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Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.30 p.m. July 18th 2002

Sandy Cove Fire Hall

In attendance: Mr. Brian Cullen
Ms. Christine Harnish
Mr. Mark Jeffrey
Ms. Cindy Nesbitt
Mr. Paul Buxton NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Rev. Robert McCormack

Mr. Buxton welcomed the Committee members to the meeting. He advised that four other people had originally agreed to sit as Members (Mr. Martin Kaye, Mr. Harold Theriault, Mr. Alger Sollows and Mr. Lee Wentzell) but who had later declined due to pressure exerted on them by opposition groups.

Mr. Buxton noted that the Liaison Committee should include representatives from various sectors of the Community who may have questions or concerns and the Proponent would add to the Committee over time.

Mr. Buxton noted that a Permit had been issued by the Nova Scotia Department of Environment and Labour (NSDOEL) on April 30th 2002 for the Construction and Operation of a quarry at or near Little River pursuant to Part V of the Environment Act, S.N.S, 1994-5, c. 1 as amended from time to time. It was further noted that under the Terms and Conditions of the Permit the NSDOEL could require the Proponent to establish a Community Liaison Committee and the NSDOEL activated this requirement and notified the Proponent on June 17th 2002.

Copies of the Guidelines for the Formation of a Community Liaison Committee were distributed to the members and the highlights discussed. The Guidelines state that a Community Liaison Committee is an advisory body to the project Proponent and provides input on matters regarding operations or approvals/permits that have or are perceived to have environmental impacts. Committees typically consist of no more than ten members and the Proponent is to be represented at all meetings and will post the minutes of the meetings. Notice of the formation of the Committee will be made in a formal manner via the local newspapers.

Mr. Buxton noted that this meeting can be viewed as an organizational meeting to review the purpose of the Committee and to open discussions of the quarry permit issued. He also noted that the Proponent intends to file a Registration of Undertaking with the intention of extending the quarry beyond the existing Permit and he will answer questions with respect to the Proponent's intentions.

Ms. Nesbitt asked what would happen if nobody attended this meeting.

Mr. Buxton responded that the Proponent will make every effort to form a useful

Committee. If no one who had agreed to become members had attended then a fresh start would have been made to implement a Committee. He noted that a Permit has been issued to operate the quarry in accordance with the Terms and Conditions of the Permit and the Committee provides an avenue for input from the Community and for questions to be asked. For example: What level of noise is permitted? Will there be loss of groundwater? Are there any set backs at the quarry boundaries? What is the scope of the blasting? What about dust, fuel storage, site security, design of wash ponds and sedimentation pond, marine mammals, birds?

Ms. Harnish asked whether the rock will be washed.

Mr. Buxton said that in all probability it will be. Wash water from the washing process will be collected in the wash ponds where the particulates will settle out while the water would be recycled to the wash process. Any overflow from the wash ponds would be collected in the sedimentation pond.

Drawings of the quarry site were reviewed including those of the wash ponds and sedimentation pond. These designs have been approved by the NSDOEL. It was noted that basalt dust is heavy and settles quickly in the wash ponds and the sedimentation pond. Sediment will be removed regularly and be placed in the protected sediment storage area.

Ms. Harnish asked what sort of rock will be crushed. Class A?

Mr. Buxton responded that the Proponent currently operates sand pits but require primarily rock which will probably be crushed to 3/4".

Ms. Harnish asked whether this will be trucked.

Mr. Buxton answered that it was the intention of the Proponent to ship the crushed rock from a marine terminal.

Ms. Nesbitt asked what level of noise is generated from the washing operation.

Mr. Buxton noted that the crushing operation is responsible for the generation of most of the noise. The noise levels, which may not be exceeded from any part of the operation, are set out in the Terms and Conditions of the Permit.

Ms. Nesbitt asked whether the operation would be noisy for local residents.

Mr. Buxton answered that the noise level cannot exceed 65dBA during the day nor 55 dBA at night. Mr. Buxton said that later on in the process he would bring in a noise monitoring device so that Committee members could appreciate what these levels represent when compared with traffic, music etc.

Ms. Harnish asked how the noise levels will be monitored.

Mr. Buxton said that the Proponent is required to adhere to the limits set out in the Permit and action could be taken by the NSDOEL if they are exceeded. Monitoring of sound levels must be conducted at the request of the NSDOEL. The type of equipment to be used will be demonstrated to the Committee.

Ms. Nesbitt asked how the quarry site would be reclaimed.

Mr. Buxton noted that with respect to the 4 HA Permit a preliminary rehabilitation plan has been filed with NSDOEL. The Terms and Conditions of the Permit require security in the amount of \$6,250 per hectare to be posted and this has been provided by the Proponent. A detailed rehabilitation plan must be filed with NSDOEL by April 30th 2002 and further security to be provided by the Proponent will be assessed at that time.

If a Permit is issued for a larger quarry it is the intention of the Proponent to rehabilitate on an ongoing basis so that no more than 20 acres will be open at any one time. A detailed rehabilitation plan will be filed by the Proponent and security to ensure rehabilitation will be required by the NSDOEL at that time.

In general terms it was noted that the contours of the site run parallel to the shore and this configuration lends itself to developing the property for future cottage lots all with a water view. The marine facility would be left in place and could be used as a marina. It was noted that the Butchart Gardens in Victoria were created out of a quarry site and there are several English Gardens of note built in old quarry sites.

Ms. Harnish asked whether the whole site will be rehabilitated.

Mr. Buxton said that the whole site will be rehabilitated. He noted that one of the advantages of the site was that it could not be seen from the road and hence neither local people nor tourists will actually see the quarrying operation unless they travel by boat.

Ms. Nesbitt asked whether it would be useful to have a copy of the Permit on view to the public or at least make them aware of where it could be obtained.

Mr. Buxton responded that he would make a copy of the Permit available to all Committee members who could then display it as they saw fit. He noted that all Permits can be viewed under the Freedom of Information Act.

Ms. Harnish noted that a bone of contention was that all the money would be going to the US and none to the local economy.

Mr. Buxton noted that while it was true that the rock product was going to the US there would be considerable local economic spin offs. For example the labour required for the crushing, washing and loading operation would be local (with the exception of the Quarry Manager) and the shipping line itself is Canadian. All the engineering and environmental consultants engaged to date have been Nova Scotian.

