: I'm not sure if you
16 understand the sort of concept of a lifeboat community when
17 you're talking about climate change and the effects it might
18 have on the human economy and our way of life as a
19 civilization.

20 I guess if you imagine the Titanic
21 heading for the iceberg and they've got three miles to
22 change course and they don't change course because the
23 people at the helm, then, you know, they start going down
24 and they throw over the lifeboats.

25 And there's some thought, and I think

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1 Janet Eaton touched on this a little bit, that our way of
2 life as a civilization, the sort of dominant culture in
3 North America, we live a certain way, fairly heavy consumer
4 way of life.

5 We need to be living more the way people
6 live on Digby Neck because they live a very modest life with
7 not a lot of use of stuff and things. I mean, from your
8 question, I see our civilization is in transition right now
9 because of climate change, and so obviously Digby Neck is as
10 well.

11 And I see Digby Neck as sort of a
12 lifeboat community. These people have the skills to make a
13 living from the land and sea without globalization, and
14 that's basically, I think they're worth keeping even though
15 right now in the way we live our lives, they seem backward.

16 I think it's worth preserving that
17 other alternative way of life so that we have a model to
18 work with as we head toward the iceberg.

19 THE CHAIRPERSON: Ms. Vantassel.

20 Ms. WANDA VANTASSEL: I guess the other
21 thing that I'd like to touch on is I have a daughter and two
22 grandchildren, and they live in the Cove.

23 And my daughter knows somewhat of the
24 things that are going on and things that are being said, and
25 last week she looked at me and she said: "Mom, I'm scared.

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1 I'm scared."

2 She said: "I like where I live, and I
3 don't want to ever have to move." So what I'm saying is I
4 hear this from people.

5 There's another young girl, and I have a
6 letter and I think I presented here. But it's from this
7 young girl. I don't know who she is. I've never met her.

8 She's 21 years old, and she's terrified
9 for what's going to happen, so she's done her own
10 research. And when I read this, this young girl's worked
11 very hard.

12 And at the end of it, she talks about a
13 vote and she says to hold an election with people that are
14 of age and she said: "And you'll hear me for years to
15 come."

16 So, I mean, this is how people are
17 feeling.

18 The other thing I'd like to touch on is
19 about environment. And I was to a meeting here one night
20 when some lady showed a picture of the ponds and how they
21 were flooded and stuff like this, and how that it was so
22 many days after before Department of Environment came in to
23 see.

24 Do I think that things could have been
25 cleared up within that time? Maybe so. But what I really

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1 feel about Department of Environment, they are human beings.
2 They have hearts. They are nice people. They're hard
3 working people.

4 But what I feel is our government hasn't
5 made them strong enough. There's not enough manpower, is
6 how I feel, for them to be able to go out there and do these
7 jobs because they have so many other cases.

8 And I think that our government should
9 really stop and think that they can't do everything and that
10 they try to do their jobs to their best of their abilities.

11 And then, on the other side of that, I
12 think the government needs to start listening to the people
13 in the areas and their concerns 'cause, you know what, we've
14 been here always and we're taxpayers, and we'll be here
15 forever.

16 THE CHAIRPERSON: Thank you, ladies.
17 Gunter? Mr. Buxton?

18 Mr. PAUL BUXTON: Thank you, Mr. Chair.
19 I don't have any questions.

20 THE CHAIRPERSON: Questions from the
21 audience? Sister.

22 PRESENTATION FROM Ms. JUDITH PEACH, Ms. NORA PEACH AND Ms.
23 WANDA VANTASSEL - QUESTIONS FROM THE PUBLIC

24 SISTER BARBARA: My name is Sister
25 Barbara, and I'm from Rossway, Digby Neck. And thank you,

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1 ladies, for the presentation. My question is to Ms.
2 Vantassel.

3 In my report last week, I also mentioned
4 a plebiscite. Now, I don't know if the Panel is able to
5 recommend a plebiscite to the governments, but should they
6 be able to, what, in your opinion, would be a good time for
7 the voices of the people of Digby Neck to be heard?

8 Would that be in the summer when
9 visitors come back for July and August? Do you have an
10 opinion as to what would be the best month to have a
11 plebiscite or an election or a vote on this particular
12 issue?

13 Ms. WANDA VANTASSEL: I look at the
14 plebiscite, and I feel that the Governments need to start to
15 listening and looking at the people in the areas. What I
16 see happened here is that it's going on for five years, and
17 there's been a lot of hardship, and I'll tell you, any
18 people in my community, whether they're for or against the
19 quarry, I have no problems with; but what I see happening
20 here is there's been a lot of conflict, there's been a lot
21 of things go bad.

22 This vote should have happened way
23 before this time. Now that it's come to the three-man
24 Panel, we've had experts come in and talk about everything
25 that they see, and we've heard Buxton and their side of it.

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1 What I really feel is that, yeah, I
2 think we should have the right to do this, and then I think
3 the Panel needs to take it back to the Government, but the
4 Government needs to listen to whatever you guys suggest. I
5 can't you enough for being here, and I think we're very
6 lucky people to be able to have had you come to our areas.
7 And, yeah, I think we should have the right to vote. And
8 when? When this is done.

9 SISTER BARBARA: Digby Neck does increase
10 in population come summertime, July and August, when the
11 visitors come from away and go to their summer homes, so
12 maybe we might have more people at that time. Do you think?

13 Ms. WANDA VANTASSEL: I agree with
14 that. And another thing I'd like to say is the people that
15 come here and bought homes, whether they're from away or
16 not, they're here, they're taxpayers, they live here. They
17 may only come six months of the year, but these people have
18 rights the same as me or anybody else, and I feel it's no
19 more than fair to include all those people.

20 THE CHAIRPERSON: Thank you, Sister...

21 SISTER BARBARA: Thank you very much.

22 THE CHAIRPERSON: ...Barbara. Any other
23 questions? Mr. Kenley?

24 Mr. DEAN KENLEY: Yes, my name is Dean
25 Kenley. This is a question for Wanda.

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1 Wanda, some of the pictures that you
2 illustrated up there was from Gulliver's Cove, and this is
3 where you live? How long have you lived there?

4 Ms. WANDA VANTASSEL: I've lived there
5 for... Oops. I've lived there for 20 years.

6 Mr. DEAN KENLEY: 20 years. Did you see
7 the whales from your home there?

8 Ms. WANDA VANTASSEL: Yes, I can, and
9 that's another thing I want to say. I can set on my deck,
10 and there's times that we watch the whales, we watch them
11 playing. Then last fall, something happened that there was
12 gannets, and they would dive down, and they flung into the
13 water, but there was four or five whales that were playing
14 around.

15 Then there was a basking shark that
16 come into our area, and what happened was the scientists
17 figure because of the krill and the feed in the water, this
18 one basking shark followed the krill in, and he got stuck,
19 and he couldn't get back out, and he died.

20 But these whales hung around our area
21 which normally we'll see whales now and again, but this was
22 the most I'd ever seen in that area, and yeah, we live in a
23 beautiful place. When we see whales and stuff out there
24 playing, it's wow.

25 Mr. DEAN KENLEY: So do they come in

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1 fairly close to the coasts?

2 Ms. WANDA VANTASSEL: Yes, they do.

3 Mr. DEAN KENLEY: Do you see our vessel
4 down there sometimes, while we're whale-watching?

5 Ms. WANDA VANTASSEL: Yes, I have. As a
6 matter of fact, last summer, there was... Well, we see you
7 down there a lot, but we were going to one of our beaches
8 where we do dulse, and we were waving to the crew on your
9 boat, I do believe, if it's the only boat that comes from
10 Digby down, yes.

11 Mr. DEAN KENLEY: So in your opinion, if
12 there's blasting just west of you, of that cove, do you
13 think it's going to affect those sightings?

14 Ms. WANDA VANTASSEL: What I'm scared
15 of is I hear a lot about dynamiting, and I'm not an expert,
16 but it's the vibration that goes down is what I think, and
17 what I feel that if there's any sign to whales, and it
18 starts to make a noise under the, down under the water,
19 maybe the whales and seals will move away.

20 THE CHAIRPERSON: Mr. Kenley, thank you.
21 You're limited to two questions, usually, okay? Thank you.
22 Anyone else? If not, thank you very much, ladies.

23 The next presenter is... Well, actually
24 there's a group of people here from North Mountain
25 Preservation Group, Jim Fisher, Robert Barkwell. Then I

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1 have Steve Lewis, Andi Reardon, Heather LeBlanc and John
2 Percy. Now I don't know what the plans are, but you got 30
3 minutes, right, even if you've got 100 guys out there, okay?

4 Mr. JIM FISHER: We've timed our
5 presentations for the most part, and we'll be very fast.
6 Many of us have very limited points that we each... Each of
7 us who's going to make them...

8 THE CHAIRPERSON: Okay.

9 Mr. JIM FISHER: ...has considerable
10 background to make those specific points, so we will clip
11 through.

12 THE CHAIRPERSON: Okay. Introduce
13 yourselves, please.

14 Mr. JIM FISHER: Yes, we will...
15 Incidentally the Andi Reardon presentation will be the final
16 one, and it will be not presenting for us, although she is a
17 member, but rather for a Provincial-wide nature group, and
18 she will explain. So we'll be moving her to the rear of
19 that particular...

20 THE CHAIRPERSON: Just a moment. I have
21 Andi Reardon and all the other names I mentioned under this
22 one group limited...

23 Mr. JIM FISHER: Yes.

24 THE CHAIRPERSON: ...to 30 minutes.

25 Mr. JIM FISHER: That's right. We're all

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1 limited to 30 minutes. We've given up some time.

2 THE CHAIRPERSON: Well, no, it's
3 collectively...

4 Mr. JIM FISHER: Collective. We've---

5 THE CHAIRPERSON: Yeah, okay.

6 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP - Mr.**

7 **JIM FISHER**

8 Mr. JIM FISHER: ---given up some time
9 because of the unavailability of some other slots.

10 Mr. Chair, Panel Members, thank you. My
11 name is Jim Fisher of Victoria Beach. My education and my
12 experience are in global business, and I'm Chair of the
13 North Mountain Preservation Group, and the central theme of
14 this presentation is going to be that the impact of a yes
15 decision on this Proposal would be felt far from Digby Neck.

16 We will address the physical spread of
17 the quarrying along the shore, and secondly, the possible
18 spread of invasive organism in dumped ballast. These
19 present some interesting challenges for this Review process,
20 in that a positive outcome for the Proponent would raise
21 some risks that are contingent on Project approval, but
22 literally are, in one case, allegedly beyond the control of
23 the Proponent.

24 These risks are, however, consequences
25 of the Project, so I believe it is up to the Review process

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1 to take them into account, whether or not the Proponent does
2 or is even in a position to address them.

3 NMPG was founded to oppose a propose
4 quarry next to the Fundy in Victoria Beach. The logistics
5 of this Quarry Application made no sense to us, considering
6 its supposed market of twinning the 101, but were completely
7 sensible as an additional source for marine export of
8 basalt, for instance by barge, with eventual trans-shipment.

9 Note that the list of possible
10 alternative basalt sites provided and dismissed by the
11 Proponent didn't address sites farther up North Mountain,
12 which is sensible in their situation. Bilcon may have a
13 prime site, but I don't they have the only one.

14 I noted an interesting phrase in an
15 exchange among audience members on 23 June who were talking
16 about this possible quarry of a 1,000-acre site adjacent to
17 the Fundy at Gulliver's Cove, and said that it was:

18 "Waiting for the results of the Quarry
19 Application at Whites Cove."

20 We're not familiar with this particular
21 instance, but what would be surprising is if nobody else is
22 quietly waiting to execute a follow-up move. We're not
23 opposed to quarries, per se. In fact, while we actively
24 opposed the Victoria Beach site, we looked at but chose not
25 to oppose another application right on the other side of

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1 North Mountain in Granville Beach, which is much nearer the
2 properties of several of our Members, as we felt it did not
3 threaten the Fundy.

4 As to whether Bilcon itself might have
5 to be involved in this spread, my career working at and
6 consulting to, and for that matter, investing in the global
7 levels of a number of the very largest corporations in the
8 world leads me to expect responsive thrusts by North
9 American competitors and/or by others anywhere, saying the
10 marine transportable supply opportunity, if Governments
11 clear the way this time.

12 However, as to Bilcon's own
13 intentions, the Panel has the 2004 Lease Agreement clearing
14 the way for shipments from other adjacent or non-adjacent
15 properties. And furthermore, a Bilcon representative
16 mentioned in the hearings on 18 June 2007 that the terminal
17 could be available for possible joint use with others.

18 Moving to the second subject, Bilcon's
19 representative stated that any ballast issues will be the
20 responsibility of the ship's owner. Any invasive
21 organization suspended in the water near the fishing areas
22 of Whites Cove are just a few hours of tidal current away
23 from Victoria Beach.

24 The following analogy is not perfect
25 because of our salt water environment, but I'm reminded of a

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1 cartoon I saw showing a customer at a lunch counter looking
2 at the special of the day, "Ohio Clam Chowder". He said: "I
3 didn't know we had clams here in Ohio", and the person at
4 the counter replied: "Actually, these are zebra muscles".
5 Thank you.

6 You could choose to ask any questions
7 now, or wait until we've all presented. We'll all be
8 available. Shall we move on?

9 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP - Dr.**
10 **ROBERT BARKWELL**

11 Dr. ROBERT BARKWELL: My name is Robert
12 Barkwell, and I'm a family physician in Annapolis Royal,
13 which is at the other end of the Basin here. Certainly a
14 significant number of patients have seen us rather than
15 coming to Digby for a number of reasons, and that's about to
16 increase.

17 This whole community is under a number
18 of stresses, and you've been here this week, and probably
19 have noticed in the local newspaper that one of the stresses
20 that's being added to them is that they're losing a good
21 deal of their medical care, which is going to end up coming
22 to my community.

23 So I have talked to many of my patients,
24 and I share their concerns. The question was asked earlier
25 by one of the Panel; was this a community in decline? And I

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1 agree with Nora Peach who said: "No, not exactly in decline;
2 in transition". Yes, a number of the traditional ways of
3 making a living off the land and water have disappeared or
4 are disappearing.

5 Some things have been stable.
6 Lobstering has been stable, for example, 'cause it can't be
7 industrialized. Still you have to put a pot in the water
8 and haul them up one pot at a time, and take out the lobster
9 one pot at a time, and so lobstering is one of those things
10 that has provided a stable economic base for a large number
11 of my patients, and a large number of people who live in my
12 neighbourhood, which is just across the Gut, and a large
13 number of people on Digby Neck.

14 Dulcing is sustainable, but that's
15 because hardly anybody who doesn't live here will eat dulce.
16 I don't know if you've ever tried it, but...

17 THE CHAIRPERSON: It tastes like salted
18 rubber band. (Laughter)

19 Dr. ROBERT BARKWELL: Salted, iodized
20 rubber band.

21 So people are fearful, and I don't have
22 to expand on that. The people who were here before me
23 expanded on that. They're fearful that not only will they
24 lose what remains of their traditional livelihood and way of
25 life, but the things that they have developed to take the

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1 place of that... Eco-tourism, whale-watching... Will also
2 disappear, and that they'll be kicked in the head just as
3 they're starting to make a transition to something
4 different.

5 I personally have also lived within five
6 kilometres of a quarry, and I have to tell that they can say
7 what they like about blasting. You can feel it five
8 kilometres away. There's dust appreciable. You dust your
9 house more frequently when you're living in the vicinity of
10 a quarry.

11 There's lots of unpleasant things about
12 quarries, and it seems in medicine, we're just in the
13 position now where we're changing the criteria for the
14 evidence. We've gone... Some years ago, we started going
15 to evidence-based medicine and not just, oh, Doctor So and
16 So thinks this is a good way to do things.

