

**Sadaka, Jennifer -JLT**

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## In which Bob Fournier sets public policy

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MAKE WAY for Bob Fournier and the panel that just stomped all over the proposed quarry at Whites Point, Digby County. Here's what the Fournier panel found.

That Bilcon of Nova Scotia - which is owned by a New Jersey concrete company - was poised to do grievous harm to the environment

Further, Bilcon did not (in essence) tell the truth when it said it had struck an agreement with local fishermen regarding lost or damaged gear.

The panel also said the project would likely have an adverse effect on the economic activity that is the lifeblood of the Digby Neck and islands - the lobster fishery.

And don't even ask me about **wetlands** or **endangered species** or the safety of groundwater supplies. Suffice it to say that the panel was not impressed by Bilcon's evidence.

Indeed, Fournier and his peers were so alarmed by the testimony that they recommended a temporary embargo on any quarry developments along the North Mountain of the Annapolis Valley.

And while the embargo is in place, maybe the province could develop a comprehensive coastal zone management plan. If a framework and clear rules for development were established, Bilcon would not have to (again) go through the "agonizing and divisive ad hoc" process that the company and its critics have just endured.

That quote probably reflects the panel's frustration with this process. But the words were in fact

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spoken by Jennifer Graham of the **Ecology Action Centre** - one of the coalition of environmental and community organizations that have been fighting this project for the past four years.

This is not to suggest that Fournier somehow jumped into bed with Bilcon's critics. Instead, it was Bilcon's evidence - its case for development - that forced the panel to reject this project.

Bilcon must have seen this coming. When the hearings started in June, there were literally dozens of questions that the company had not answered to the panel's satisfaction.

And after hearings began, it became clear that Fournier was frustrated with the failure of Bilcon witnesses to articulate a clear understanding of evolving environmental management principles. Again, Bilcon should have done its homework on the issues, and on Fournier himself.

Not only is he a scientist - a guy who believes in empirical evidence and fancy concepts. He's also the guy who chaired the panel which reviewed and approved (with conditions) that Sable gas project.

Sable only got the OK after Fournier's panel had rigorously tested the technical and economic evidence presented by the Sable partners. In short, he is a stickler for detail - as a regulator must be.

Make your case and he'll approve your project. Fail to do so and he'll run you out of town.

At this point, it is hard to imagine that Nova Scotia Environment Minister Mark Parent would do anything but accept the key recommendation of the Fournier panel.

After all, this is - as Graham and others have pointed out - one of the toughest environmental assessment decisions ever handed down in Canada. It doesn't tie project approval to tough conditions, which is the norm. Instead, it rejects the proposal entirely.

I figure, in short, that the Whites Point quarry proposal is now as dead as Toronto's chances of being selected as Canada's favourite city.

The bigger question is whether the MacDonald government will transform big Bob Fournier into a policy maker - or cleave to the antiquated democratic notion that public policy is best left to people we elect.

A coastal management plan?

An embargo on new quarry development?

You can bet your stock options that mining companies and other heavy-machinery guys are now quaking in their Gucci loafers at the very prospect of these policy changes.

My bet is that Parent will let the quarry die, then, and hope that the other recommendations just sort of go away.

Killing the Bilcon project is one thing.

Scaring off every other developer is something else - and something government doesn't want.

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