Ms. Harnish asked what the sediment contains.

Mr. Buxton answered that the sediment from the crushing and washing operation would be basalt dust.

Ms. Harnish asked if it contained arsenic.

Mr. Buxton noted that on going tests are being conducted on the soil, fresh water and salt water. There are no elevated arsenic levels. He did note that some lube oil has been detected in one sample of soil. Test results of the water and soil will be provided to interested Committee members.

Ms. Harnish noted that there was a wharf at this site at one time.

At this point in the meeting Mr. Buxton gave an outline of the Proponent's plans. He indicated that the Proponent is not going to crush rock for sale in Nova Scotia due to the very small demand and the fact that existing quarries were satisfying that demand. The market exists in New Jersey and the Proponent is looking at the export of approximately 2 million tons per year. In order to export from White's Cove a new marine terminal is required and the design of such a facility is being investigated. Bathymetry has been carried out together with sidescan sonar to determine available depths and bottom conditions. The design needs to satisfy the requirements of a vessel capable of carrying 45,000 tons with the minimum impact to the marine environment. It is anticipated that approximately 40 - 50 shipments per year would be made and it is possible that weather conditions will prohibit shipment in the winter.

Ms. Nesbitt asked what the time line is for the marine terminal.

Mr. Buxton responded that it was hoped that a definitive concept would be developed within two months but this concept may then need further analysis with respect to wave energy. When an approved concept has been developed an application will be made under the Navigable Waters Protection Act and this application will trigger a Federal Environmental Assessment.

Should the concept for the marine terminal prove to be an economic proposition the

Proponent will file a Registration of Undertaking with the NSDOEL. This document will set out the anticipated impacts and the steps, which will be taken to mitigate or remediate these impacts. The document will also deal with concerns raised by the public during the public consultation process.

The Proponent has engaged consultants to study various elements such as the botany of the site, the fauna, nesting surveys, cultural and archeological values, marine ecology, the economic effects of the undertaking, hydrogeology etc. Preliminary studies have been carried out on marine mammals with more extensive studies planned.

Ms. Nesbitt asked whether the Proponent could assume that there was no community concern if no one had attended this meeting and just go ahead with the quarry.

Mr. Buxton responded that the Proponent has a responsibility to determine what the concerns of the public are but it is difficult to respond to concerns if they are not brought forward. The Proponent needs to be made aware of specific concerns.

Ms. Harnish asked whether the project would be refused because of the involvement of a US company.

Mr. Buxton noted that both Nova Stone Exporters Inc. and Global Quarry Products Inc. are Nova Scotia companies so the assets will be owned in Nova Scotia.

Ms. Nesbitt asked whether the quarry will ever be larger than 20 acres.

Mr. Buxton responded that the plan is for no more than roughly 20 acres to be active at any one time with the previously disturbed areas being remediated.

Ms. Nesbitt asked how long each active area would remain active.

Mr. Buxton responded that initially it would be approximately 1 1/2 years but that this would change as the quarry moved back into the hillside with greater heights of rock being available.

Mr. Jeffery asked whether this will be a 24-hour operation.

Mr. Buxton responded that initially it would not. It is also anticipated that the actual operation would be for about ten months a year but this will depend on the weather conditions in a particular winter.

With respect to operations Mr. Buxton noted that a senior quarry manager has been appointed who will move to the area. All other personnel will be hired locally if possible and certainly from within Nova Scotia. The Proponent will train where necessary and it is anticipated that approximately 25 skilled personnel will be required with more during construction.

As general information Mr. Buxton noted that while it is not certain blasting is highly probable. With respect to the 4 HA permit blasting must be carried out in accordance with the Guidelines set out by DFO where blasting is adjacent to fish habitat or spawning areas. These Guidelines set out blasting charge limits at specific distances from fish habitat or spawning grounds. Undoubtedly the same Guidelines with respect to blasting would be attached to any further permits. It was noted that the minimum charge will be used to achieve the desired results but that under blasting could leave a dangerous situation.

Ms. Harnish asked whether this is a requirement if there is fish habitat.

Mr. Buxton responded that it was a requirement if there is a fish habitat.

Ms. Harnish noted that the quarry in Culloden is open again.

The possible concerns of lobster fishermen were discussed.

Various issues were tabled for example: What happens to the lobster traps when a ship comes in to the marine terminal? What effect will the quarry have on the ocean bottom?

Will the blasting affect the lobsters?

Mr. Buxton advised that all these issues and any others from lobster fishermen would be addressed. He thought that there were only three lobster fishermen operating in the Cove but Mr. Jeffery advised that there were more than three.

It was noted that it was very advantageous to the company for the ship to be loaded quickly essentially in less than 12 hours and there is also a possibility that the ship will not operate from January to April due to weather conditions.

The issues of possible effects on marine mammals and specifically whales was raised.

Mr. Buxton noted that new shipping lanes have been proposed which bring the lanes closer in shore and away from Grand Manan where whales are known to congregate. It is known that there are approximately 100 shiploads of gypsum shipped out of Hantsport each year and at least 600 ships use Saint John each year. Add to this the shipments from other smaller ports and the ferry traffic and the 40-50 shipments a year from the White's Point quarry are a fairly small percentage of the total traffic.

Mr. Jeffery asked how big the ship is.

Mr. Buxton responded that the ship is approximately 625 feet long and will carry approximately 45,000 tons each trip. Technical data can be made available with respect to the ship. It would appear that Canadian Steamship Lines will be the carrier.

Ms. Harnish asked whether the ship's water line was at 60 feet.

Mr., Buxton responded that the draft was approximately 45 feet.

Mr. Jeffery asked whether this will be a big wharf.

Mr. Buxton responded that at the present time a wharf was not being considered. A wharf in this location would require very significant sheet piling, which would have to be toe pinned at the base. In addition a rock filled wharf would take up a lot of beach area. The Proponent's consulting engineers are currently looking at dolphins and possibly a floating barge.

Mr. Jeffery asked what these would be made of.

Mr. Buxton responded that they would be steel pipe dolphins with a concrete cap.

Mr. Jeffery asked whether they would be secured.