17 Now we're saying not just does this
18 work, but is this better than what's already available?
19 Because if it's not, then there's no point, particularly
20 since there's always things in the development phase that
21 don't show up 'til later; so Vioxx turns out to kill people
22 five years after it's introduced.

23 And I think we have to look at
24 development like this, in this same way; not just will it,
25 does it have some benefits, but does it have benefits that

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1 outweigh what's already here? And it seems to me that, from
2 the point of view of the health and welfare of my patients,
3 if the answer that you can't really tell if it's going to
4 disrupt what they already have, then you shouldn't say yes.

5 Thank you.

6 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP - Mr.**
7 **STEVE LEWIS**

8 Mr. STEVE LEWIS: My name is Steve Lewis.
9 I live in Granville Beach, Annapolis County. Until 2005,
10 I'd been a real estate broker for 30 years.

11 In my opinion, this proposed Project has
12 already and will continue, if approve, to have a negative
13 impact on the real estate market in this area. I'm certain
14 you have all heard the expression that in real estate, it is
15 location, location, location, which is of paramount
16 importance in selling a property.

17 More precisely, it is purchaser's
18 perception of that location that sells a property. In Digby
19 Neck and area, this is especially important. The real
20 estate market in this area is highly dependent on the influx
21 of come-from-aways, and of course you've all heard the
22 acronym "CFAs", who buy property here, either to settle or
23 spend summers. Many initially spend summers, and then
24 retire here.

25 They come for the peace, quiet and

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1 beauty of this area. Even a hint that this tranquillity
2 could be compromised will send them looking elsewhere, and
3 there are many other areas vying for these same purchasers.

4 I know and have worked for many of these people.

5 They bring with them large amounts of
6 money to the local economy. These are the dollars that
7 provide so many, many jobs for the trades, the electricians,
8 the plumbers, the carpenters, the helpers and so forth, the
9 professionals; that includes the lawyers, the architects,
10 the surveyors, the engineers, and yes, even the real estate
11 agents, and the retailers.

12 Further, developers of tourist-related
13 projects, be they be local, or come from away, must be able
14 to depend on this area's reputation as beautiful and
15 peaceful before they invest.

16 Purchasers are becoming aware of this
17 proposed Project. The publicity about it has already begun
18 to equate industrialization with Digby Neck. Further, the
19 By-laws of the Nova Scotia Real Estate Commission require
20 real estate agents to be informed of current market
21 conditions which affect the value of a property, in order to
22 counsel prospective purchasers, and to disclose anything
23 that could hinder the value or enjoyment of a property.

24 So all prospective purchasers should
25 currently be told by agents of this proposed Project, and if

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1 approved, of it for the next 50 years. Failing to give full
2 disclosure by an agent could make them and their brokerage
3 liable for damages.

4 An industrial mega-quarry of this size,
5 if approved, will severely and negatively impact prospective
6 buyers' perceptions of this area, and their desire to buy
7 here. Consequently, it will depress the real estate market
8 for many years to come. The increasing exodus of those CFAs
9 who are already here, due to the possibility of this
10 proposed Project, is an indication that this has already
11 begun.

12 If the approval of this quarry were to
13 create a precedent so that all other areas of the North
14 Mountain coast of Nova Scotia would have similar projects,
15 then the real estate market from Brier Island to Cape Split
16 would be similarly impacted.

17 Thank you.

18 THE CHAIRPERSON: Thank you, gentlemen.
19 Gentlemen, come back. (Laughter) That's good.

20 **PRESENTATION BY NORTH MOUNTAIN PRESERVATION GROUP -**

21 **QUESTIONS FROM THE PANEL**

22 Dr. GUNTER MUECKE: Can I come back to
23 Victoria Breach, which you are familiar with? In the
24 original Proposal, how did the size of that project compare
25 to the present size that's proposed for Whites Cove?

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1 Mr. JIM FISHER: It was much smaller. I
2 think it was under the four-hectare limit, as I recall. It
3 would be subject to a different approval process. It was
4 far smaller.

5 Dr. GUNTER MUECKE: Yeah. And what is
6 your understanding of the present status? Has the company
7 given any indication of that?

8 Mr. JIM FISHER: The Province rejected
9 the Application as having been accompanied by insufficient
10 answers to questions posed by the Province in a timely
11 fashion, so that particular Application is now dead.

12 Dr. JILL GRANT: Just a quick question
13 for Mr. Lewis about the possible effects on property values.
14 I wonder if you could give us an idea of the distance over
15 which you might experience this kind of effect on property
16 values, and what, if you were trying to compensate for
17 losses in property values, what kind of information would
18 you need to be able to do that?

19 Mr. STEVE LEWIS: I was quite clear in my
20 statement that what we're talking about here is also
21 people's perceptions. It's very, very important, and it
22 takes very, very little to get people to say, "I'm not going
23 to this area. I just don't even want to know about this".
24 Can you compensate for that?

25 For example, if there were a quarry, is

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1 there is way to... I hate to the use the term "mitigate"
 2 that particular situation? I really don't know. I haven't
 3 seen that been able to be done before, because once the
 4 word's out on an area, it's out. Yes.

5 THE CHAIRPERSON: Mr. Buxton?

6 Mr. PAUL BUXTON: I don't have any
 7 questions, Mr. Chair, but I just have a comment.

8 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP -**
 9 **COMMENTS FROM THE PROPONENT**

10 Because I'm not sure whether Mr. Fisher
 11 was here, and I can't remember whether it was this week or
 12 last week we discussed joint uses of the facility.

13 And the joint use being referred to,
 14 at the time, was the possibility of other small boats being
 15 able to use the facility, and Bilcon is clearly on record as
 16 saying both for corporate purposes, quality control and also
 17 economic reasons, it would never accept material from
 18 another quarry.

19 THE CHAIRPERSON: Are there questions
 20 from the audience? Mr. Ackerman?

21 **PRESENTATION OF NORTH MOUNTAIN PRESERVATION GROUP -**
 22 **QUESTIONS FROM THE PUBLIC**

23 Mr. JERRY ACKERMAN: Yes, Jerry Ackerman
 24 from Annapolis Royal.

25 Mr. Fisher, you said you're not opposing

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1 the Spicer Proposal for Granville? Was that the name?

2 Mr. JIM FISHER: No...

3 UNIDENTIFIED MALE: Yes [inaudible].

4 UNIDENTIFIED MALE: It was Halliday,
5 right?

6 Mr. JIM FISHER: (Inaudible, no
7 microphone).

8 Mr. JERRY ACKERMAN: But it was Mr.
9 Fisher who said you were not opposing it, because you
10 didn't---

11 Mr. JIM FISHER: This was a...

12 Mr. JERRY ACKERMAN: ---think it harmed
13 the Fundy.

14 Mr. STEVE LEWIS: This was the Halliday
15 proposal a year and a half ago. It's nothing to do with the
16 Spicer. I don't even know if Mr. Fisher knows about that
17 particular proposal.

18 Mr. JIM FISHER: That's the big one of...

19 Mr. STEVE LEWIS: That's the one.
20 Granville Center.

21 Mr. JIM FISHER: Yeah. No.

22 Mr. STEVE LEWIS: We don't.

23 Mr. JERRY ACKERMAN: My question then
24 becomes are you aware of the demand for aggregate along the
25 Eastern Seaboard? Do you have any hard numbers?

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1 Dr. ROBERT BARKWELL: There was an
2 interesting article last summer in The New Yorker, in which
3 they pointed out that they poured as much cement in the New
4 York/New Jersey area every year as it took to build the
5 entire Hoover Dam. It tells you something about the demand.

6 Mr. JERRY ACKERMAN: Well, I do have some
7 hard numbers. I'm submitting them to the Panel tomorrow,
8 and they're in writing, and they come from very qualified
9 investment services, and they're the kind of hard numbers
10 that this Proponent has failed to provide.

11 THE CHAIRPERSON: Thank you, Mr.
12 Ackerman.

13 Mr. BRIAN DYER: Mr. Chair, Brian Dyer
14 once again, and I have a question for Dr. Bob, one of our
15 very valued and local M.D.'s.

16 Dr. Bob, and your medical knowledge
17 might not be restricted to this particular subject, but in a
18 sparsity of information from the Proponent in the last ten
19 days, the subject of health has not been mentioned, and I
20 believe this particular Project will have, as a by-product,
21 quite considerable dust; maybe not as proclaimed for the
22 local inhabitants, or maybe not for the whales, or anything
23 under the sea, but the operators who are going to be
24 spending eight- or 12-hour shifts on this particular Project
25 will be, I believe, subject to the possibility of silicosis,

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1 or other respiratory problems.

2 Could you give us your opinion on that,
3 please?

4 Dr. ROBERT BARKWELL: I have to presume
5 that the Proponent would be subject to the Occupational
6 Health and Safety standards, and that the operators, the
7 actual operators of the quarry would have, be protected in
8 some way. The usual way is to load them up with protective
9 equipment.

10 My personal experience with quarries
11 leads me to think that there will be significant dust in the
12 environment for quite a distance around it. I will say
13 this; this area... That is say the Maritimes in general,
14 and Nova Scotia in particular are, for reasons that nobody
15 quite understands, high asthma areas. We not infrequently
16 see children quite ill with asthma. In fact, they're the
17 scariest patients we have, 'cause they can die fairly
18 quickly on you. And so that anything that tends to
19 exacerbate that even in a small community would not be
20 welcomed to us. That's the best I can do.

21 Mr. BRIAN DYER: Thank you.

22 THE CHAIRPERSON: Additional questions?
23 Yes?

24 Mr. JIM FISHER: If I could just mention
25 our concerns do not require that Bilcon be involved. In

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1 fact, if I were Bilcon, I would hope that nobody else would
2 follow them into this, and that the vacuousness created
3 would continue.

4 THE CHAIRPERSON: Thank you, gentlemen.
5 Just a moment. Now what is the status of Andi Reardon? Is
6 she... You're coming next, are you?

7 Mr. JIM FISHER: (Inaudible, no
8 microphone) possible, if you prefer, I guess we (inaudible).

9 Ms. ANDI REARDON: (Inaudible, no
10 microphone).

11 Mr. JIM FISHER: She prefers to be last,
12 I understand. If it's important to you, we could put her in
13 between the NMPG presentations.

14 THE CHAIRPERSON: Okay.

15 --- Pause

16 THE CHAIRPERSON: You realize you have
17 about ten minutes to... Okay, good. Identify yourself,
18 please. Then continue.

19 **PRESENTATION BY THE NORTH MOUNTAIN PRESERVATION GROUP - Ms.**
20 **HEATHER LEBLANC**

21 Ms. HEATHER LEBLANC: Yes. Good
22 afternoon, ladies and gentlemen. My name is Heather
23 LeBlanc, and I'm with HAL Consulting, a private consulting
24 firm in Granville Ferry, and a Member of North Mountain
25 Preservation Group.

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1 And through business and volunteer
2 associations, I have been actively involved with sustainable
3 development projects for the past 25 years. I have learned
4 that change, for the consumer, takes up to five years and
5 longer. The development of projects, their marketing,
6 consumer product awareness and their ultimate use takes that
7 amount of time.

8 My point, ladies and gentlemen, is that
9 change comes slowly. The first step in that change is for
10 communities to work together regionally. That is happening
11 now, but there was much spade work.

12 Tourism regions are developing,
13 implementing plans for sustainable growth. I have a direct
14 knowledge of some of these projects.

15 The Annapolis Region Tourism Council
16 covers the area of Middleton, Fundy Shore, Bridgetown,
17 Annapolis Royal, Bear River, Milford, which includes
18 Kejimikujik National Park and up to Cornwallis Park. The
19 Steering Committee consists of 20 operators and Government
20 representatives. It has just completed the first draft of
21 the strategic plan to be presented to the community by the
22 end of July '07.

23 The main components of the plan are
24 experiential tourism, scientific tourism and marketing, all
25 based on sustainable development projects. The Committee

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1 has a Member of the Digby Regional Tourism Association on
2 their Board.

3 The Digby Regional Tourism Association;
4 the region begins at the Annapolis/Digby lines, and follows
5 through to Clare, and includes Digby Neck and Islands. The
6 Steering Committee worked for two years, then incorporated
7 in 2006. It has a working Board of 15 Members covering the
8 region.

9 Phase one of the strategic plan is
10 complete. Phase two is now underway to be completed August
11 15th of this year. The Phase two priority for product
12 development determined by the 30-Member Panel was trail
13 development for birding, hiking and cycling, most in the
14 area of Digby Neck and Islands.

15 The organization has a paid staff
16 member, and receives funding membership from memberships;
17 ACOA, Department of Tourism, Culture and Heritage, Town of
18 Digby, Municipality of Digby. The Bay of Fundy and eco-
19 tourism is the top priority that leads this group.

20 The Five-Senses Project; in November of
21 this year, Celeste Devar, an experiential tourism operator
22 from Manitoba will conduct a hands-on conference.

23 The 40 operators from Annapolis and
24 Digby Counties---
25 --- Pause, whispering from Mr. Fisher

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1 Ms. HEATHER LEBLANC: ---will learn how
2 to create experiences, work in association with National
3 Parks and UNESCO Southwest Bioshield Reserve and create an
4 inventory of experienced providers.

5 The end result will be to develop a
6 collaborative action plan, then implementation. The
7 products developed will aim to meet the standard for
8 sustainable tourism set by the Tourism Industry Association
9 of Canada.

10 The Ride-the-Lobster Project; over 100
11 uni-cyclists from 17 countries and four continents prepare
12 to qualify for this relay race from Yarmouth to Sydney, Nova
13 Scotia, June 16th to 20th, '08. The relay teams of extreme
14 athletes from around the world plan to race in Nova Scotia
15 on a uni-cycle over the course of five days.

16 This year on June the 14th, the
17 opening kick-off event will take place at King's Theatre in
18 Annapolis Royal. The race will use the latest GPS web-based
19 interaction and the most current applications in marketing
20 in pre-promotion. During the ride, one will be able to
21 follow the race on your computer from around the world;
22 regional, provincial, Canadian and worldwide partners are
23 working on this race.

24 In the past 25 years, I have seen
25 evolution in the ways our communities work together. For

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1 example, Ride-the-Lobster would not have been possible. Our
2 environmental awareness has been heightened; witness the
3 Southwest Nova Bioshield Reserve, and the tremendous
4 attraction whale-watching has become.

5 It is so easy to see that our area, this
6 area is evolving from a resource-based economy to a center
7 of knowledge, scientific and experiential tourism; in other
8 words, community-based development.

9 **PRESENTATION OF THE NORTH MOUNTAIN PRESERVATION GROUP - Mr.**
10 **JOHN PERCY**

11 Mr. JOHN PERCY: Mr. Chairman, Panel
12 Members, ladies and gentlemen, my name is John Percy. I'm a
13 retired research scientist in marine ecology, living in
14 Granville Ferry near Annapolis Royal.

15 I'd like to talk about the quarry in a
16 slightly broader Bay of Fundy context. In addition to being
17 on the North Mountain Preservation Group, for the past
18 decade, I've been Communications Co-ordinator for the Bay of
19 Fundy Ecosystem Partnership, an informal grouping of
20 scientists, environmental managers, community groups,
21 private companies and individuals.

22 BOFEP is essentially a knowledge network
23 dedicated to creating, sharing and using information to
24 promote the ecological integrity, bio-diversity and
25 productivity of the Bay of Fundy, and support of the well

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1 being its coastal communities. It is not structured as an
2 advocacy organization, per se, so the views expressed here
3 are largely my own, but they have been clearly shaped by my
4 involvement with BOFEP.

5 One of BOFEP's many activities, and one
6 that I've been intimately involved with over the past decade
7 is to convene a series of biennial Bay of Fundy workshops
8 that bring together some 125 to 150 individuals from around
9 the Bay to review current research, assess information
10 needs, and discuss important issues confronting the Bay.

11 In the past decade, there have been
12 seven such workshops with themes such as health of the Bay
13 of Fundy, assessing key issues, opportunities and challenges
14 for protecting, restoring and enhancing coastal habitats in
15 the Bay of Fundy, coastal monitoring of the Bay of Fundy, et
16 cetera, et cetera.

17 At these workshops, research papers,
18 roundtable discussions, panel presentations and substantial
19 workshop proceedings have documented very clearly that the
20 Bay has been subject to a wide range of stresses associated
21 with human activities for a very long time. These have
22 compromised the integrity of its ecosystems, degraded its
23 habitats, and decimated many of its biological populations.

24 Dyking, causeway construction, coastal
25 development, hydro and tidal power generation, river

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1 pollution, increasing ship traffic, aquaculture, over-
2 fishing, inappropriate fishing gear use and industrial
3 development have subjected the Bay to a slow death by a
4 thousand cuts.

5 For 100 years, we have been gradually
6 undermining the productivity and sustainability of the Bay's
7 renewable resources and thereby curtailing many economic
8 opportunities. The devastation of fish stocks described
9 earlier by Harold Theriault is perhaps the most highly
10 visible indicator of this ecological degradation.

11 However, in recent decades, there's
12 been a growing recognition of the consequences and the costs
13 of this recklessness, a rising determination to do better,
14 and a confidence that we can indeed turn things around. All
15 around the Bay, promising new initiatives are being launched
16 to remove or lessen some of the stresses. Causeways are
17 being opened to restore tidal flows. Culverts are being
18 enlarged, and dykes are being breached to restore salt
19 marshes.

20 Efforts are being made to manage the
21 fisheries more wisely, and with more community input.
22 Rivers are slowly being restored to health. Aquaculture is
23 closely monitored and regulated. Vessel traffic is more
24 carefully controlled. Quick response teams stand ready to
25 free entangled marine mammals. Municipalities are upgrading

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1 sewage treatment facilities, and industries are reducing
2 their toxic chemicals in compliance with tightening effluent
3 standards.

4 There's a growing momentum in the effort
5 to conserve the Bay and restore its resource, and a rising
6 public support for conserving the Bay is a healthy and
7 productive ecosystem.

8 The creation of mega-quarry at Whites
9 Point to extract non-renewable aggregate immediately on the
10 shoreline adjacent to one of the most productive areas of
11 the Bay appears to be a particularly retrograde step that is
12 fundamentally out of sync with ongoing efforts to conserve
13 and restore the Bay's ecosystems.

14 Another concern often voiced at BOFEP
15 both at workshops is the absence of a coherent coastal
16 protection framework and an integrated coastal management
17 regime in Nova Scotia. The Province lags behind many other
18 jurisdictions in this regard. New Brunswick, recognizing
19 the ecological uniqueness of its Fundy coast, and its
20 immense potential for eco-tourism and other sustainable
21 activities, recently articulated a Coastal Areas' Protection
22 Policy.

23 On Tuesday evening, Cindy Nesbitt noted
24 to the Panel that on the New Brunswick side of the Bay,
25 industrial development, and she cited oil refineries, LNG

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1 Terminals, nuclear power plants, et cetera, were taking
2 place alongside a thriving eco-tourism industry. She
3 wondered why this couldn't happen along the Nova Scotia
4 side.

5 I would suggest that New Brunswick has
6 developed a much better sense of what activities are most
7 appropriate for particular areas of the coast, as well as
8 what activities are essentially incompatible. They
9 certainly have a better appreciation of the Bay's eco-
10 tourism opportunities and potential economic value.

11 I fear that they may have effectively
12 usurped ownership of the Bay, as far as most tourists are
13 concerned, with their well-orchestrated New Brunswick's Bay
14 of Fundy advertising campaign. They seem to have a clear
15 sense of which coastal areas are critical to expanding eco-
16 tourism interests.

17 The Peninsulas, Archipelagos, and
18 Islands off Southeastern New Brunswick are clearly prime
19 natural areas, as are the salt marshes, mud flats and
20 coastlines of the Chignecto Bay. They are now fighting
21 tooth and nail to keep the LNG Terminal out of Passamaquoddy
22 Bay, and most now regret the decade-old decision to permit
23 the Bayside Quarry.

24 That Province seems to have a much
25 better developed sense of what types of development are most

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1 appropriate, in particular, at coastal areas. Hopefully
2 this will be refined as the Coastal Areas' Protection Policy
3 matures and evolves.

4 In contrast, Nova Scotia, has been
5 struggling for more than a decade with a hodgepodge of
6 coastal protection concepts, initially outlined in a 1994
7 discussion paper entitled "Coastal 2000". This consultation
8 paper warned, and I quote:

9 "The protection of the extensive
10 coastline and many communities along the
11 coast is critical to Nova Scotia's
12 future."

13 It further adds that:

14 "Either we can continue to adopt a
15 piecemeal approach to problem-solving,
16 or we can begin to make rational choices
17 within a strategic framework."

18 Regrettably, after an initial flurry of
19 excitement, Coastal 2000 bogged down in the bureaucracy.
20 Since then, there has been little detectable movement
21 towards a coherent coastal management policy. As this mega-
22 project approval process illustrates, Nova Scotia still
23 struggles with a piecemeal, reactive approach to coastal
24 management.

25 In marked contrast, in much of the

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1 United States, there's a recognition by Federal and State
2 authorities of the intrinsic value of natural coastlines, of
3 the intimate ecological connections between coastal lands
4 and adjacent marine waters, and of the critical importance
5 of protecting coasts from destructive and unsustainable
6 development.

7 The U.S. Congress passed the far-
8 reaching **Coastal Management Act** way back in 1972.
9 Coincidentally, Bilcon notes that:

10 "No new quarries have been approved in
11 New Jersey since at least 1970."

12 The Proponents also acknowledge that in
13 the U.S.:

14 "Construction aggregate producers are
15 encountering difficulty in expanding
16 existing operations, and in developing
17 new sites, and building new plants.
18 County and local regulators are
19 increasingly limiting producers by
20 enacting restrictive zoning and land-use
21 regulations."

22 In Nova Scotia, the glaring absence of a
23 coastal zone policy, or integrated coastal management
24 framework makes the Province's rocky coastline an attractive
25 target for non-renewable resource consumers such as Clayton

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1 Concrete that are being increasingly constrained at home.

2 Such corporations clearly anticipate
3 that they can undertake massive resource extraction
4 activities in Nova Scotia that are effectively forbidden to
5 them in their own country.

6 An important element of any integrated
7 coastal management policy is the identification of the
8 special areas whose conservation is vital to the well being
9 and productivity of the wider ecosystem. Canada has lagged
10 behind other countries in protecting sensitive or unique
11 parts of its marine environment.

12 The passage of the **Oceans Act** in 1996,
13 with its provision for the creation of marine-protected
14 areas, finally provided a solid framework for remedying this
15 situation. In the past decade, six MPA's have been created
16 in Canada, including the Musquash Estuary in New Brunswick.

17 However, it is widely acknowledged that there are other
18 special areas in the Bay of Fundy that are equally deserving
19 of protection in some form.

20 Scientists at DFO's St. Andrew's
21 Biological Station produced a massive report in 2003
22 entitled "Identification of Significant Marine and Coastal
23 Areas in the Bay of Fundy". This and other studies describe
24 a number of areas around Fundy that are unusually
25 productive, particularly sensitive, or have unique features.

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1 In the upper Bay, coastal areas around Fundy Park in New
2 Brunswick and the nearby Shorebird Mudflats are already
3 being proposed as a United Nations' Reserve.

4 Around the mouth of the Bay, the Grand
5 Manan, Archipelago, the waters of Passamaquoddy Bay and
6 Brier Island, and nearby inter-island passages are
7 particularly highlighted for their unusual bio-diversity,
8 exceptional productivity and remarkable seascapes.

9 I'll just end by concluding that...
10 Yeah, okay... That we're still in the early stages of
11 developing protected areas in the Bay of Fundy, and there's
12 little question, however, that having an industrial mega-
13 quarry operating for generations, virtually on the doorstep
14 of any type of conservation area involving Digby Neck and
15 Islands, would be a most undesirable situation.

16 Thank you, Mr. Chair.

17 THE CHAIRPERSON: Ms. Reardon?

18 **PRESENTATION BY NATURE NOVA SCOTIA - Mr. ANDI REARDON**

19 Ms. ANDI REARDON: Good afternoon, Panel,
20 and thank you for allowing me to, giving me the time to give
21 this presentation. My name is Andi Reardon, and I live in
22 Granville Beach. I'm the past President and current Board
23 Member of the Annapolis Field Naturalist Society.

24 Today I'm here representing the
25 province-wide Field Naturalist organization, Nature Nova

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1 Scotia. Nature Nova Scotia's primary activities include
2 conservation of species and spaces, education and
3 sustainable use of resources. The organization has 225
4 dues-paying members; in addition, there are eight active
5 naturalist clubs on the Board of Nature Nova Scotia, with
6 approximately 2,000 Members in total.

7 To give you an idea of the scope of the
8 organization, the following naturalist clubs form Nature
9 Nova Scotia: Annapolis Field Naturalist Society in western
10 Annapolis Valley; Blomidon Naturalist Society in eastern
11 Annapolis Valley; Cape Breton Naturalist Society in Sydney;
12 Halifax Field Naturalist; Nova Scotia Wild Flora Society,
13 province-wide; Nova Scotia Bird Society, also province-wide;
14 South Shore Naturalist Club, South Shore area; Eastern
15 Mainland Field Naturalist in Antigonish.

16 Each year, these clubs provide an
17 impressive range of natural history education programs,
18 including a lecture series, field trips and other outings
19 that are open to the public. Most of these clubs also
20 publish a quarterly newsletter focussing on nature topics.

21 Many of our members, and they include
22 marine biologists, botanists and ornithologists have been
23 carefully observing the ecology and natural cycles in Digby
24 Neck, Long and Brier Islands for decades. Given this vast
25 collective knowledge of the region, we believe the Whites

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1 Cove Quarry Project will devastate and result in a loss of
2 wildlife habitat in natural areas, including marshes and
3 woodlands.

4 And as a result, it will incur an
5 enormous cost to the small but resilient coastal community
6 which depends, in large part, on nature-based or geo-
7 tourism, fuelled by field naturalists, birders and those
8 drawn to the region's extraordinary heritage, beauty and the
9 Bay of Fundy's dynamic yet fragile ecosystem.

10 To that end, I submit to you a letter
11 from the President of Nature Nova Scotia, Larry Bogan(Sp)*,
12 who could not be here today:

13 "Dear Panel Members: Nature Nova Scotia
14 is an affiliate of Nature Canada. We
15 have been providing communication
16 between the naturalists of Nova Scotia
17 since 1990, and a common voice in
18 natural environment conservation at the
19 provincial level. The White Point
20 Quarry, as proposed by Bilcon of Nova
21 Scotia, should not be allowed to go
22 ahead. Our reasons for opposition are
23 as follows:

24 (1) There is no plan to govern how the
25 coast of Nova Scotia should be protected

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1 and utilized. This quarry is a major
2 development, and can have far-reaching
3 consequences as a precedent for the
4 commercial development of the Fundy
5 coast of Nova Scotia. This quarry
6 should not even be considered before the
7 citizens of Nova Scotia have had a
8 chance to determine the future of their
9 coastline.

10 (2) A large section of the North
11 Mountain will be removed over a 50-year
12 period, along with the forest, plants
13 and water. The whole area will be
14 transformed into an unnatural habitat.
15 Most of the wildlife in the area will be
16 driven out due to habitat destruction
17 and industrial activity; and

18 (3) The danger to whales in the Bay of
19 Fundy will be increased by the addition
20 of more large ships travelling in their
21 feeding grounds.

22 Despite the natural and other
23 disturbances, some projects are allowed
24 to go ahead if they are of significant
25 benefit to the community, however, this

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1 is not the case for this Proposal. Very
2 little benefit is derived from the
3 quarry for Nova Scotia, since there are
4 no royalties for the rock, few permanent
5 for the residents, and very little
6 economic benefit for the region or
7 Province. I hope you will see our
8 points, and pass them on in your report
9 to the Government. Respectfully
10 submitted for the Board of Nature Nova
11 Scotia, Larry Bogan(ph), President of
12 Nature Nova Scotia.
13 Panel, thank you very much for your
14 time.

15 THE CHAIRPERSON: Thank you.

16 **PRESENTATION BY NATURE NOVA SCOTIA - QUESTIONS FROM THE**
17 **PANEL**

18 THE CHAIRPERSON: Ms. Reardon, have
19 members of your organization been to Whites Point, walked
20 around Whites Point, and surveyed Whites Point?

21 Ms. ANDI REARDON: Yeah. Like I say,
22 there's close to 2,000 members, and there are many, many
23 people that... Whites Point is the... Several of them have
24 gone on... Actually, John Percy here is one of them who has
25 gone on tours of Whites Cove, yes.

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1 Dr. GUNTER MUECKE: In terms of the North
2 Mountain Preservation Group, has there been any consultation
3 with Bilcon, or has Bilcon approached you at any time to
4 consult with you?

5 Ms. HEATHER LEBLANC: No. No, we have
6 not.

7 THE CHAIRPERSON: Mr. Buxton?

8 Mr. PAUL BUXTON: Thank you, Mr. Chair.
9 I don't have any questions.

10 THE CHAIRPERSON: Questions from the
11 audience? There are none. Thank you all, all of you, Ms.
12 Reardon.

13 Ms. ANDI REARDON: Thank you.

14 **PRESENTATION BY NATURE NOVA SCOTIA - QUESTIONS FROM THE**
15 **PUBLIC**

16 THE CHAIRPERSON: Wait a minute. Oh,
17 excuse me, gentlemen. There's a question, delayed
18 question.

19 Mr. BRIAN DYER: Thank you, Mr. Chair.
20 I don't know to whom to address this particular one, but who
21 would prefer a question on tourism, and the impact of this
22 Project? Any takers? You, Heather? Okay.

23 Would it surprise you to know in the
24 last two hours, I have been accosted by a tourist on the
25 steps of this meeting hall to wonder how the drift of this

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1 hearing was going? And it was a person who is a tourist
2 here from Georgia, and he is directly involved in the quarry
3 business, and his comments were that if this pristine
4 surrounding of Digby Neck is obliterated by a quarry, then
5 we are all stupid Nova Scotians.

6 What is your comment on that, please?

7 THE CHAIRPERSON: It'll be a brief
8 comment, I hope. (Laughter)

9 Ms. HEATHER LEBLANC: Well, I don't think
10 I appreciate the "stupid Nova Scotians" comment. I
11 certainly believe in consultation, and I certainly believe
12 in industry. I think that there's a place for certain
13 industries, and I believe that we need centers of excellence
14 in certain areas.

15 I would like to think that there are
16 areas where industry should be, and there's areas where
17 certain types of industry shouldn't be. I'm being
18 repetitive here, but I don't think we're stupid. I think
19 that serious thought should go into where we should be, and
20 what we should be doing, and I don't particularly think that
21 this area is where a quarry should be.

22 Mr. BRIAN DYER: Thank you. I think
23 maybe the word "stupid" was of my generation. He used, "You
24 wouldn't be very sensible people to demolish this pristine
25 surrounding". Thank you.

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1 THE CHAIRPERSON: Thank you, all. We'll
2 take a 15-minute break now.

3 --- Recess at 2:51 p.m.

4 --- Upon resuming at 3:06 p.m.