Mr. Buxton responded that the dolphins would have to withstand the action of the ship and wave energy and hence they would need to be securely anchored. An advantage of the barge would be that it would rise and fall with the tides together with the ship.

Ms. Harnish asked whether there were any dolphins in Nova Scotia.

Mr. Buxton said that he was not aware of any pipe pile dolphins but there are concrete dolphins.

Ms. Harnish said that she was annoyed that no one from the quarry called a public meeting.

Ms. Nesbitt said that citizens are concerned and wanted to know why Paul Buxton was not called to attend the public meetings.

Mr. Buxton said that he did attend the first public meeting at the request of the NSDOEL but that it was clear that the Chairman of that meeting did not want to hear what the company had to say. Further the Chairman made it clear that Mr. Buxton was not an acceptable spokesperson for the company. Mr. Buxton advised the Committee that he is the Project Manager for the project and will be the spokesman for the company. Mr. Buxton said that they will not hold public meetings at this time but will do so later in the process.

Ms. Harnish asked about Eastern Head.

Mr. Jeffery advised that the land was not purchased.

With respect to the credibility of Clayton Concrete Products Mr. Buxton advised that they have been in business for over fifty years and operate in many environmentally sensitive locations in New Jersey. Some of these locations require an annual permit renewal, which is consistently achieved because of their environmental stewardship. Mr. Buxton also noted that anyone can check the company's record with the US EPA.

Ms. Harnish said that many people think that the surveys, reports and research are being paid for by Global Quarry Products.

Mr. Buxton responded that all the reports and research is being paid for by the company. The NSDOEL does not pay for an environmental assessment process. However, he noted that the experts preparing the reports are believed to be the most qualified available.

Ms. Nesbitt asked what concerns the Project Manager had.

Mr. Buxton responded that his biggest concern is inaccurate information being spread by quarry opponents, which generate over blown fears. In terms of real concerns the company has concerns and will address issues such as: noise, water and air quality, concerns about blasting, concerns from lobster fishers, the effect on wells, marine mammals, tourism etc. All these issues are currently being studied and will no doubt be discussed further by the Committee.

Mr. Jeffery asked whether the permit requires annual renewal.

Mr. Buxton responded that the permit for the 4 HA quarry was for ten years.

Ms. Harnish asked how close the quarry can be to the next property.

Mr. Buxton noted that set back distances are set out in the Permit and the set back for the boundary of the property is 30m.

Ms. Harnish asked whether property values would be affected.

Mr. Buxton thought they would be.

Ms. Harnish asked whether the quarry was visible from the highway.

Mr. Buxton said that no part of the operation would be visible from Hwy #217. It is, however visible from the water.

Ms. Nesbitt asked how many properties border the quarry.

Mr. Buxton replied that there were five and that a copy of the survey would be made available.

Mr. Jeffery asked whether blasting can occur within 100 feet.

Mr. Buxton responded that blasting cannot occur within 800 m of an existing foundation.

Ms. Harnish asked what was the elevation from the shore to the top of the cliff.

Mr. Buxton responded that it was 85 m.

Ms. Nesbitt asked whether the quarry could block public roads.

Mr. Buxton replied that it could not.

Mr. Jeffery asked whether the company can blast next to a highway.

Mr. Buxton noted that there is a set back requirement of 30 m.

Ms. Nesbitt asked whether the quarry operation was similar to the operation being carried out on Highway 101 at Mount Uniacke.

Mr. Buxton said that the operations would have some similarity in that rock was being blasted and then crushed on site.

Ms. Harnish commented that the Parker Mountain quarry operation has left a huge scar on the face of the North Mountain. She thought that people's attitudes would be different if Mr. Donny Lowe were doing this. Here the resources were being taken out of Nova Scotia.

Mr. Buxton thanked the Committee members for their attendance. He noted that a Chair would be appointed at the next meeting.

It was agreed that the next meeting would be set for August 8th, 7.00 p.m. same location.

Appendix 1 – July 18, 2002 – NSDOEL Approval

APPROVAL

**Province of Nova Scotia
Environment Act, S.N.S. 1994-95,
c.1**

APPROVAL HOLDER: Nova Stone Exporters. Inc

APPROVAL NO: 2002-026397


EFFECTIVE DATE: April 30. 2002

EXPIRY DATE: April 30 .2012

Pursuant to Part V of the *Environment Act*, S.N.S. 1994-95, c.1 as amended from time to time, approval is granted to the Approval Holder subject to the Terms and Conditions attached to and forming part of this Approval, for the following activity:

Construction and operation of a Quarry, at or near Little River. Digby County
in the Province of Nova Scotia.

Administrator
Date Signed


April 30, 2002

TERMS AND CONDITIONS OF APPROVAL

Nova Scotia Department of Environment and Labour

Project: Nova Stone Exporters, Inc
Quarry
Little River, Digby County

Approval No: 2002-026397

File No: 92100-30

Map Series: 21 B /8

Grid Reference: E727200 N4927500

PID#: 30161160

Reference Documents:

Application dated April 23, 2002 and attachments;
Nova Scotia Department of Environment *Pit & Quarry Guidelines*- May 1999;
Department of Fisheries and Oceans Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters-1998;
Nova Scotia Department of Environment and Labour *Guidelines for the Formation of a Community Liaison Committee*.

1. Definitions

- a) "Abandonment" means cessation of production of aggregate for a period of twelve (12) months.
- b) "Act" means the *Environment Act* S.N.S. 1994-1995, c.1 and includes all regulations made pursuant to the Act.
- c) "Active Area" means the area required to operate a quarry and includes the working face and associated works.
 - d) "Associated works" means any building, structure, processing facility, pollution abatement system or stockpiles of aggregate.
- e) "Department" means the Western Region, Yarmouth Office, of the Nova Scotia Department of Environment and Labour located at the following address:

Nova Scotia Department of Environment and Labour
Environmental Monitoring and Compliance Division
Western Region, Yarmouth Office
13 First St.
Yarmouth, NS B5A1S9
Phone: (902) 742-8985
Fax: (902) 742-7796
- f) "Disturbed Area" means any area on a quarry site that has been stripped of vegetation and is susceptible to erosion.