5 THE CHAIRPERSON: Ladies and gentlemen,
6 we would like to resume now.

7 --- Pause

8 Would Cheryl Denton identify herself?
9 The first presentation for this afternoon is Cheryl Denton.
10 **PRESENTATION BY Ms. CHERYL DENTON**

11 Ms. CHERYL DENTON: Good afternoon. My
12 name is Cheryl Denton, and I am a resident of Little River,
13 my home being about a mile and a half from the proposed
14 quarry site.

15 Unfortunately, my husband and I were
16 the people who sold the land at Whites Cove to Mr. Johnson
17 and Mr. Lineberger for what we were told at the time was to
18 subdivide into waterfront lots for cottages.

19 I refer you to the CLC minutes August
20 the 8th, 2004, page 2 for confirmation of this statement
21 that I have just made.

22 Fifteen years ago, I was on a committee
23 to stop the quarry at Eastern Head in Little River and
24 became a true believer in sustainable development as a
25 result, so when the opportunity came to sell Whites Cove, we

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1 believed it would enhance our community and help promote
2 sustainable development.

3 Can you possibly imagine our dismay and
4 mental anguish when we discovered that it was to be used as
5 the site of a proposed quarry?

6 My husband and I love and deeply respect
7 the people of Little River, Digby Neck and the Islands, and
8 would never have sold this land had we ever known what was
9 going to happen. We were duped.

10 I guess you could say I have become
11 somewhat cynical and sceptical, and perhaps even a bit
12 paranoid now because I can't help but wonder if we're not
13 all being duped somehow, but I must face reality.

14 The land was sold, and now I must face
15 my deepest fears.

16 We are only a mile and a half wide
17 from bay to bay as the crow flies in Little River. We just
18 simply do not have the land mass to sustain the magnitude of
19 blasting the Proponents claim they will use without having
20 disastrous effects.

21 How long before we lose our fresh water?
22 What happens to the fish plants? They, too, need fresh
23 water to operate.

24 Do we give up a whole viable fishery for
25 a few menial jobs in this quarry? That just doesn't make

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1 common sense to me.

2 As you probably know, there are fault
3 lines in the Bay of Fundy and, from time to time, there has
4 been some activity. What happens when and if blasting
5 should coincide with even a minor tremor? Will that create
6 a sink effect and will we lose our water or have it
7 contaminated with salt water?

8 I believe there was a tsunami in the Bay
9 of Fundy in 1929 that affected Newfoundland and Cape Breton,
10 and 27 lives were lost as a result of that.

11 I also believe there was a tsunami in
12 the Atlantic Ocean in either the 1700s or the 1800s. Mother
13 Nature tends to often work in cycles.

14 I guess what I really want to say is
15 that we can never underestimate or predict what Mother
16 Nature may or may not do.

17 I don't think I can possibly tell you
18 how very stressful this whole ordeal has been on our
19 community. We had and have a wonderful way of life, and
20 until the early 1990s we were the best-kept secret.

21 We knew we had something special, but as
22 a result of the first quarry battle, we decided that perhaps
23 we would have to share our lifestyle and have since
24 supported and promoted tourism, which we feel goes hand in
25 hand with the fishery.

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1 Tourists love coming here for our
2 pristine beauty and our somewhat laidback lifestyle. They
3 seem to want to get away from the glitz and glamour and
4 their hectic lifestyles and just be at peace with the world
5 and themselves and, of course, for a good old-fashioned
6 lobster chowder.

7 I have great respect for this Panel, and
8 I feel confident that you will listen carefully to all
9 participating in these hearings and will be wise in your
10 decisions.

11 In closing, I would like to share with
12 you the Native American 10 Commandments, which was shared
13 with me by a very dear friend, who is Choctaw.

14 "The earth is our mother. Care for her.
15 Honour all your relations. Open your
16 heart and soul to the Great Spirit.

17 All life is sacred. Treat all beings
18 with respect.

19 Take from the earth what is needed, and
20 nothing more.

21 Do what needs to be done for the good of
22 all.

23 Give constant thanks to the Great Spirit
24 for each new day.

25 Speak the truth, but only of the good in

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1 others.

2 Follow the rhythms of nature. Rise and
3 retire with the sun.

4 Enjoy life's journey, but leave no
5 tracks."

6 Thank you for this opportunity to speak,
7 and may the Great Spirit watch over us all as long as the
8 grass grows and the water flows. Thank you.

9 THE CHAIRPERSON: Thank you, Ms. Denton.

10 **PRESENTATION BY Ms. CHERYL DENTON - QUESTIONS FROM THE PANEL**

11 Dr. GUNTER MUECKE: Ms. Denton, for how
12 long did you own the property?

13 Ms. CHERYL DENTON: We owned it, I
14 can't remember now how long we owned it for. It had been in
15 the family previously, and we bought it from a distant
16 family member. And, oh, I think we had it for maybe 10 or
17 15 years at that time.

18 Dr. GUNTER MUECKE: So you're intimately
19 familiar with it, obviously.

20 Ms. CHERYL DENTON: Yes.

21 Dr. GUNTER MUECKE: And previously during
22 these hearings, there were descriptions of foundations there
23 and so on. What are your recollections regarding any sort
24 of settlements or remains of settlements at the Cove?

25 Ms. CHERYL DENTON: Well, we hear a lot

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1 of folklore and a lot of, oh, things from our elders.

2 I have only been in Little River 40
3 years, so that community was in Little River before I came
4 there, so I just listen to what they have to tell me.

5 But when we bought that piece of
6 property, there is a cement haul-up, or was a cement haul-up
7 there at the time. There was a summer cottage on that
8 property, and I believe it was called Camp Fog.

9 And, yes, we've heard of a community
10 being over there. We've heard our elders talk about going
11 there to visit, and I guess that's about all I can say on
12 that.

13 Dr. JILL GRANT: Ms. Denton, what was the
14 land used for prior to sale? What kinds of activities did
15 your family or did the community participate in on that
16 site?

17 Ms. CHERYL DENTON: Well, picnics, walks,
18 bird watching, whale watching. Any friends that ever came
19 to visit us from away, especially from overseas, just
20 delighted in going back and building a big bonfire and
21 roasting hot dogs.

22 And most of the community used that area
23 to do that same type of thing. It was a place to go to get
24 away from the world.

25 Dr. JILL GRANT: And can you tell us

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1 anything about, there's a 50 by 50 foot parcel that's
2 excluded from the lands. Can you tell us anything about
3 what the history of that little parcel is that's not part of
4 the land holding?

5 Ms. CHERYL DENTON: Yes. You are right
6 about that. I'd have to have my husband here to give you
7 those details.

8 There was couple from the States owned
9 that, and that was when we owned it. We knew that that was
10 owned by these other people, and then they sold it to people
11 from Sandy Cove. That's a little postage stamp piece of
12 land.

13 THE CHAIRPERSON: Ms. Denton, I'm curious
14 about the sequence of events. You bought it from a family
15 member, then you decided to sell it. And when you sold it,
16 you sold it to people who were summer residents, were they?

17 Ms. CHERYL DENTON: They were people from
18 South Carolina that came and they went through a real estate
19 agent. And the real estate agent came to us and said:
20 "Look, there's these people from South Carolina that would
21 really like to buy this property and they want to develop it
22 and they want to put summer cottages there."

23 My husband and I were both at a time in
24 our life when we were wanting to downsize, and we thought
25 what better way and what better legacy could we give the

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1 community than to promote this and to help.

2 THE CHAIRPERSON: Do you know anything
3 about the sequence of events after you sold it to them? In
4 other words, did they hold onto it for a number of years and
5 then sell it, or did they---

6 Ms. CHERYL DENTON: No.

7 THE CHAIRPERSON: ---did they advertise
8 and begin to prospect for buyers?

9 Ms. CHERYL DENTON: I don't know that.

10 THE CHAIRPERSON: Yeah.

11 Ms. CHERYL DENTON: I don't know that.

12 THE CHAIRPERSON: Thank you. Mr. Buxton.

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

14 I don't have any questions.

15 THE CHAIRPERSON: Questions from the
16 audience, anyone? Yes, please.

17 **PRESENTATION BY Ms. CHERYL DENTON - QUESTIONS FROM THE**
18 **PUBLIC**

19 Ms. JAN ALBRIGHT: Jan Albright from
20 Dunromin, Annapolis Royal.

21 I have a map that may help you with some
22 of the questions of the dates and things that you're asking
23 if you would like me to hand it to you. And it does show
24 the date of when Harvey Denton acquired the land, and I
25 believe that it was after that that these people acquired

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1 the land.

2 Would you like to have this? It may
3 help you have an understanding of some of the names and the
4 locations.

5 THE CHAIRPERSON: Certainly. Just give
6 it to the Secretariat and it will become available to
7 everybody.

8 Ms. JAN ALBRIGHT: Okay.

9 THE CHAIRPERSON: Thank you.

10 Ms. JAN ALBRIGHT: If you have a question
11 about the type of community life that went on there, as a
12 young girl, as a child, I was taken there regularly for
13 picnics. My great-grandmother is Cynthia Morehouse. She
14 was married to Alonzo Morehouse, but she was born Cynthia
15 Jane Hersey.

16 Her mother and father had a land
17 there. She grew up there as a young girl, and in her early
18 married life lived there and owned property. And her and my
19 grandfather, Alonzo Morehouse, made it a point at one point
20 to almost buy back all of the land.

21 And then my great-grandfather died, and
22 a portion of the land, and you can see where it is, it was
23 in his name, was sold off. But in 1912, she purchased a
24 piece on her own.

25 That land was a vibrant community.

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1 There were over 10 houses there. People fished and they
2 farmed out of there. And the reason that the community died
3 that I was told as a young girl was because Little River was
4 building up and people were moving there.

5 Little River had the church. It had the
6 schools for the children. It had the community stores. And
7 for a lot of people, this is long before cars or
8 automobiles. The way they got back and forth to town was
9 either to walk or by horse or by oxen.

10 And eventually, the people in that
11 community moved into Little River because it was the centre
12 of things then.

13 THE CHAIRPERSON: That's very
14 interesting. Thank you.

15 Thank you, Ms. Denton. Oh, sorry.

16 Ms. Denton, there's another question.
17 Sorry.

18 Mr. JOHN DICKINSON: I just want to say
19 that we went across with you quite often for picnics in
20 there. Ms. Denton bought this property...

21 THE CHAIRPERSON: Could you identify
22 yourself?

23 Mr. JOHN DICKINSON: John Dickinson.

24 THE CHAIRPERSON: And?

25 Mr. JOHN DICKINSON: And this is my wife,

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1 Evelyn, who was Evelyn Denton. Her father was Harvey
2 Denton, and she was subsequently sued by the company for
3 making statements about the property.

4 When you raise questions about the
5 original settlements there, there were summer homes that my
6 wife played in as a child because she used the site, and the
7 site was still there.

8 There are houses in Little River, the
9 Nesbitt house, the Denton house across the road from them
10 that came from the site, from that coastal site.

11 THE CHAIRPERSON: They moved the houses
12 from the Cove?

13 Mr. JOHN DICKINSON: The Nesbitt house
14 was moved in portions and was rebuilt. The one across the
15 road was moved by ox cart and came out whole from Whale Cove
16 over Highway 422. And those properties were moved into
17 Little River and then the families moved out of there and
18 moved into Little River as well.

19 So there's always been a strong
20 connection between this community over the mountain.

21 My wife's ancestors intermarried with
22 the Herseys who were there, and that's the relationship
23 there. There were probably somewhere up to 85 people over
24 the years that lived in that community.

25 And we do have the record in Little

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1 River's cemetery of families who died around 1877 from a
2 typhoid epidemic in that place and so on.

3 That's the connections that go back, so
4 there are strong connections.

5 THE CHAIRPERSON: Thank you very much.
6 It's all very interesting.

7 Mr. Farnsworth.

8 Mr. TERRY FARNSWORTH: I'm not sure this
9 will be a question, but it will be a quick statement.

10 The last dwelling place in Whites Cove
11 as a little boy or young boy, 12, 13, a lot of us younger
12 boys were venturing back Whites Cove Road as we did a lot of
13 rabbit hunting around the area, snaring rabbits and stuff.
14 And at that time it was a means of survival, snaring rabbits
15 for food and different things.

16 And there was a little cabin back
17 there, and you might call us young hellions or whatever at
18 the time, but it was a place for us to venture and we were
19 doing some fixing on the cabin.

20 And I remember writing "Home sweet home"
21 on a chair, but unfortunately there was smoke coming up
22 through the woods where the boys had lit a grass fire on the
23 beach, and they thought they had it out, but some time later
24 the wind had picked up and, unfortunately, it burned the
25 cabin down.

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1 I resent that to the folks along the
2 property. At that time there was no lines drawn anywhere
3 with the community as to where you could hunt or venture.
4 You know, we were a community of the day in that time.

5 So I'd just like to point that out, that
6 was the last dwelling place that was there and, due to our
7 playing activity, unfortunately the little cabin got burned
8 down. And I apologize to the owners.

9 THE CHAIRPERSON: Thank you, Mr.
10 Farnsworth. Better late than never.

11 Bruce Cunningham, please. The next
12 presentation is by Bruce Cunningham.

13 --- Pause

14 **PRESENTATION BY Mr. BRUCE CUNNINGHAM**

15 Mr. BRUCE CUNNINGHAM: My name is Bruce
16 Cunningham, and I live in Sandy Cove on the Digby Neck. I'm
17 actually one of these year rounders that people talk about
18 sometimes.

19 I'd like to talk about how I came to
20 Sandy Cove and how it's become a very special area for me
21 and needs to be preserved.

22 My first contact with the Digby Neck was
23 in 1967. That was Canada's Centennial Year. Our family of
24 five travelled east from Ontario with our tent-trailer and
25 dog and attended the World Festival in Montreal.

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1 We kept on going to visit with my wife's
2 sister, who had bought a house in Sandy Cove while on her
3 honeymoon the previous year. She didn't share the honeymoon
4 with us.

5 I expected that all talk would be about
6 the World's Fair and our excitement, and to my surprise,
7 Sandy Cove made a bigger hit with our kids and they wanted
8 to go back next time, next year.

9 We said that it's not our house, that we
10 have to be invited, and so a campaign started that the
11 cousins from Ontario, the two families, would get together
12 in the house in Sandy Cove.

13 Well, after about five or six years of
14 annual, biannual, semiannual visits, a house that we liked
15 very much came on the market and the experience that had
16 come to us over the years was that properties very rarely
17 come on the market and when they do, you better move
18 quickly.

19 In 1973, we scraped together what
20 savings we had and purchased a house in Sandy Cove so that
21 we could regularly return for summer visits without having
22 to wait for an invitation.

23 Our three children spent their summers
24 in Sandy Cove up to their pre-teen years, and they made many
25 friends for life, some of them. They're still friends with

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1 people that they played with as a children.

2 There's a certain attraction that some
3 people have for special places in their lives, and when my
4 wife, Joan, died in 1994, her last wish was to be buried in
5 Sandy Cove, and I hope that this wish will come out.

6 She was buried in Sandy Cove and the
7 rest of the family would want to cherish it and be there
8 with her. So that's a separate comment.

9 This is how Sandy Cove became precious
10 to us over the years of visiting through visits to other
11 people's houses and then eventually buying our own house,
12 and now we're in another generation.

13 Over the last 35 years or so, many
14 changes have occurred on the Digby Neck. The girls' and
15 boys' camp in Sandy Cove have both gone, but many of the
16 cabins from the girls' camp have been bought by former
17 campers, and they're people who brought the tradition of
18 Camp Hegarty and have kept it alive in Sandy Cove.

19 There was a replacement trailer park
20 attempted to come into existence when the boys' camp closed,
21 but it only lasted for a season or two.

22 Different forms of aquiculture have been
23 tried in Mink Cove and East Ferry, with some success.
24 Similarly, several attempts have been made to start call
25 centres, and to this date there's one successful call centre

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1 still operating in Cornwallis.