- g) "Facility" means the Quarry and associated works.
- h) "Minister" means the Minister of the Nova Scotia Department of Environment and Labour.
- i) "Rehabilitation" means restorative work performed or to be performed in accordance with the rehabilitation plan.
- j) "Structure" includes but is not limited to a private home, a cottage, an apartment building, a school, a church, a commercial building or a treatment facility associated with the treatment of municipal sewage, industrial or landfill effluent, an industrial building, infrastructure or construction, a hospital, and a nursing home, etc.

2. Scope of Approval

- a) This Approval (the "Approval") relates to the Approval Holder and their application and supporting documentation, as listed in the reference documents above, to construct and operate the Facility, situated at or near Little River, Digby County (the "Site").
- b) The Facility shall be constructed and operated as outlined in the application for industrial approval dated April 23, 2002 and supporting documentation.
- c) The Site shall not exceed the area as outlined in the application and supporting documentation. No approval is granted for docking facilities.

Appendix 2 – July 18, 2002 – Committee of Concerned Citizens

Committee of Concerned Citizens
c/o Tony Kelly, Little River
Digby Co., NS BOV ICO
902-834-2370

Presentation to the Municipal Council
Municipality of Digby

NO MEGA QUARRY

July 15, 2002

Good evening to the Warden, Mr. Thurber and members of the Municipal Council. Let me begin by introducing myself. I am Tony Kelly, chair of the Concerned Citizens Committee, and a resident of Little River. In a recent Courier piece I noted that I was a fourth generation Digby Necker. I was promptly reminded by family members that I am not a fourth generation, rather a fifth to sixth generation member of a long line of families who have made their living from the waters and land existent on and along Digby Neck. Tonight I am addressing Council as the spokesperson for those of us who are concerned about recent developments which will have long term negative effects on our communities. We have expressed our concerns to the Governments of Nova Scotia and of Canada. Tonight we intend to restate the concerns to the Municipal Council and to suggest ways in which we can work together to resolve the issues facing us.

Before stating the concerns I, personally would like to acknowledge the interest and support which individual Council members have provided our communities. As I noted to the Warden yesterday, we are grateful to Council members for lending us their ears, and for tolerating interruptions to family life on Sunday, the day of rest. In these circumstances we fear our rest shall be hard won.

As you know on April 30, 2002 Nova Stone Exporters, Inc was issued, by the NS Dept of the Environment, a ten year approval to construct and operate a quarry of slightly less than four hectares in size in Little River in the location known locally as White's Cove. White's Cove is the traditional area where local fishers have collected buoys, gathered periwinkles, and families have visited for picnics, berry picking and various forms of recreation including camping. The cove provides the setting for the famous novel **Fog Magic**. The shore along the cove is, in season, dotted with lobster traps. In other words. White's Cove has a long standing connection to the culture and economy of the area.

Dept of the Environment have engaged in conscious acts of deception regarding the scale of the proposed undertaking. In April, when Nova Stone was granted approval, the NS Dept of

Environment was fully aware of the scale of the project, and proceeded to grant licence with the knowledge that in doing so the Company could avoid scrutiny through the full force of the Environment Act. This raises serious ethical questions which rest on the shoulders of the authorities and serious legal questions which we have every intention of pursuing.

For the time being we would like Council to understand that there is at this time no approval for the construction and operation of the larger export quarry nor is there federal approval for construction of docking facilities. There is therefore, a window of opportunity for the Municipal Council to lend its support to the citizens of the Municipality who do not want a project of this scale on Digby Neck or the Islands. Over 60% of the areas residents have signed a petition opposing the project. This number is growing each day. Given that approximately 20% of the population consists of children, there is clearly no groundswell of support for the export quarry. On the contrary there is frustration and anger building in the community towards a system which seems intent on working against the interests of its own citizens.

We have stated many times that what is wrong with this project is that the scale of the industrial undertaking is by any standard too large for the area and it is totally at odds with the existing culture, economy, and environment. It is almost a joke to talk about coastal Digby Neck because Digby Neck is all coasts with the ridge of the North Mountain serving as its backbone. The peninsula is 1.9 kilometres wide at the widest point. From Route 217 to the Fundy shore in White's Cove the linear distance is approximately 1200 meters. If we subtract 830 meters from that number for the required buffers there will be a 370 meter wide scar destroying White's Cove for an eternity.

Quite recently the ownership of the land in White's Cove changed hands and was purchased by a business person from the Carolinas under the pretext that the intended use was for coastal recreation, including housing. The seller of the land was never informed that the intended use of the land was for industrial purposes. Thus began a series of what we can only refer to as bad faith dealings.

Nova Stone Exporters, Inc is the shadow company for a large New Jersey company, *Clayton Concrete of Lakewood, NJ*. The Clayton interests are distributed throughout New Jersey and beyond and include several types of concrete, building stone, asphalt, and commercial undertakings. The company has been scouting Nova Scotia for a number of years in search of a cheap source of aggregate and has been doing so with the assistance of Patterson Exploration of North Carolina and persons from Annapolis County.

The company intends to export a sizable piece of Digby Neck to New Jersey and beyond. In fact, the company intends to set up and operate an export quarry in White's Cove on a property in excess of 100 hectares or 300 acres. The company intends to remove upwards of 2.5 million tons of basalt aggregate per year for between 30 and 60 years. Patterson Exploration has indicated that Paul Martin's Canada Steamship Lines will be the likely company involved in transporting the aggregate in Panamax size vessels. On their return trips these vessels carry ballast water harbouring a cocktail of potential pathogens. Such ships are 600 to 1000 meters long and require huge, stable docking facilities. An initial application to the Federal authorities for the construction of such a dock was rejected by the Dept. of Fisheries and a revised application is underway.

From this brief background, I should like the Municipal Council to understand that, in our view, the Company and the Nova Scotia

Imagine going down to the Ferry terminal in Digby and shaving off 370 meters towards Lighthouse Rd. or Point Prim. How would the citizens and the town authorities react? Again in using these numbers I am referring to the already licensed project, not to the 100 plus hectare site. To understand the scale of the bigger project imagine blasting the town of Digby from about Queen St. south toward the Municipal Building, and then crushing the resulting basalt aggregate for export to New Jersey. Not much would be left of the town and certainly the Council would want to consider relocating the building we are gathered in tonight. I want to assure Council that we are not exaggerating the scale of this project. The scale has been confirmed several times over by the proponents and the Provincial government is indeed well aware of the intended size of the quarry.

What is shocking and incomprehensible is that the government is attempting to deflect its responsibility and culpability for this project onto the Municipal Council. It has been reported in the Daily News on July 12th that Mr. Morse, the Environment Minister, assigns responsibility for this project thus far, to the Municipal Council. We are aware that in the absence of appropriate Municipal by-laws, there is little likelihood that the Municipal authorities have granted permissions of any kind to the proponents. However, if this is not the case, we are requesting this evening that Council provide us with a complete record of its actual involvement with this project and that Council officially respond to David Morse's comments that "the place to address this was prior to the site being approved by the municipality as one that was suitable for quarry operations."

To be clear, our project is to oppose both quarry operations in White's Cove but in particular we are most concerned about the mega-quarry not yet licensed by the Province or Federal authorities. Regarding the mega-quarry we are looking to Council

to state explicitly that the Municipality of Digby does not support the establishment of a super-sized export quarry along the coast line of Digby Neck and the Islands. In addition because the Environment Act for the province of Nova Scotia does indicate specific areas and avenues for the involvement of the Municipal authority we would like the Municipality to begin an immediate process aimed at establishing an appropriate level of environmental, cultural, and community protection. The most salient defined area in which the Municipality should be involved is contained in Section 5 of Chapter 1 of the act which clearly states:

A by-law, regulation or authorization of a municipality is not in conflict or inconsistent with this Act by reason only that it imposes a restriction or requires a condition for the protection of the environment in excess of those required by this act.

The province's environment act is premised on the notion that the province shall "maintain protection essential to the integrity of ecosystems, human health, and the socio-economic well-being of society" with a clear thrust to maintain the principles of **sustainable** development.

By-laws enacted by the Municipality in support of the act, and which strengthen the protection to the citizens of the Municipality are perfectly within the legal jurisdiction of Council and we are requesting that Council proceed with haste to draft appropriate environmental by-laws in at least three particular areas: noise, water related in terms of protecting the supply of drinking water and the quality of that water, and in support of the socio-economic base of the area explore the possible application of royalties for the removal of non-renewable resource accruing to the Municipality to among other things compensate for the possible loss in tax revenue as a result of irreparable harm to local communities. We further request that Council move in a timely manner to bring about such

by-laws. In the interim we request Council to notify the province that the Municipality has no intention of supporting the location of mega-quarries in sensitive coastal areas. Further we would like Council to request that the province delay the further consideration of any application before any government department the result of which could have serious negative effect on sensitive coastal areas until such time as the appropriate Municipal by-laws are in place. Minister Morse has, after all assigned responsibility for this problem to the Municipal unit. He should therefore be willing to grant the Municipality a reasonable window of time in which to solve the problem.

For our part we are prepared to work hand in hand with Municipal Council and staff to bring about the necessary changes so that we can look into the eyes of our children and grandchildren knowing that we have acted in good faith to protect the areas culture, its communities, and the economy. We believe the Municipality should be working actively to promote the area as a fine place to live and visit consistent with the general lifestyle principles supported by the Ecotourism sector. Such promotion in the end should lead to an expanded tax base for quality services within the Municipality. In Little River alone the Municipality stands to lose upwards of \$55 000 per year in tax revenue should the village be negatively impacted upon by the mega-quarry.

The Municipality has acted wisely in the past and we share your pride in the excellent heritage work that has been accomplished. The historic buildings inventory and the Elder Transcripts are stellar examples of what a prideful community which has so much to offer the world ought to be doing. To protect that heritage the Municipal Council must move with haste in the general and specific directions we have indicated this evening. Because time is of the essence, we respectfully request that Council respond to our concerns within the very near future.

At the very least, I shall repeat that we are requesting Council provide us with a complete record of its actual involvement with this project and that Council officially respond to David Morse's comments that "the place to address this was prior to the site being approved by the municipality as on that was suitable for quarry operations."

Additionally, this evening we are looking to Council to state explicitly that the Municipality of Digby does not support the establishment of a super-sized export quarry along the coastline of Digby Neck and the Islands.

Finally we would appreciate it if Council provides us with a clear timeline for addressing the remainder of the issues contained in this presentation. The concerned citizens group consists of hundreds of members of our communities and we are confident that we will do every thing in our power to assist Council in its efforts to save our communities from the crusher.

We are prepared to respond to questions. Thank you very much for hearing our concerns this evening.

**Minutes of Meeting of Community Liaison Committee
(Amended August 29th 2002)**

Nova Stone Exporters Inc/Global Quarry Products Inc

7.30 p.m. August 8th 2002

Sandy Cove Fire Hall

In attendance: Mr. Brian Cullen, CLC Member
Ms. Christine Harnish, CLC Member
Mr. Mark Jeffrey, CLC Member
Ms. Cindy Nesbitt, CLC Member
Mr. Gary Wilson
Mrs. Gwen Wilson
Mr. Brian Morton
Mrs. Carol Measham
Mr. & Mrs. John A Johnson, landowners
Mr. & Mrs. Jason R Lineberger, landowners
Mr. Robert Petrie, District Manager NSDOEL
Mr. Paul Buxton NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Rev. Robert McCormack

Mr. Buxton welcomed Committee members and guests to the meeting and advised the committee that Cindy Nesbitt had agreed to act as Chairperson for the CLC.

Mr. Buxton noted no agenda had been prepared for the meeting but would be prepared in future by Ms. Nesbitt. Input from committee members was encouraged.

Mr. Buxton questioned whether members had received the minutes of July 18th with copies of the permit issued by Nova Scotia Department of Environment & Labour and Mr. Kelly's Concerned Citizens Presentation to Municipal Council, Municipality of Digby. It was confirmed all members had received copies.

Mr. Buxton noted that in future the Committee would formally approve minutes.

No objections to the content of the CLC minutes of July 18th 2002 were forthcoming and the minutes were accepted as recorded.

Mr. Buxton asked whether there were any questions or concerns regarding the NSDOEL approval document and Mr. Kelly's presentation. It was noted that the approval document has

terms and conditions involved that must be adhered to by the Proponent.