2 The ground fishery is struggling with
3 shortage of fish all over, but the lobster fishery is still
4 performing well and people are still buying retirement and
5 summer homes. People from New England and from central
6 Canada still want to come to the areas that Sandy Cove is in
7 to get close, but they're usually people who have met
8 somebody else who's invited them.

9 With all of these changes, there have
10 never been any strong objections to projects, but nearly
11 everyone that I know at this time is upset by the proposal
12 to build a quarry at Whites Cove.

13 Now, I can't speak for everybody on
14 Digby Neck. I'm just giving you my own personal feeling
15 that, having had the experience of learning what was
16 available on Digby Neck over a period of years and how the
17 same people kept coming back and so you built friendships
18 that lasted a long time.

19 And so we have a feeling that that needs
20 to continue, and it just seems out of place when the people
21 want to build a quarry at Whites Cove. It's a special
22 peninsula that should not become an industrial park.

23 The mega quarry, in my opinion, would
24 interfere with lobster fishermen and the Fundy Shore
25 particularly opposite Whites Cove, and with tourist

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1 development that is gradually gaining speed on the Digby
2 Neck.

3 It would discourage families like mine
4 who want to invest in family traditions and who are prepared
5 to spend money to upgrade their houses and to employ local
6 craftspeople in the process.

7 The baby boom generation will soon be
8 reaching retirement age, and this would normally be
9 considered a growth period for people looking for vacation
10 and/or retirement homes. However, the real estate man a
11 while ago said all it takes is a suggestion that a quarry is
12 going in and that whole real estate market could disappear.

13 The proponents of the quarry say they
14 have not asked for government handouts or subsidies. Most
15 other businesses that have tried to open up new plants do
16 get money from government for major projects and for
17 training.

18 Are the quarry proponents not sure how
19 they would be received and better not be the last straw that
20 broke the camel's back?

21 Another cost factor which may be
22 anticipated is greenhouse gas discharges, conservatively
23 estimated to be around 4 million tonnes over the life of the
24 quarry. I wonder, who will be responsible for these costs
25 since they will be incurred in Canada but the owners of the

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1 operation will be outside of Canada?

2 From this rudimentary cost-benefit
3 analysis, this mega quarry has more costs than benefits, and
4 most of the benefits, as far as I can tell, will go to the
5 quarry promoters.

6 Thank you very much.

7 THE CHAIRPERSON: Thank you, Mr.
8 Cunningham. Mr. Buxton?

9 Mr. PAUL BUXTON: Thank you, Mr. Chair.
10 I have no questions.

11 THE CHAIRPERSON: Questions from the
12 audience? No.

13 Thank you very much, Mr. Cunningham.

14 We now move to the Atlantic Chapter of
15 the Sierra Club of Canada, and presenting will be Jeff
16 Tittle and John Bennett.

17 --- Pause

18 **PRESENTATION BY THE ATLANTIC CHAPTER SIERRA CLUB OF CANADA -**
19 **Mr. JOHN BENNETT**

20 Mr. JOHN BENNETT: I'd like to offer Mr.
21 Tittle's apologies. He's involved with work with the New
22 Jersey Legislature and was unable to make it up in time.

23 THE CHAIRPERSON: That's fine. Just
24 introduce yourself and proceed.

25 Mr. JOHN BENNETT: Okay. My name is John

1 Bennett. I'm the National Director of climateforchange.ca.
2 It's a new organization, based in Ottawa, and it's dedicated
3 to finding and promoting solutions to global climate change.

4 The first thing I'd like to do is I'd
5 like to say how proud I am to be part of such an impressive
6 group of presenters.

7 In my 30 years as an environmental
8 advocate, I've never seen such a coming together of a
9 community and seeing such an effective case being presented.
10 I hope that the Panel will recognize that in their report.

11 I'd also like to express my appreciation
12 to the Panel. I certainly wouldn't like to take on this job
13 myself.

14 I was invited to present on behalf of
15 the Sierra Club of Canada but, as I said, I'm with
16 climateforchange.ca. Just to give you some of my
17 background, I joined climateforchange last April, but for
18 the previous nine years I've been the Executive Director of
19 the Climate Action Network of Canada and the Senior Policy
20 Adviser for Energy for the Sierra Club of Canada.

21 Previous to that, I've worked at the
22 national, international and local level in terms of working
23 on solutions to climate change.

24 --- Pause

25 Mr. JOHN BENNETT: Most of the

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1 presentations you've had so far, as they should be, have
2 been focussed on the local conditions. I'd like to focus on
3 the global condition, global warming, or climate change, and
4 talk a bit about why I think that should be an important
5 consideration when you're writing your report.

6 I hope to demonstrate that, first off,
7 the science of climate change has progressed beyond a theory
8 to an observed phenomenon. And I'd also like to talk about
9 the Federal Government's legal responsibility to meet its
10 Kyoto Protocol targets and about the Proponent's capability
11 to mitigate the emissions from this project.

12 So the first set of slides are
13 actually taken directly from the Intergovernmental Panel on
14 Climate Change's web site. And they are part of the
15 presentation describing the recent fourth assessment report
16 from the panel which talks about observed phenomena in terms
17 of greenhouse gases.

18 The Proponent, for some reason, seems to
19 have chosen to consider only out of date research on climate
20 change in its Environmental Impact Statement. Perhaps 10 or
21 more years ago, there was considerable debate about the
22 science of climate change.

23 Today, the debate is political, not
24 scientific, and today's debate is about how fast we will be
25 doing something about it, how fast we will be reducing

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1 emissions.

2 I'd suggest that right now and right in
3 this room would be a good place to start reducing emissions.

4 --- Pause

5 Mr. JOHN BENNETT: I'm going to ask
6 everyone to use their imagination.

7 So what I had intended to do was show
8 you a series of slides basically explaining the following
9 things. Let me just run through it for you.

10 So the first slide was just a statement
11 from the IPCC stating that they have managed to observe
12 climate change and they've observed it around the world, in
13 the oceans and in the air. Temperatures are rising.

14 Second is that they have made similar
15 observations in continental, regional ocean-based scales,
16 numerous changes in long-term climate have been observed
17 around the world.

18 I was going to show you a slide where
19 they list all the different kinds of evidence that they've
20 found.

21 I was also going to show you a slide
22 that indicates that CO2 emissions are rising and have risen
23 dramatically in the last 10 years or in the period since the
24 world has agreed that we should do something about reducing
25 emissions. They've actually started to increase more

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1 rapidly than they were prior to that agreement.

2 So we're in a crisis situation in terms
3 of reducing greenhouse gas emissions.

4 And then the next slide would be one to
5 justify the understanding that it is human activity that's
6 making the difference. This is not a natural phenomenon.
7 It's not about cyclical changes in climate. It's human
8 activity, it's CO2 emissions and other greenhouse gases.

9 These are the slides you had to imagine.

10 So now I want to move on to the federal
11 responsibility on climate change.

12 Canada ratified the Kyoto Protocol in
13 December 2002. The Protocol was actually negotiated in 1997
14 in Kyoto. Canada signed the Protocol in 2000, ratified it
15 in 2002. The Protocol came into force in February 2005 and
16 now, under international law, Canada is required to reduce
17 its greenhouse gas emissions to levels six percent below
18 1990.

19 And this is a legally binding
20 international commitment under law. It's not a promise.
21 It's not a wish. It's not a commitment less than a legal
22 one. It's the same as any other law that we would have to
23 obey as Canadians.

24 Another aspect of Canadian law is that
25 under the **Canadian Environmental Protection Act**, Section 166

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1 requires the Minister of Environment and the Minister of
2 Foreign Affairs to ensure Canada complies with international
3 environmental agreements.

4 The White Point quarry will increase
5 greenhouse gas emissions in Canada, thus, it will be
6 impairing Canada's ability to meet its obligations under the
7 Kyoto Protocol. And I'm not suggesting that this project,
8 in itself, is going to put us over the top.

9 What I'm suggesting is that it's one of
10 hundreds and thousands of projects that will put us over the
11 top, and we need to figure out where do we start.

12 Therefore, the Federal Government must
13 consider the greenhouse gas emissions in this process.
14 Unfortunately for the Panel, there are no Federal
15 Regulations to guide the Panel in terms of greenhouse gas
16 emissions for industry.

17 This Panel is on its own, and I would
18 suggest that its only guide is the **Canadian Environmental**
19 **Protection Act**, Section 166.

20 However, I'd like to move now to the
21 question of mitigating emissions. I know many in the room
22 would say that this project shouldn't go forward at all, and
23 I probably would agree with that.

24 But in terms of greenhouse gas
25 emissions, which I'm here to speak about, I'd just like to

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1 say that all the emissions that are coming from this project
2 could be mitigated through numerous methods.

3 They could improve the efficiency of the
4 equipment. They could use alternative fuels. They could
5 use advanced technologies such as hybrids. They could
6 purchase offsets. They could do emissions trading.

7 But as we've heard earlier this week,
8 the Proponent wasn't interested in doing any of these things
9 unless it was regulated.

10 A number of Canadian industries are
11 already doing this voluntarily, and it's important to note
12 that, in Canada, greenhouse gas emissions, about 47 plus
13 percent, come from industry.

14 Another thing to be clear on is that
15 the nature of Canadian industry is such that it's very
16 important that there be regulations on industry separate
17 from regulations on consumers because, like this project,
18 Canadians get responsibility for the emissions but they
19 don't get the profits and they don't get the aggregate.

20 We're producing emissions for export, so
21 no matter how much you and I, as individuals, reduce our
22 emissions, we can't affect the emissions coming from this
23 industry. Therefore, this industry has to be regulated
24 directly or it has to be under some order to mitigate its
25 emissions.

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1 But big companies like Shell and DuPont
2 and Alcan and numerous forest companies in Canada have
3 already exceeded the Kyoto Protocol targets and are making
4 profits by doing that, and that should be the rule for
5 everyone, but most are not, and emissions continue to rise
6 because we haven't put any regulations on industry.

7 And if we're going to meet the Kyoto
8 Protocol, we have to have regulations that actually limit
9 industry's emissions and, as I said, there are no
10 regulations in place at this time to actually do that.

11 --- Pause

12 Mr. JOHN BENNETT: So I'll just conclude,
13 then, and I'll try to be as brief as possible covering a
14 very big subject with respect to how much you've had to sift
15 through already.

16 So to conclude, I have a couple of
17 recommendations.

18 The first is that I would ask you that
19 you advise the Ministers in your report that this project
20 will impair, to some degree or another, Canada's ability to
21 abide by its obligations under the Kyoto Protocol and could
22 potentially contribute to a contravention of the **Canadian**
23 **Environmental Protection Act** in terms of living up to that
24 international commitment.

25 The second one is that, should you

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1 decide in favour of the Proponent, I would ask that you
2 require it to take the steps necessary to eliminate or
3 offset all its greenhouse gas emissions to make this project
4 entirely carbon neutral.

5 And just to conclude, just before I came
6 up I received the undertaking from the Proponent. And I'd
7 just like to respond quickly to it.

8 It seems to be quite fine in describing
9 the actual on site operations, but environmentalists would
10 say you have to talk about the whole life cycle, and if
11 you're going to be bringing a ship in and sending a ship
12 out, then you have to count those emissions as well.

13 If you're going to have materials
14 trucked in, if you're going to have things like ammonium
15 nitrate produced and diesel fuel produced so that you can
16 create explosives, you have to quantify those emissions as
17 well.

18 And there are definitely emissions
19 associated with the use of the explosives that aren't
20 attributed here, and I would expect them to provide a report
21 that indicates the entire life cycle of this project in
22 terms of emissions, not just the half-dozen or so machines
23 that they've described here.

24 But I would say they've done a very good
25 job at describing those machines, but they're limiting

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1 themselves to the site alone. And greenhouse gas emissions,
2 you have to talk the whole cycle.

3 So thank you very much, and I'd just
4 like to close quickly by saying that I really hope that you
5 turn this project down, and I think you should do it
6 entirely to tell Canadians that if you get involved in your
7 community and you do your homework and you present a good
8 case, you can actually achieve your goals and protect your
9 local neighbourhood.

10 This community has done a wonderful job,
11 and I've been around these things for 30 years, and this is
12 the best presentation by a community I've ever seen.

13 Thank you very much.

14 THE CHAIRPERSON: Thank you, Mr. Bennett.

15 Mr. Bennett, there was a second
16 undertaking, I don't think you've seen it, in which the
17 Proponent identified the greenhouse gases that would be
18 generated from shipping, the round trips to carry aggregate
19 from here to the United States.

20 But the explosive part I don't believe
21 has been touched.

22 Mr. JOHN BENNETT: Okay.

23 Dr. JILL GRANT: Thank you, Mr. Bennett.

24 PRESENTATION BY THE ATLANTIC CHAPTER SIERRA CLUB OF CANADA -
25 QUESTIONS FROM THE PANEL

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1 Dr. JILL GRANT: One thing you didn't
2 comment on in your discussion about possible ways to
3 mitigate is the feasibility of reforestation as a strategy
4 to try to compensate for greenhouse gas emissions.

5 Can you comment on how effective that
6 would be on a site this size?

7 Mr. JOHN BENNETT: On a site this size,
8 it would be totally inadequate. I would question doing it
9 in any case.

10 Canada, during the negotiations of the
11 Kyoto Protocol, fought very hard to have forest management
12 be considered one of the ways to mitigate emissions so that
13 it could then take credit for the forest management in
14 Canada.

15 Just recently, the government has
16 decided that Canada's forest is actually a source rather
17 than a sink, so there's a great deal of questions about
18 whether or not using forestry actually does sequester carbon
19 for any length of time.

20 It certainly has difficult problems in
21 that, because it's wood and because it's prone to fire, it
22 can be destroyed. There's no guarantee that those trees
23 will actually grow to maturity, so often you'll have
24 companies offering to plant seedlings to bring down carbon.

25 They should be planting trees, but they

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1 should be planting trees because we need more forest, not
2 necessarily to mitigate their emissions.

3 We would recommend that, you know, all
4 mitigation be in the form of reducing emissions somewhere
5 else, so real emissions reductions is the best way to make
6 sure that we get to the point where emissions are going down
7 rather than up. Thank you.

8 THE CHAIRPERSON: Mr. Buxton?

9 Mr. PAUL BUXTON: Thank you, Mr. Chair.
10 I don't have any questions.

11 THE CHAIRPERSON: Other questions?

12 **PRESENTATION BY THE ATLANTIC CHAPTER SIERRA CLUB OF CANADA -**
13 **QUESTIONS FROM THE PUBLIC**

14 Mr. TERRY FARNSWORTH: Terry Farnsworth,
15 a fisherman local.

16 Probably many of us don't know much
17 about Kyoto. To me, it sounds like "quota". And, you know,
18 we're hearing a lot of things about cement factories wanting
19 to use tires to save on the pocketbook and whatnot and
20 increase of refineries, which sounds a lot like we're not
21 going to be having less air emissions. It sounds like we're
22 going to be having more.

23 And I'm going to lead up to a question,
24 by the way.

25 My fear is Kyoto is some sort of meeting

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1 of quota that will end up being a monopoly between nations
2 bartering environmental points and in terms of profitability
3 and whatnot.

4 And for the amount of things that are
5 going on with mismanagement, DFO, you know, stream
6 restoration in one area, disaster not far away, for a lot of
7 it for the common person, it's difficult to understand,
8 really, where all this stuff is going about environmental
9 impact. And I'm sure many in the room share these
10 questions.

11 My question is, what percent of climate
12 change do you see is impacting environment today in terms of
13 issues that develop, say, with things like mismanagement,
14 DFO, government, globalization?

15 What percentage is not entirely on the
16 reflex of, you know, global warming? There seems to be a
17 mix-up.

18 I don't mean to make my question
19 difficult, but from the common person point of view, it
20 seems like a lot of the environmental issues are blamed on
21 global warming, yet we don't seem to be getting anywhere.

22 Mr. JOHN BENNETT: Okay. I'll try to
23 answer that. I'm not sure exactly what you're asking.

24 We are seeing, around the world,
25 indications that global warming is taking place. The

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1 temperatures are rising both in the air and in the water.

2 There are subtle changes beginning to
3 appear all around the world.

4 It's very hard, at this point, to say,
5 well, this change in this fishery is caused by global
6 warming or over-fishing or some effluent from some factory,
7 but we do know that the changes that climate change will
8 bring will have significant impacts on the fisheries and on
9 farming and on public health.

10 And just to go back to Kyoto in terms of
11 is it a quota system? Yes, it is. It's the beginning of a
12 global effort to reduce emissions around the world.

13 And Canada is part, is one of the
14 richest and most industrialized countries in the world, has
15 agreed to reduce its emissions, and its share is to take its
16 emissions down to six percent below what they were in 1990.

17 They're about 30 percent above that now.
18 The problem we have in Canada is that, although our
19 politicians ratified the Kyoto Protocol and joined, they
20 didn't do anything in terms of domestic law.

21 And so it means that when we come to
22 sessions like this, members of the Panel have a very tough
23 problem because they don't have enough direction from the
24 government as to how they should deal with greenhouse gases,
25 and I sympathize with you.

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1 Does that help with your question?

2 Mr. TERRY FARNSWORTH: I really
3 appreciate your effort in answering that question, and I
4 think you hit on one part of the answer I was looking for,
5 and that is in terms of the things that affect our rights,
6 access, attachment and everything to the resources around us
7 is a lot to do with mismanagement.

8 We realize, as fishermen, that the
9 crisis in the fisheries is not altogether to do with seals.
10 There's a number of impacts, of transferabilities, of
11 commodities, monopolies with quotas, transferrable quotas,
12 offshore quota being fished in the Bay.

13 A lot of these things that have
14 impacted the resources out there, in the beginning, the
15 mandate was to make huge investment, fish the species to
16 near extinction, then move on to the next species, and
17 that's why we have so many species lining up for endangered
18 species and all that.

19 So for the public ear, I just want to
20 point out, and I appreciate you hitting a bit on that 'cause
21 that is a big part of my question, that a lot of issues that
22 are going on around us have not all got to do with global
23 warming.

24 It's got to do with the mismanagement
25 and ignorance of the people going for profits rather than

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1 think about the sustainability of a resource.

2 Thank you.

3 THE CHAIRPERSON: Mr. Farnsworth, thank
4 you. Ms. Albright?

5 Ms. JAN ALBRIGHT: Two quick questions.
6 Can you clarify...

7 THE CHAIRPERSON: Please speak your name.

8 Ms. JAN ALBRIGHT: Jan Albright.

9 THE CHAIRPERSON: Thank you.

10 Ms. JAN ALBRIGHT: These emissions, am I
11 correct in thinking that they affect the ozone level?

12 Mr. JOHN BENNETT: It depends which ozone
13 level you want to refer to.

14 If you're referring to the ozone level
15 which protects us from UV radiation and the talk about the
16 ozone hole, no, they don't. If you're talking about low
17 level ozone, which is smog, there would be a small
18 contribution from this project to that.

19 But there's a difference.

20 Ms. JAN ALBRIGHT: What is the status of
21 the ozone level in this area for what you have just
22 mentioned? Do you know that? Are there statistics on that?

23 Mr. JOHN BENNETT: I'm not familiar with
24 the specific air quality readings in this area, so no, I
25 couldn't comment on that.

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1 Ms. JAN ALBRIGHT: Thank you.

2 Mr. KEMP STANTON: I haven't a question
3 for him, but...

4 THE CHAIRPERSON: Speak your name, Mr.
5 Stanton.

6 Mr. KEMP STANTON: Kemp Stanton. I have
7 a question for Mr. Buxton. I asked it a week ago and the
8 secretary said I should get it in today, or I won't.

9 THE CHAIRPERSON: Go ahead.

10 Mr. KEMP STANTON: It was for Freddy
11 Trask, and he believes he will be within 800 metres of the
12 blasts at the quarry. He told me the day before yesterday
13 he does not want blasting within 800 metres. He does not
14 wish to sell his house.

15 For this project to go ahead as
16 described, will they have to blast within 800 metres of his
17 house?

18 Mr. PAUL BUXTON: No, Mr. Chair.

19 Dr. GUNTER MUECKE: Mr. Bennett, you
20 mentioned full accounting for greenhouse gases by any
21 project. This is a somewhat hypothetical question, but I
22 think relevant in this case.

23 If the impact of a project is to
24 decrease ocean productivity, how would you view that as...

25 Mr. JOHN BENNETT: Decrease?

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1 Dr. GUNTER MUECKE: Decrease ocean
2 productivity.

3 Mr. JOHN BENNETT: Yes.

4 Dr. GUNTER MUECKE: Plankton and so on.
5 How much of a contribution would you think that makes to
6 greenhouse gas emissions or sequestering, let's say,
7 relative to forestry?

8 Mr. JOHN BENNETT: I'm not qualified to
9 answer that question, so I won't venture there. Maybe the
10 man sitting beside you would have a better chance.

11 THE CHAIRPERSON: Any additional
12 questions? If not, thank you, Mr. Bennett.

13 Mr. JOHN BENNETT: Thank you.

14 THE CHAIRPERSON: Okay. For the final
15 presentation for this afternoon's session it's William
16 Denton. Mr. Denton. Thank you.

17 --- Pause

18 **PRESENTATION BY Mr. WILLIAM DENTON**

19 Mr. WILLIAM DENTON: Good afternoon, Mr.
20 Chairman, members of the Panel. My name is Captain Bill
21 Denton, originally from Westport, Brier Island. I was born
22 and grew up there.

23 And just for a bit of background, I
24 fished approximately eight years after graduating from high
25 school, and at that time I moved away and went to the

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1 Nautical Institute in Halifax, became a licensed mariner and
2 spent about 18 years going to sea.

3 And about nine years ago, I left that
4 and am employed as a marine pilot in the Port of Halifax.

5 I was asked by a friend of mine to speak
6 here today on some marine-related subjects of interest that
7 would come into play with this project at the Whites Point
8 quarry.

9 I picked three main interests that after
10 looking over the EIS of the Proponent, maybe would indicate
11 they're not too clear about the type of environment they're
12 getting into here with relation to building a marine
13 terminal or operating ships.

14 I don't have any computer visuals, but
15 I did bring a paper chart there that you can look at. Maybe
16 you're familiar with it. Perhaps not, but I just want you
17 to have a look at the chart and see that the location of
18 this terminal that is proposed to be built on an exposed
19 shoreline of the Bay of Fundy.

20 There's no protection there from the
21 elements, which would make it a pretty poor place to build a
22 terminal.

23 The nearest land is Grand Manan across
24 the Bay some 30 miles, so you don't get much protection from
25 there.

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1 To build a marine terminal on an open
2 shoreline is in my view is probably asking for major
3 problems.

4 The good part of the year, from autumn
5 to the spring, you get predominantly onshore winds there,
6 anywhere from southwest, west, northwest, northerly winds
7 of fairly strong breezes up to gale with storm force winds,
8 and the effects of this, coupled with the tides of the Bay
9 of Fundy, makes this area a pretty rugged piece of
10 coastline.

11 To my knowledge, with my experience
12 working at different terminals around Nova Scotia, there's
13 no other terminal that's built in an exposed location like
14 this.

15 All other shipping terminals are built
16 within a harbour or protected bay.

17 There is one terminal in Newfoundland
18 that actually is built in an exposed location, and they have
19 had a lot of issues with weather and problems with damaging
20 ships and ships crowning, trying to get in and out of there
21 when they have problems with unexpected winds or this type
22 of thing.

23 That would be at a lower cove on the
24 Port of Port Peninsula.

25 As a pilot, I've worked in Cape Breton

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1 and Halifax, and I've docked ships at quite a number of
2 terminals. You have my presentation there. I worked in
3 Bras d'Or Lakes, Sydney, Halifax, and I've seen all the
4 different types of facilities that are available for boats
5 loading cargo.

6 We've had issues at a number of these
7 terminals. A lot of them are related to weather, and some
8 of them related to the design of the terminal itself, with
9 regards to strength and the ability to dock large ships
10 there.

11 A lot of the terminals were built years
12 ago and were designed for smaller vessels, and ships keep
13 getting bigger, and the shore side people don't seem to
14 think there's any problem with putting bigger ships at old
15 docks.

16 As long as they can get the product out,
17 that's all they really care about.

18 So to build a terminal on the Bay of
19 Fundy, you're running into problems, different problems that
20 you wouldn't run into at other places around the coast due
21 to the high tide levels.

22 Your dock is going to have to be built
23 at a fairly high elevation off the seabed, which means it's
24 going to have to be extremely strong to support the weight
25 of the ship, and also in this area with the tidal currents,

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1 you can expect a lot of stress put on a dock facility in a
2 location like this.

3 The location of the terminal is going to
4 create problems with regard to bringing ships alongside in
5 inclement weather, because of the tide and the wind.

6 It might be possible to build a dock
7 there. I mean, if you have enough money, you can probably
8 build one anywhere, but you've got to look at the fact of
9 whether it's a practical place to put a terminal, and if it
10 can be operated safely there, and if it's feasible to do
11 it.

12 You've got to be able to sustain the
13 dock there for 50 years without problems or this type of
14 thing.

15 Anyway, from a mariner's point of
16 view, it's not the type of place... I've sailed as captain,
17 I've sailed as mate on ships, and it's not the type of place
18 that I would care to put a ship into personally.

19 The second item I'd like to comment on
20 is ships coming and going to the terminal in the Bay of
21 Fundy, they're going to be required to follow the Fundy
22 Traffic Zone into and out of the Bay up to the point
23 closest to approaching the terminal, which is... This is
24 fine.

25 Local fishermen are aware of the traffic

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1 lanes and generally keep clear with their fishing
2 operations, so they don't lose fishing gear or come in close
3 quarters with large vessels.

4 But once the vessels leave the traffic
5 lanes, it's going to encounter quite a number of small
6 vessels and quite a bit of set geared depending on the time
7 of year. This could result in interruption of fishing
8 activities plus loss of gear.

9 Something that wasn't mentioned in the
10 EIS, that was mentioned but was not too practical, I saw the
11 figure that if a ship gets there and it's not fit to go
12 alongside, they can just drop the anchor somewhere and heave
13 to.

14 Well, you can't really heave to in the
15 traffic lanes because you'll impede other traffic. If you
16 heave to go outside the traffic lanes, you could tear up a
17 fair amount of fishing gear, depending on the season.

18 So where are these vessels going to go
19 if the weather is not favourable? You could have days when
20 a ship might not be able to get alongside the terminal. You
21 probably will.

22 So these are things that weren't too
23 clearly thought out in the EIS report.

24 One of the big things that I picked up
25 on in the EIS was that the Proponent figured that only the

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1 most severe weather conditions would interfere with shipper
2 operations, and that they would only need tug-assisted
3 docking on rare occasions.

4 But I can show you that I don't think
5 they realize much about ship operations or the impact of
6 where they're trying to put ships into with regards to wind
7 and tide.

8 These statements I think are misleading,
9 and demonstrate lack of knowledge.

10 I figure that onshore winds greater than
11 20 knots coupled with the tidal currents are going to have a
12 detrimental effect on berthing and un-berthing ships or
13 allowing them to stay alongside the proposed terminal.

14 These large ships, they're going to be
15 anywhere from 2 to 250 metres long, fair size ships.

16 When you're handling to come alongside,
17 these ships aren't built for speed. I handled these types
18 of ships every day at the different terminals I worked at,
19 and the manoeuvrability at slow speeds for docking that is
20 not great.

21 So to envision putting ships in there on
22 a regular basis without using a tug is... I think you're
23 just dreaming really.

24 There are places that we can dock ships
25 without tugs. It's not really recommended, but it depends

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1 on how sheltered the berth is or what the type of bottom
2 is.

3 Sometimes, you can use an anchor going
4 in to help, to assist in docking if you don't have a tug,
5 but you're not going to be able to do that here due to the
6 nature of the bottom.

7 He mentioned ballast bow thrusters can
8 be used for docking the ships. Bow thrusters are generally
9 only effective up to about 20 knots of wind. Anything over
10 that, and you're grasping at straws.

11 Over 25 knots, they're basically
12 useless, and especially when the ship is in ballast and the
13 thruster is not too deep below the water.

14 There's very few ships that have stern
15 thrusters to my knowledge. I've been on probably 40 or 50
16 different bulk carriers that are running the east coast and
17 North America, and I can only think of maybe two that have
18 stern thrusters.

19 So the use of tugs is pretty well going
20 to be a given factor in my view. And the nearest tugs
21 available are in Saint John, New Brunswick, and that's about
22 50 miles away, so it could be quite costly running tugs down
23 from there every time a ship comes in, however that's part
24 of the business.

25 It's a five or six hour steam once you

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1 need a tug, so to not use one and then get in trouble and
2 require one on short-notice is not going to work.

3 These are things that have to be
4 factored-in when they figure out whether it's feasible to
5 put a dock there.

6 Another factor with regards to bringing
7 ships in, there are going to be foreign going ships, in
8 other words an international voyage.

9 And these days when people charter in
10 foreign registered ships, they generally try to get the ones
11 with the cheapest cruise, and these people aren't going to
12 be familiar with the intricacies of the local area with
13 regards to tides and weather patterns.

14 So it's quite a risk for somebody like
15 this to bring a ship in there. And if they have to use
16 tugs, do they know the procedures for using the local tugs?
17 Probably not.

18 These are all factors that have to be
19 considered, and if they're not considered it creates a great
20 safety hazard, both to the terminal, the ships, personnel
21 and to the environment if you ground the ship, which is the
22 last thing you want to see on any shoreline.

23 These masters, most ports they go to,
24 they used to urn licenced pilots to bring the ships in and
25 out.

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1 In this area, who is going to be
2 available to do that? There may not be anybody available to
3 do that, it's hard to say.

4 The key to any operation is safety, if
5 it goes ahead, and all these things have to be considered
6 here.

7 The third thing is reading the EIS
8 report, I don't think... Considering the comment made
9 about:

10 "...only the most severe weather would
11 interfere with operations..."

12 I don't think the Proponent really has
13 lived on Digby Neck year round and realizes what the weather
14 elements are like.

15 I lived there for 32 years and I fish
16 today, plus I worked in the Bay and the entire Atlantic
17 Coast of Canada actually, and the whether that we get here,
18 especially in the wintertime, isn't really conducive to
19 carrying out operations that they expect to do.

20 The strong winds that frontal
21 depressions attract across the continent, especially from
22 autumn through spring, usually intensifies towards the east
23 coast, and many of them funnel right through the Bay of
24 Fundy.

25 It makes for a pretty stormy area, and

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1 these strong winds of course create heavy seas and swell,
2 and they'll have a detrimental effect on the whole project
3 in my view.

4 Even in the summer months, when you
5 don't get so much wind, you get plenty of dense fog in most
6 places around Nova Scotia, but certainly in the Bay of
7 Fundy, in the years I lived there, I can remember going week
8 after week and never seeing anything other than the street
9 running by in front of the house. That was about as far as
10 you could see, if you were lucky.

11 So to expect somebody to put a ship into
12 a terminal in these conditions if they're not really
13 familiar with the area is asking quite a bit.

14 The tidal conditions also, we have the
15 highest tide in the world in the Bay of Fundy, and these
16 create strong currents.

17 They vary at different places along the
18 coastline and the Bay, but in this area they certainly would
19 be strong enough to have a detrimental effect in trying to
20 dock or keep ships alongside the berth for loading
21 operations, so it has to be thought about.