Mr. Buxton noted a number of issues had been raised regarding the Concerned Citizens document and wondered whether there were any specific questions.

Ms. Nesbitt responded that the Concerned Citizens document was presented to the Municipal

Council as fact and asked whether any statement was not factual.

Mr. Buxton referred to the Concerned Citizens document page 2 "Dept of Environment have engaged in conscious acts of deception regarding the scale... In April, Nova Stone was granted

approval, the NSDOEL was fully aware of the scale... proceeded to grant license with the knowledge that in doing so the Company could avoid scrutiny through the full force of the Environment Act. This raises serious ethical questions...."

Mr. Buxton stated it is not a requirement that public consultations of any kind be conducted for

a 4 HA quarry. If the Proponent wants to extend beyond 4 HA it then becomes a requirement.

Typically, until the NSDOEL receives the Registration of Undertaking document from the Proponent they have no idea what the Proponent is considering. The Proponent has, however in

this case made the NSDOEL aware of what is being considered for the site. There have been no acts of deception by any of the parties.

Mr. Buxton responded the company is also not required to advise the public when requesting a permit for a 4 HA quarry. When a request is made to extend beyond the 4 HA the public is advised usually at the time of Registration of Undertaking.

Mr. Buxton referred to the Concerned Citizens document page 3 "ownership of the land in

White's Cove.... purchased by a business person from the Carolinas under the pretext...

intended use was for coastal recreation, housing... thus began a series of... bad faith dealings."

Mr. Buxton feels there have been no bad faith dealings in this situation.

Mr. Johnson advised the Committee that this comment and the accusation was incorrect.

He had no plans for a rock quarry and never heard that a rock quarry was being considered at the time of purchasing the land.

He stated the land had been purchased only as a long range investment

Mr. Jeffrey asked what the long range plan had been.

Mr. Johnson responded that he and his partners felt that the land could be subdivided into waterfront lots.

He again stated he knew nothing about rock quarries.

Mr. Buxton referred to the Concerned Citizens document page 3 "the company has been scouting Nova Scotia for a number of years..."

He advised the Clayton's had not considered Nova Scotia until December 2001.

However, Mr. Buxton stated there have been other companies scouting Nova Scotia for rock quarries.

Mr. Buxton referred to the Concerned Citizens **document page 3** "...Paul Martin's Canada Steamship Lines will be... transporting the aggregate..."

Mr. Buxton stated Canada Steamship Lines is not Mr. Martin's although he was chairman at one point.

Mr. Buxton also noted the confusion generated by the statements in Mr. Kelly's document regarding the exaggeration of scale, the size of the quarry, where NSDOEL and Municipal Council sit and the interpretation of the Environment Minister's letter which had been printed in the Daily News.

Mr. Buxton is not aware of how the misunderstanding with respect to the role of Municipal Government took place.

Mr. Buxton further noted the comments relating to by-laws, loss in tax revenue and stated that he was unaware of how these figures had been generated.

Mr. Buxton noted that remediation of the site had been discussed at the previous meeting and would be dealt with more thoroughly at future meetings.

At this point Mr. Petrie, having joined the meeting, it was suggested that any questions regarding the Permit be addressed to him.

Mr. Morton questioned how the figure of 10 acres was arrived at.

Mr. Petrie responded he was unaware of how this figure was determined. Ten acres is roughly rounded to 4 HA in metric conversion. There is no scientific criteria. It could have been the threshold that was chosen as a way of delineating smaller scale projects from larger projects.

Mr. Petrie noted his main reason for attending the meeting was so the committee would have a face to relate to as the District Manager for the Shelburne/Yarmouth area when dealing with approvals.

He noted Jacqueline Saccary will monitor the project and will regulate the terms of the approval.

Mr. Petrie also noted the high level of publicity that was already apparent when the application was made for the 3.9 HA quarry. The NSDOEL review a project application for compliance with the pit and quarry guidelines. Under normal circumstances the project is approved if it falls within the

requirements

subject to the terms and conditions, which are attached to the approval. Those are the rules that all quarries in Nova Scotia have to operate by.

Mr. Petrie noted that in this case they have stepped beyond normal standards and added the additional condition that the company form a Community Liaison Committee. Other conditions regarding blasting and marine mammals were added and are unique, site specific.

Mr. Petrie noted that the description of the function of the Committee in the minutes is accurate. It is a forum for the exchange of information between the public and the company. It is composed of different interests from within the community and is not to be weighted for either side. Its' primary function is to allow the company and the community to communicate and answer questions. There is nothing to say that all members have to agree, there are no guarantees offered at any time that all will be satisfied all the time.

Mr. Petrie noted there are not a lot of Committees on this end of the province but he is hopeful this Committee will continue to run.

Ms. Harnish questioned how long this committee will run. Forever?

Mr. Petrie replied yes.

Ms. Harnish wondered if this was not normal.

Mr. Petrie replied it is not normal for a project of 4 HA, but is not uncommon for larger projects. The Act gives the Administrator the authority to add these conditions. The NSDOEL felt the need.

Ms. Harnish asked if the Proponent did not respond to the issues brought forward would the committee

then be able to approach the NSDOEL.

Mr. Petrie responded that it is necessary for the Proponent to be in compliance with the issues. The NSDOEL will deal with the Proponent if they do not follow the rules.

Ms. Harnish asked would the NSDOEL step in if the noise level was constantly exceeded.

Mr. Petrie replied yes, this is a compliance issue and would be enforced. Options are available to bring the company into compliance. If the company is meeting compliance, falling under the limits but annoyance is still being caused the Committee could deal with this issue.

Ms. Harnish wondered whether there were other quarries along the coastline.

Mr. Petrie replied there were several but was not aware of the exact number.

Ms. Harnish questioned whether they were located near lobster grounds.

Mr. Petrie did not know whether they were located near lobster grounds.

Ms. Harnish wondered if this was reason enough to keep the quarry from opening. She noted there were a lot of issues that needed to be responded to.

Mr. Morton asked what the requirements were at this stage and what needed to be addressed.

Mr. Petrie replied that the main issues were surface water, dust, noise level and blasting.

Mr. Morton asked if the Proponent was required to test water in the area where they work.

Mr. Petrie replied that water that is released from the site must be tested and the Proponent is not

permitted to affect the water table.

Mr. Morton asked what would happen if someone's water supply was affected.

Mr. Petrie replied that the Proponent must replace the water.

Ms. Harnish asked who does the water tests.

Mr. Petrie replied the company is required to carry out regular monitoring of water at their own cost and provide the NSDOEL with the test results. The NSDOEL does not take daily, weekly or monthly samples but will examine the results and do spot checks and audits.

He said that he is aware that questions are raised when companies do the monitoring, as in the fox guarding the henhouse. However, the Proponent must sample the water and have the water tested in accordance with proper procedures and it is an offense to falsify data, to take improper samples or to improperly record data. These all carry significant penalties.

He noted the NSDOEL may take samples at the same time and from the same location as the company to ensure proper testing.

Ms. Harnish questioned how dust was dealt with.

Mr. Petrie noted that Section 5 of the Approval deals with particulate emissions and specifies the daily and annual averages, which cannot be exceeded. The company must use sprays to minimize dust levels and levels of dust must be monitored.

Ms. Nesbitt asked whether there was less dust with aggregates.

Mr. Petrie stated he would need to consult an engineer about the levels of air born dust.

Mr. Buxton noted that dust from basalt crushing has a higher specific gravity than granite dust and will settle faster. Generally speaking the finer the product the more dust is produced.

Mr. Morton requested an explanation of dust suppression.

Mr. Buxton advised the company would use water sprays on the equipment to suppress the dust.

Mr. Morton asked if this water would be fresh water recycled from the wash ponds.

Mr. Buxton replied yes. The wash water and spray will go to the wash pond and be recycled. Excess water after a rainfall will go to the sedimentation pond. The company will recycle as much water from the wash pond as possible though some will be lost to evaporation.

Mr. Buxton referred to the extent of investigation required for the environment assessment process and noted that if the company is successful and receives approval there will be additional terms and

conditions placed on the project at that time.

Mrs. Measham asked at what point will the environment approval be sought.

Mr. Buxton noted the Environment Assessment looks at the total project and a Registration of Undertaking will be filed in the fall.

Ms. Harnish asked if another company could do this. i.e.: Open a quarry on the same site.

Mr. Petrie noted if it was obvious that someone was trying to circumvent the regulations, no.

Mr. Buxton noted the Environment Assessment was approximately 70% completed.

Mrs. Measham questioned if this was for the larger quarry and Mr. Buxton said that it was for the larger quarry.

Ms. Harnish asked whether the Department of Fisheries and Oceans were involved with this study.

Mr. Petrie stated that there is some overlap between Provincial and Federal jurisdiction and copies of some applications are forwarded to the DFO with a request for opinions or additions. This is how the issue of marine mammals was added to this project.

Ms. Nesbitt asked if there were active quarries in Nova Scotia.

Mr. Petrie replied there are probably a few dozen active quarries and it is his guess there are 5 or 6 between Kentville and Yarmouth.

Ms. Nesbitt asked how many quarries of this projected size exist.

Mr. Petrie stated he monitors this end of the province but that there were fewer. Auld's Cove quarry at the Causeway in Cape Breton and another in Cape Breton are the two larger ones.

Ms. Nesbitt asked if they had effected the economy or caused concerns with the public.

Mr. Petrie was unaware of the effect of these other quarries on the economy and was aware there were similar concerns regarding noise, dust, runoff and property values. This quarry has the added concerns regarding marine mammals and whale watching.

Mr. Petrie noted that most quarries do not ship product.

Ms. Harnish questioned if the Proponent would ship by truck if they did not receive approval for a marine terminal.

Mr. Petrie would not speculate on this and noted the company had to evaluate this and in cases where the company was going through an environment assessment traffic studies were done to determine the impact on communities.

Ms. Harnish asked whether they can just truck without permission.

Mr. Petrie noted the company would have to state they would be trucking in the application.

Mr. Morton asked if the company would have to revisit the issue if they wished to truck.

Mr. Petrie replied yes.

Ms. Nesbitt asked about the marine terminal and its approval.

Mr. Petrie noted that the NSDOEL would co-ordinate and review with the DFO as the Province's jurisdiction did not extend into coastal waters. However, the Dept of Natural Resources and the Beaches Act covered some aspects of the issue.

He noted this was more of a land issue than a coastal water issue for NSDOEL.

Ms. Nesbitt noted the Proponent had provided a bond and asked how the amount was determined.

Mr. Petrie noted if the Proponent created a disturbance they must post a bond to be used specifically if the Proponent was unable to restore the site to an acceptable condition, not necessarily a pre-existing condition. The resulting land must be useful and not cause any safety issues.

Mr. Morton requested examples and wondered if any quarries had been closed and land *restored*.

Mr. Petrie and Ms. Harnish both cited the Tin Mine.

Mr. Petrie stated the restoration of that site was still in the monitoring phase. Mr. Petrie noted that rehabilitation occurs over time.

Ms. Harnish asked if there is a restoration plan for this project.

Mr. Petrie noted he was unaware of this as the restoration plan was not required until next year. He noted \$6250.00 per hectare had been posted but if no area had been disturbed the security may not apply. The restoration plan is due within a year and the amount of the bond would be based on an assessed cost of the restoration.

Ms. Harnish asked who decided on the acceptable condition of the restored land.

Mr. Petrie replied the NSDOEL.

Ms. Nesbitt noted that she had obtained pictures from the Internet of reclaimed quarries.

These images were circulated.

Mr. Petrie noted Butchart Gardens was an outstanding example of reclamation.

Ms. Nesbitt asked about lake front property.

Mr. Petrie noted that in some cases aggregates are extracted and the rehabilitation plan will incorporate a water body. There is flexibility but the plan must meet the criteria.

Mrs. Measham asked if there was a map of the quarry showing phases and the location in relation to other landowners available.

Mr. Buxton noted this had been available at the previous meeting but can be reviewed again. The survey plan will be completed and available soon and it will show the 4 HA boundaries, road data lines, contours, location of houses, etc.

Mrs. Measham asked if it showed property lines.

Mr. Buxton noted it does show property lines.

Mrs. Measham asked if a green area is noted from the boundaries of the quarry.