22 And I guess to summarize, in my view the
23 exposed location of the proposed terminal is not suitable
24 for such an operation and it constitutes a safety risk to
25 the local environment should an accident occur at the

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1 terminal while berthing or un-berthing or when loading
2 operations are in progress.

3 Navigating large vessels to the proposed
4 terminal in the manner indicated in the Proponent's EIS
5 without tug support or local knowledge, would jeopardize
6 safety and good seamanship.

7 This demonstrates a lack of knowledge of
8 safe ship operations and places the ship operator in an
9 awkward position.

10 The Proponent's EIS fails to acknowledge
11 the extent to which the weather, tides and sea conditions in
12 the proposed location will affect their operation, but I
13 don't think they really understand how serious it is to try
14 to operate a terminal of this nature in such an exposed
15 location.

16 That pretty well sums up the topics I
17 wanted to bring to your attention, and I'd just like to add
18 for the record that these are my personal comments and
19 views, and it's not related to my employment or my employer,
20 and I was asked to come here as a favour to...

21 This is information on behalf of the
22 people that are opposed to the quarry.

23 That's pretty much it.

24 PRESENTATION BY Mr. WILLIAM DENTON - QUESTIONS FROM THE
25 PANEL

1 THE CHAIRPERSON: Mr. Denton, you are
2 presently employed as a professional pilot?

3 Mr. WILLIAM DENTON: That's correct.

4 THE CHAIRPERSON: And you've been a pilot
5 for how long?

6 Mr. WILLIAM DENTON: Nine years.

7 THE CHAIRPERSON: Could we talk a little
8 bit about numbers?

9 Mr. WILLIAM DENTON: Yes.

10 THE CHAIRPERSON: Numbers in terms of
11 wind speeds for example. A ship this size, 250 metres,
12 70,000 deadweight tonnes, arriving in ballast for example.
13 Could... Can you conceive of a situation where it would
14 dock on its own?

15 If it was dead calm, no wind
16 whatsoever, is that a reasonable thing, or are you
17 suggesting that tugs are pretty much essential most of the
18 time?

19 Mr. WILLIAM DENTON: Well for a safe
20 operation, a tug would be essential.

21 Sometimes... Like I say, if you have no
22 wind, you still have tides to consider, and they can have a
23 detrimental effect, as well as the wind.

24 THE CHAIRPERSON: So...

25 Mr. WILLIAM DENTON: But certainly

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1 combined, the two together, it makes it that much worse.

2 THE CHAIRPERSON: Well if they have tugs,
3 do they require a pilot as well?

4 Mr. WILLIAM DENTON: Not necessarily.
5 There are ships captains that use tugs on their own, but
6 it's usually Canadian Masters on Canadian ships.

7 You've got to consider possible language
8 barriers if ships coming in have foreign crew members and
9 foreign masters, there may be some problems with
10 communications with the tug.

11 THE CHAIRPERSON: What knowledge does the
12 pilot bring to the docking process?

13 Mr. WILLIAM DENTON: You bring the
14 knowledge of the local area, your knowledge of the waters,
15 water depths, the conditions at the dock, weather, knowledge
16 of the weather and sea conditions, tides...

17 You bring the knowledge of using the
18 tugs and communicating with the shore side, the whole thing.
19 You do the whole thing from the time you go aboard the ship
20 until it's docked.

21 THE CHAIRPERSON: You assume control when
22 you're onboard?

23 Mr. WILLIAM DENTON: That's right, for
24 the captain.

25 THE CHAIRPERSON: Okay.

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1 Mr. WILLIAM DENTON: The captain is still
2 in command of the ship, but the pilot has the conduct of the
3 ship, which means they give the steering orders, they give
4 the engine orders, they coordinate the tugs and direct the
5 tugs, whether to push, pull or whatever they want them to do
6 to put the ship safely alongside the dock.

7 THE CHAIRPERSON: What are the practical
8 wind limits? If a ship of that sort was coming in, let's
9 say even with a pilot and two tugs. Two? It would require
10 two tugs?

11 Mr. WILLIAM DENTON: Well, it would
12 depend on the ship. If you had a good bow thruster, you
13 could probably use one tug.

14 THE CHAIRPERSON: H'm.

15 Mr. WILLIAM DENTON: But you've got to
16 look at here, in this location. In a sheltered port, I mean
17 we bring ships in at winds up to probably 40 knots, or
18 sometimes a little more, but usually not too much more than
19 that.

20 THE CHAIRPERSON: Is 40 knots a practical
21 wind speed for this?

22 Mr. WILLIAM DENTON: Well, you're pushing
23 the envelope at 40 knots. It depends on the direction of
24 the wind. If it's off the dock, it's not so bad as winds
25 that are on the dock.

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1 You've got to consider what would happen
2 if the line on the tug parted or this type of thing, how
3 much power the tug has and... There's all kinds of
4 considerations, but...

5 In an exposed location like we're
6 talking about here, it's impractical to put the ship
7 alongside in the first place. I mean, is it going to be
8 able to stay there?

9 If the wind is on shore, it's not going
10 to be because you get a lot of undertow in the Bay of Fundy,
11 as well as just wind driven seas on the surface.

12 THE CHAIRPERSON: Yes.

13 Mr. WILLIAM DENTON: You get a lot of
14 swell and this type of thing. To put a ship alongside in
15 them conditions...

16 There might not even be that much
17 wind, but there might be a lot of undertow, and it wouldn't
18 be uncommon to start parting lines off when the ship is
19 alongside.

20 This is not good because you could
21 injure somebody, or the ship could go adrift before they got
22 the engine online and were able to manoeuvre, you know? So
23 there's a lot of things to consider.

24 THE CHAIRPERSON: So it's not just
25 docking. Once it's docked and it has...

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1 Mr. WILLIAM DENTON: It has to be able to
2 be secured, safely secured---

3 THE CHAIRPERSON: Yeah.

4 Mr. WILLIAM DENTON: ---so it will stay
5 there for the duration of the loading operation.

6 THE CHAIRPERSON: What happens if it came
7 in at 25 knots and during the course of loading, which we're
8 told will take about 12 hours, all of a sudden there was a
9 squall or something where the wind speed went up
10 considerably, would the ship be in danger then?

11 Mr. WILLIAM DENTON: It could be in
12 danger, sure. Yeah. And I mean it might not be possible
13 to... If it's an onshore wind, it might not be possible to
14 get it out of there, unless you have a tug standing by to
15 assist in pulling it out.

16 THE CHAIRPERSON: Could it threaten the
17 terminal?

18 Mr. WILLIAM DENTON: It could, yeah. And
19 as a matter of fact, there have been terminals that had to
20 be rebuilt because of ships putting undue stress through
21 high winds and this type of thing.

22 You know, over a period of time, they
23 would become weak and then had to be rebuilt. The terminal
24 at Aulds Cove and Canso Straight was a good example.

25 I worked there nine years ago, and that

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1 dock had like five dolphins they call them to lay the ship
2 alongside of, but there were two of them that were
3 practically useless because they had been stressed so much
4 that you couldn't put a mooring line on them.

5 And they eventually, in the past three
6 years... I think they completed it last year, but they
7 enclosed all them dolphins and made a solid berth there, you
8 know?

9 THE CHAIRPERSON: H'm.

10 Mr. WILLIAM DENTON: Because the ships
11 they were putting in there were just too big and too heavy
12 for the design of the dock basically is what happened.

13 THE CHAIRPERSON: Assuming the ship
14 comes into the Bay of Fundy and intends to dock and the wind
15 all of a sudden goes up, the storm is passing through, or
16 anyway, it gets to a point where pilot and tugs decide:
17 "This is not a good idea", so they pull away.

18 Mr. WILLIAM DENTON: H'm.

19 THE CHAIRPERSON: You mentioned it a
20 moment ago. What do they do then? You asked the question,
21 so you may not even know the answer but...

22 Mr. WILLIAM DENTON: Well...

23 THE CHAIRPERSON: Does it go back into
24 the shipping lanes or does it turn around and go out into
25 the Bay of Fundy?

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1 Mr. WILLIAM DENTON: If it was me,
2 personally, a Master of a vessel in that situation, I would
3 turn and go back outside the traffic lanes, out clear of
4 the...

5 THE CHAIRPERSON: In the Gulf of Maine?

6 Mr. WILLIAM DENTON: Out in the Gulf of
7 Maine, and heave to until there was a weather enabling to
8 proceeding.

9 That would be the best alternative
10 because like I said earlier, to come outside the traffic
11 lanes up on the coast line where there could be a lot of set
12 fishing gear and this type of thing, I mean it really
13 wouldn't be practical to do that.

14 THE CHAIRPERSON: Okay.

15 Mr. WILLIAM DENTON: So it would be
16 best to follow the traffic lane back out and stay clear in
17 my view.

18 THE CHAIRPERSON: Thank you very much.

19 THE CHAIRPERSON: Yeah.

20 Dr. GUNTER MUECKE: Mr. Denton, who
21 decides whether a tug is necessary, is it the Captain of the
22 ship's judgement?

23 Mr. WILLIAM DENTON: Well, if the Captain
24 is there alone, it would certainly be up to him. He would
25 be the one that would have to make the call.

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1 When I go aboard of a ship as a pilot,
2 if the Captain has an order to tug and I think the weather
3 conditions are such that we should have one, I would
4 recommend to him and they usually don't argue.

5 You know, they figure the pilot knows
6 the local conditions, and if they were to refute what he
7 said and not order a tug and something happened to the ship,
8 well then they would be more responsible than, you know, if
9 they didn't (sic) take a tug.

10 Dr. GUNTER MUECKE: So if a Captain is
11 not very familiar with a particular piece of coastline, it
12 would be pretty easy to misjudge the situation?

13 Mr. WILLIAM DENTON: That's correct.

14 Dr. GUNTER MUECKE: Unless a pilot is...

15 Mr. WILLIAM DENTON: The average person
16 that doesn't handle ships, large ships, probably doesn't
17 realize...

18 They look out, see a ship coming in and
19 they say: "Oh, that's nice", you know? But there's a lot to
20 it. There's a lot of things to consider when you bring a
21 large ship alongside a berth or into an area of confined
22 waters.

23 You've got to consider the weather
24 conditions, the tidal conditions and all these things, how
25 much water the ship is drawing and...

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1 There's a lot of things you have got to
2 think about, so if you're coming into an area you're not
3 familiar with, you're playing with danger really and...

4 The thing is, a lot of times, in areas
5 where you're not required to carry pilots, the Captain will
6 look at the chart and he will say: "Oh, I can do this, it's
7 not a problem."

8 But there's always things that could
9 crop up that might surprise. It's not like pulling your car
10 on the side of the road and regrouping.

11 I mean when you're on a ship, things
12 are moving all the time and you've got to be able to think
13 quick and do the right thing, and there's a point of no
14 return.

15 Once you're making your approach, if
16 you get too close, you're pretty well committed, so whether
17 it's going good or bad, you'll have to see what the end
18 result is, you know?

19 Dr. GUNTER MUECKE: Thanks. Just on a
20 different note now, as you know, right whales have a habit
21 of just sitting and resting and not moving.

22 If you bring a ship in at reduced speed,
23 how much of... A ship of the size we're talking about, how
24 much leeway do you have in terms of avoidance?

25 Mr. WILLIAM DENTON: Well, your best bet

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1 probably if you saw a whale on the surface in your path,
2 your best bet would be to try to steer clear of it really,
3 because you wouldn't have time really to stop the ship if it
4 was anywhere near close to you.

5 I mean, it takes a while to slow a ship
6 down, and it would be a lot easier to steer clear of it than
7 try to stop the ship.

8 Dr. GUNTER MUECKE: For somebody totally
9 unfamiliar with this, how far ahead would I have to spot the
10 whale in order to take avoidance action, to steer around it,
11 for a ship of 70,000 tonnes?

12 Do I need a kilometre or...

13 Mr. WILLIAM DENTON: If you could see
14 it... If you could see it a quarter of a mile away, you
15 probably could steer clear of it.

16 You know, if the ship was underway and
17 making good speed and it was manoeuvrable.

18 Dr. GUNTER MUECKE: Right.

19 Mr. WILLIAM DENTON: I would think you
20 would be able to.

21 Dr. GUNTER MUECKE: But at reduced speed
22 though?

23 Mr. WILLIAM DENTON: At reduced speed,
24 your steering is a little more sluggish, but it's still
25 effective.

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1 You can always increase the engine speed
2 just to speed up the turn, this type of thing. Yeah. You
3 know?

4 Dr. JILL GRANT: If there are fishing
5 boats in the vicinity and you can't steer around, then is it
6 impossible to slow down at all?

7 Mr. WILLIAM DENTON: Well...

8 Dr. JILL GRANT: Or what speed would
9 you...

10 Mr. WILLIAM DENTON: Well normally,
11 fishing vessels are... You know, you're going to pick them
12 up on your radar, you're going to... You know, it's...

13 Dr. JILL GRANT: I'm sorry. I meant,
14 you know, there's a whale, but it's fishing season so
15 fishermen may be in the waters as well, and you may be in a
16 situation of not being able to divert course. Can you slow
17 down or does it...

18 Mr. WILLIAM DENTON: Well, you can slow
19 down to a point, but you may not be able to get completely
20 stopped.

21 To stop with a large ship, it takes a
22 few minutes, so it depends on the ship.

23 Dr. JILL GRANT: Another question I
24 wanted to ask you, Mr. Stanton, when he spoke to us about
25 fishing in this vicinity, mentioned Eddies.

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1 Can you tell us what the nature of
2 Eddies might be in these waters and whether they're a
3 problem with docking?

4 Mr. WILLIAM DENTON: Eddies, or it could
5 be referred to as back currents. They're usually a result
6 of a tidal current passing around an underwater restriction
7 that makes the water swirl back or reverse direction,
8 whatever have you.

9 But yeah, there could be eddies in the
10 vicinity of a berth sticking out on a straight shoreline.
11 That could create eddies around the dock, but there
12 definitely would be tidal currents through the dock that
13 will affect the manoeuvrability of a ship when you're coming
14 alongside.

15 They could help you, they could hinder
16 you, it all depends on the direction.

17 THE CHAIRPERSON: Mr. Buxton?

18 Mr. PAUL BUXTON: Thank you Mr. Chair, I
19 don't have any questions.

20 **PRESENTATION BY Mr. WILLIAM DENTON - QUESTIONS FROM THE**
21 **PUBLIC**

22 THE CHAIRPERSON: Okay. Questions? I
23 see some people standing already. Mr. Mullin, why don't you
24 just start?

25 Mr. DON MULLIN: Yes, Don Mullin. I'm

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1 not sure whether you have experience with ballast water
2 management, so I'll get the answer to that and if it's no,
3 then I won't ask my question.

4 Mr. WILLIAM DENTON: No, I'm not totally
5 familiar. I'm vaguely familiar with it, but... What's the
6 nature of the question?

7 Mr. DON MULLIN: The question is how many
8 times might you expect a ship's Captain who is coming up
9 from New Jersey to Whites Point, in order to preserve the
10 safety of the ship, to call Transport Canada and ask for an
11 exemption from the need to dump ballast water. Could you
12 take a guess?

13 Mr. WILLIAM DENTON: No, I'm not sure
14 what the procedure is for that. No, I can't really answer
15 that question. No.

16 THE CHAIRPERSON: Next? Mr. Farnsworth.

17 Mr. TERRY FARNSWORTH: Terry Farnsworth,
18 local fisherman. I understand very much what you're
19 saying.

20 I've had the First Mate of the Ferry
21 that goes back towards Saint John be at my house, we played
22 music together, and he stopped and talked about the wind on
23 the side, how they can affect your manoeuvrability, and one
24 of the questions I want to ask you is do you feel that the
25 area is equipped efficiently for a disaster that may occur?

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1 Mr. WILLIAM DENTON: Well, I'm not sure
2 what resources are available, but I wouldn't say there's
3 anything right in the immediate area if you run into
4 trouble.

5 That's why I'm saying that to do a
6 berthing and berthing operations at the terminal safely, it
7 would be advisable to have the tug there because if you run
8 into trouble, you've got nothing to fall back on.

9 I mean, if you have an equipment
10 failure, and I think I mentioned that in my comments last
11 summer that I did up.

12 If you have an equipment failure like
13 that, a thruster failure or a main engine failure and you
14 have no tugs, you're really left hung out to dry, you've got
15 nothing to fall back on.

16 So in order to do it safely, you need
17 assistance. I don't know what's available close by for oil
18 clean up response.

19 I guess I've read in the report there's
20 stuff available in Digby or Saint John or Yarmouth, I'm not
21 too sure.

22 Mr. TERRY FARNSWORTH: This has been a
23 question in our community. Are we prepared for oil spills
24 and things of that nature in case of a collision or
25 disaster.

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1 Mr. WILLIAM DENTON: Yeah.

2 Mr. TERRY FARNSWORTH: I'm a coast guard
3 member of Digby, one of two. I thought I was the only one.
4 We have another one there now.

5 We do exercises every Monday in July
6 with a chopper, and I'm proud to be a part of that.

7 Certainly, when we're talking here about
8 a vessel of such a size, I know a fish dragger or scallop
9 dragger over in Kentville. We went in for the tie up and we
10 had a breeze come on us and we got across the end of the
11 wharf and he appointed us to put lines out and what not. I
12 wasn't sure what he was up to, but with the wind that we
13 had...

14 This is an area that is surrounded by
15 land and everything. When we went out around the corner to
16 look at that 65 footer from the wharf, where I was standing,
17 laid over on its side, that was all wind doing that to that
18 65 footer.

19 When we did get up around the other
20 side, we then exceeded into putting the cable off of the
21 drum.

22 So I don't think people that are in
23 their kitchens or in their livingroom or whatever really
24 understand what we're talking about here.

25 And I want to mention that along the

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1 shore, you have say buoys hauled under water, you know, you
2 can obviously assume you've got a lot of tide current.

3 You get the wind and the [inaudible] in
4 the same direction. You've got to have a lot of power there
5 that you're competing with. I don't care if you've got a
6 tugboat or what you have got.

7 I've certainly, in my experience, seen a
8 number of things. When you're in a limited amount of
9 space... And once you go beyond a certain point, there's no
10 hope.

11 It's like he said, if you can't
12 visualize the events that can occur... The decision has to
13 be made on the spot. There's no way you can put it on the
14 paper and then present it.

15 It's more like taking care of the
16 "what ifs". Many times, I've heard a few say that we
17 shouldn't be...

18 We've had experiences and stories about
19 divers going down the passage, people they work with, they
20 didn't even know they were missing and the Ferry boat picked
21 them up.

22 So I really share... I really share
23 what this Captain his saying, his expertise, and my concern
24 is are we prepared for such disasters?

25 I want to share that the tide

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1 interaction that I've seen, it's not to be played with.

2 THE CHAIRPERSON: Thank you Mr.
3 Farnsworth. Ms. Albright?

4 Ms. JAN ALBRIGHT: Good afternoon, Jan
5 Albright. Good afternoon Captain Denton.

6 Mr. WILLIAM DENTON: H'm.

7 Ms. JAN ALBRIGHT: My husband and I lived
8 on a ship that was 522 feet long for five years. He owns a
9 third officers unlimited tonnage, unlimited ocean going
10 ticket. He also holds a Captain's ticket.

11 I have been logging sea time at a helm
12 since I was 10 years of age. It's my experience on the
13 ships that we sailed on out of Africa and Europe that a
14 pilot was a legal requirement for every port we went into.

15 Am I to understand that a pilot is not
16 required to be on this vessel that will be coming in here if
17 this passes?

18 Mr. WILLIAM DENTON: Well, we have
19 certain ports that are declared compulsory pilotage areas.
20 Those are major ports, like Saint John, Halifax, Canso
21 Strait, which... And Sydney. These are compulsory pilotage
22 areas, but areas outside in the Bay of Fundy, areas outside
23 Saint John Harbour are non-compulsory.

24 The same as if you're going to Yarmouth
25 with a ship, you're not required to take a pilot, but

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1 anybody that is knowledgeable or anybody that would think
2 about going in there and would have never been there would
3 certainly want one.

4 And there is a guy there that's
5 available to pilot ships in and out, or there was. I did
6 know him a few years ago.

7 It's the same thing up in Hantsport.
8 There's a guy there as well that is designated for bringing
9 the ships and boats in and out of Hantsport.

10 It's not a compulsory pilotage port.
11 All your secondary ports are not compulsory pilotage, so if
12 you get a Captain that's a bit foolhardy and that and
13 doesn't think it's necessary to take a pilot, there's
14 nothing required for him to take one.

15 It depends where you are going, what
16 port you are going into.

17 Ms. JAN ALBRIGHT: In your experience,
18 when these foreign ships... They're not foreign ships
19 maybe.

20 When these ships arrive that have a
21 foreign crew and a foreign Captain, do they have a person, a
22 watch-keeper designated to be watching for objects in the
23 water, other boats, for instance whales, and are these
24 whales visible on a radar?

25 I have no information about this. I've

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1 seen whales personally, but I don't know if they show up on
2 a radar.

3 Mr. WILLIAM DENTON: There's no way you
4 would likely see a whale on the radar, unless it was a
5 perfectly flat calm day, and especially from a large ship
6 radar which is quite high in elevation above the sea level,
7 you're not likely to pick a whale up to my knowledge.

8 If you're on a small fishing boat and
9 it's a calm day, you might pick a whale up on the radar,
10 possibly, but it would just be a fleeting thing you would
11 see one minute, and the next sweep of the radar it wouldn't
12 be there, so you wouldn't really know what it was anyway.
13 It might just be sea clutter.

14 It would be pretty hard to say that it
15 was a whale.

16 Ms. JAN ALBRIGHT: My next question is
17 on ballast, the question of ballast...

18 THE CHAIRPERSON: Ms. Albright, two
19 questions.

20 Ms. JAN ALBRIGHT: Okay.

21 THE CHAIRPERSON: Just finish this one
22 then.

23 Ms. JAN ALBRIGHT: Ballast is a technical
24 question.

25 On the ships in my knowledge and

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1 expertise in the area that I've observed in, ballast is used
2 to stabilize a ship and is held in compartments below the
3 water level. The ballast is moved around when the ship is
4 empty to make the ship stable.

5 When that ship comes in, it will be
6 empty, is that correct?

7 And when it leaves, they will need to
8 get rid of that ballast because they will be taking on the
9 rocks or they will be shifting some of that ballast water
10 around.

11 There was a question that did arise
12 about ballast water, and that's all I'd like to address,
13 thank you.

14 Mr. WILLIAM DENTON: Well, normally
15 your ballast water, if you have a fair amount... In the
16 wintertime, ships carry more ballast due to weather
17 conditions. They want to increase their stability.

18 They may start pumping ballast water
19 before they arrive at the terminal, the last two or three
20 hours before they are to arrive.

21 Quite often, you would start pumping
22 ballast when you start loading cargo. It's a simultaneous
23 operation.

24 So you could be pumping ballast water
25 out of the dock quite normally, and you may not even take

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1 all your ballast water out, you may take a portion of it
2 out, and you know, you may always carry a bit of ballast all
3 the time on the ship.

4 THE CHAIRPERSON: Mr. Dittrick?

5 Mr. MARK DITTRICK: Mark Dittrick, Sierra
6 Club of Canada.

7 We have been talking at this point about
8 encountering one whale, and I believe it was a quarter of a
9 mile you said you could...

10 Mr. WILLIAM DENTON: I would think if you
11 spotted a whale a quarter of a mile and you figured it was
12 going to be a problem...

13 The thing is making that decision
14 whether there is going to be a problem, it's normally my
15 experience... I worked on a whale watching boat out of
16 Westport for probably three or four years, back when they
17 first started whale watching down there.

18 A good friend of mine actually started
19 the first operation down there, and I worked periodically
20 with him when I was home from sea, when I was working on
21 ships.

22 You never really think about whales
23 staying there. Even when I've been at sea on ships, you
24 would quite often see whales, but I mean they are usually
25 always moving.

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1 Sometimes, you'll see them soaking on
2 the surface, but most of the time, they'll avoid you as
3 their swimming, you know?

4 The only time you really would have to
5 think about it is if they're laying on the surface and not
6 moving. They could be sleeping there, so...

7 But if you could see one the quarter of
8 a mile and you figured it wasn't going anywhere, it wasn't
9 active, I think you could steer around it in all
10 likelihood.

11 Mr. MARK DITTRICK: I believe the Captain
12 jumped in and answered my question before I finished the
13 question, and I also have a follow-up, so I'm just going to
14 finish this one.

15 If you see an aggregation of whales,
16 in other words one whale here, one whale there, and one in
17 the middle, or several, at what point do you have an
18 opportunity to steer around if you actually have to?

19 How far can you steer that ship within
20 that space in order to get around the whole bunch of them I
21 mean?

22 Mr. WILLIAM DENTON: Well, it depends on
23 how close you are and are there any other hazards I guess?
24 You know, if you're close to shore, you can go to the shore
25 to avoid them I guess, but if you're out in the Bay, I mean

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1 you've got lots of room to steer around them, it shouldn't
2 be a problem.

3 Mr. MARK DITTRICK: And my other question
4 is you are familiar with ships and boats from Hantsport,
5 right?

6 Mr. WILLIAM DENTON: That's correct.

7 Mr. MARK DITTRICK: Are you familiar
8 with where they enter and leave the traffic separation
9 scheme?

10 Mr. WILLIAM DENTON: Sometimes they come
11 straight up the traffic lane and probably exit somewhere to
12 the East of Grand Manan and go straight up the Bay, but
13 sometimes they come up through the Grand Manan Channel.

14 You know, it depends on the time of
15 year and what the wind direction is. Sometimes they come up
16 through the Grand Manan Channel, coming up along the coast,
17 you know?

18 Mr. MARK DITTRICK: Right.

19 Mr. WILLIAM DENTON: Yeah.

20 Mr. MARK DITTRICK: But if they are
21 coming up through the traffic separation scheme, how far up
22 would you say... If they use that route, before they exit
23 and then coming from Hantsport exiting? The outbound?

24 Mr. WILLIAM DENTON: Well, I would say...
25 I'm not sure, I haven't got the chart in front of me, but

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1 they would probably entre one of the calling points on the
2 chart there, in the centre of the Bay, I would think.

3 Mr. MARK DITTRICK: Could that be pointed
4 out, just so we have that information?

5 Mr. WILLIAM DENTON: Sure, yeah.

6 --- Pause

7 Mr. WILLIAM DENTON: I would say probably
8 around calling point 4 alpha would be my guess, that they
9 would probably exit the zone if they were headed up the Bay.
10 Coming down, they would probably go back across the traffic
11 lanes somewhere in that area as well, likely.

12 Mr. MARK DITTRICK: Could we get a copy,
13 a photocopy, just to have those things shown so we could see
14 where they go in?

15 Thank you very much.

16 THE CHAIRPERSON: Ms. Peach?

17 Ms. JUDITH PEACH: You alluded to some
18 sort of ship to shore communication. I'm wondering what you
19 would expect to have for personnel on the shore if you were
20 docking a ship? What sort of expertise you would expect,
21 how many people you would expect to have there?

22 Mr. WILLIAM DENTON: Well, we see all
23 kinds of things at different berths we go to, and some
24 people are experienced, and some people leave a lot to be
25 desired when it comes to tying up ships, but you certainly

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1 need enough people to tie up both ends of the ship at the
2 same time.

3 You can't be... Especially if you're
4 dealing with poor weather conditions and things like this.
5 And you need communications with these people.

6 So even in this day and age, and even in
7 major ports like Halifax, there's a lot of docks we go to
8 that there's no radio communication with the dock.

9 You've got people down there waiving
10 their arms, screeching and hollering, and when you're
11 standing up six or eight decks above the height of the
12 wharf, I mean it really doesn't make a whole lot of sense
13 there.

14 You've got guys down there waiving
15 their arms like they're trying to back a car into a parking
16 spot, it just... It doesn't work too well, I mean you
17 really need good radio communications with the people on the
18 dock, the dock foreman or whoever is in charge, and you need
19 enough people to tie up both ends of the ship at the same
20 time.

21 Ms. JUDITH PEACH: So would you need to
22 communicate them when you're further out, like in the
23 shipping...

24 Mr. WILLIAM DENTON: Well usually, when
25 you're making your approach to the dock, you make sure

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1 that...

2 First of all, you make radio contact,
3 you make sure that they're there and they're ready and as
4 you're making your approach, you explain to them which lines
5 you're going to put out first, and you know, so they'll
6 position themselves in the right location on the dock.

7 Mr. JUDITH PEACH: So you don't need to
8 talk to them about the conditions at the dock? Say if
9 you're further out in the Bay, you don't...

10 Mr. WILLIAM DENTON: Well, you could
11 contact the dock and see exactly what the conditions are
12 alongside, just to confirm what you would expect.

13 THE CHAIRPERSON: Okay. Any additional
14 questions?

15 SISTER BARBARA: My name is Sister
16 Barbara from Rossway.

17 Have you seen the conceptual drawings of
18 the quarry at all?

19 Mr. WILLIAM DENTON: Yes, I have. Yeah.
20 I have a copy of the EIS report.

21 SISTER BARBARA: So they don't tie them
22 up to the land, do they, the ships that come in to Whites
23 Point?

24 Mr. WILLIAM DENTON: Well, if they build
25 a terminal there, the sketch that was there, which I guess

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1 was just a sketch, but they would be laying against three
2 berthing dolphins, and the bow lines and the stern lines
3 will be going to mooring buoys, which will require the use
4 of a boat to run the lines to the buoys.

5 SISTER BARBARA: So that would secure the
6 boat to the terminal?

7 Mr. WILLIAM DENTON: It would secure it,
8 yeah.

9 SISTER BARBARA: Okay.

10 Mr. WILLIAM DENTON: Although using
11 mooring buoys in this location really is not the best idea
12 though.

13 SISTER BARBARA: All right, thank you
14 very much.

15 Mr. ANDY MOIR: One question about the
16 use of that...

17 THE CHAIRPERSON: Would you...

18 Mr. ANDY MOIR: Oh, sorry. Andy Moir,
19 from Freeport.

20 The EIS does talk about the use of a
21 work boat to tie up those lines to the dolphins or the buoys
22 that are out there.

23 Could I get your sentiment of how
24 practical that would be, to use a boat like that to tie up a
25 ship like this in conditions that might there at the

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1 terminal?

2 Mr. WILLIAM DENTON: You're going to have
3 to have a substantial boat. I wouldn't recommend... I have
4 been in places where they use an aluminum, probably a 20
5 foot aluminum boat with an onboard motor on it.

6 But in an exposed location like that, I think you would
7 have to have a little more substantial boats, something with
8 a little more weight to it because you would probably would
9 have to pull lines a fair distance to the buoys, and there
10 could be tide involved in that.

11 You wouldn't be able to do it with an outboard motorboat
12 really, so it's going to have to be something that's fairly
13 substantial.

14 THE CHAIRPERSON: Any questions? If not,
15 then I thank you all. Thank you Captain Denton.

16 The meeting is adjourned until 9:00
17 tomorrow morning.

18 --- Whereas the hearing was adjourned at 4:50 p.m. to resume
19 on Saturday, June 30th, 2007, at 9:00 a.m.