Mr. Buxton noted there is a stipulated set back i.e.: the quarry cannot be within 30 meters of a road or watercourse.

Mrs. Measham asked if this was all spelled out in the approval.

Mr. Buxton stated yes. He noted that copies of the Approval had been distributed and a copy is on display at Ms. Nesbitt's garage. Mr. Buxton noted that this is not a secret document.

Mr. Morton asked if the quarry runs parallel to the shoreline.

Mr. Buxton stated the quarry generally follows the shoreline but will extend back to the 90 m contour.

Mr. Buxton noted the aerial photo showing 2' contours will be available shortly.

He noted the 4 HA is centered in a North-South direction and set back from the water. Initially it will be worked slightly to the North and East and 20 odd acres will be open at any one time. This will enable easier control of any sedimentation problems and remediation.

Mr. Morton asked at what stage reclamation would start and what the requirements for this were.

Mr. Buxton noted that when the Registration of Undertaking is filed a description of how this will proceed would be included. Mr. Buxton estimated the remediation process would begin when the third 4 HA area opened. The second 4 HA would become the processing area and remediation could start on the first area.

He noted the sedimentation pond cannot be moved until previous areas are remediated.

Mr. Morton asked what the historical average of completed quarries were.

Mr. Buxton replied that as far as he knew no quarries in Nova Scotia had reached that stage, they are all active.

Mr. Buxton noted that mining permits had recently been issued for gypsum in Cape Breton and these would be required to file a remediation plan.

Mr. Buxton noted he had viewed two gardens in the UK.

Mr. Buxton noted the property would lend itself to cottage development, providing a North-South road to approach different levels on the property. This is what Mr. Buxton foresees and a rendering of this will be available at a later date.

Mr. Morton asked if Clayton Concrete was the operating company.

Mr. Buxton replied that the operating company was Global Quarry Products Inc.

Mr. Morton asked where Global Quarry Products Inc. were from.

Mr. Buxton stated that the Company is Nova Scotian and the representatives were from Bridgewater and Deep Brook. Mr. Buxton is the Project Manager and is from Deep Brook.

Mr. Morton asked if the water table could be disturbed.

Mr. Buxton referred to Section 8 of the Approval, which states that a) The Approval holder shall replace at their expense any water supply which has been lost or damaged as a result of extracting

aggregate and

b) The Approval holder shall secure from the Administrator an approval amendment prior to excavating below the water table.

Mr. Morton questioned if it was anticipated that it would go lower than the water table.

Mr. Buxton replied no.

Mr. Morton questioned where the water table was.

Mr. Buxton stated that this was not known at this time. However, three drill holes to a depth of approximately 68 meters have been drilled to investigate the water table. Mr. Buxton noted that the company has engaged a hydrogeologist and that a study will begin August 19th 2002.

Mr. Morton asked if there would be problems with contaminating seawater.

Mr. Buxton replied that this is not permitted under the Terms and Conditions of the Approval.

Mrs. Measham asked what happens if the water table is lower than sea level.

Mr. Petrie noted this would be identified in the studies. A benchmark will be established allowing for seasonal fluctuations. He noted it was a likelihood that the Proponent would be required to project and predict before operation begins what the water table will be. They could provide a math model to account for how the operation will effect the water table.

Mr. Petrie said that NSDOEL would ask how the water table would be monitored. He noted this was an issue of concern to the Department and there would have to be a monitoring process. Mr. Petrie noted this was a preliminary comment.

Mr. Buxton noted the company would probably establish a monitoring well.

He noted that 10 - 12 houses might be affected and if they were the company would have to deepen wells or drill new wells.

Mr. Morton asked how much water would be circulated.

Mr. Buxton noted that as much as possible would be circulated though there would be losses due to evaporation. He noted that in the spring and fall the water would be made up easily but in high summer the company would need to use ground water.

Mr. Morton asked what percentage of water will be recycled.

Mr. Buxton replied approximately 90%.

Mrs. Measham asked if any of the proposed small quarry or larger quarry be visible from the road.

Mr. Buxton replied that none would be visible, the quarry would always be on the west side but that 20-25 acres of open quarry would be visible from the waterside.

Mr. Petrie noted water was an issue with other projects and the company must provide a water budget to demonstrate how much water they would use and recycle.

Ms. Harnish asked if tests would be done on the wells for the quality of water. Ms. Harnish noted the

company would probably like to do a survey for those who would be willing.

Mr. Petrie noted that a pre-blast survey of wells would include water quality.

Ms. Nesbitt asked if the NSDOEL could obligate the community to participate in these surveys.

Mr. Petrie noted the NSDOEL does not usually tell a community what to do.

Ms. Nesbitt asked if this would be in both parties interest, i.e.: to participate in a survey.

Mr. Petrie replied yes, it could prevent later disputes.

He noted when the department takes samples they are placed in a chain of custody, sealed and transported to the lab. There is no tampering and there are methods to answer any concerns.

Mr. Cullen asked if the proponent was required to carry insurance liability for the wells.

Mr. Petrie noted that this is a possibility. He noted that the Environmental Assessment process determines what requirements would need to be placed on the Proponent.

Ms. Nesbitt remarked on the concerns of dust and noise by the community and asked Mr. Petrie how these concerns are alleviated.

Mr. Petrie responded that not everyone feels better, is 100% satisfied or gets what they want.

He noted that concerns re: pollutants have to be dealt with and they have to be managed.

He noted they are viewed in the same manner as water pollutants. Mr. Petrie noted the EA process is site specific and there may be more additional conditions on noise and dust.

Mr. Petrie noted the Environmental Assessment process takes generalized requirements and translates these to site specific requirements.

Mrs. Measham noted that there had been a lot of numbers put forth with respect to employment and asked how many will be employed.

Mr. Buxton noted he did not know where the number of 60 ever came from but that 25 people would probably be employed. Mr. Buxton noted that during the construction stage an additional 2-3 employees would be hired.

Mrs. Measham asked if this number would be if approval was granted for the 10 acres or for the larger quarry.

Mr. Buxton replied for the larger quarry.

Mrs. Measham questioned how many would be employed for the 4 HA.

Mr. Buxton replied that the project intention is to export the aggregate and the 10-acre site would not provide sufficient aggregate.

He noted the marine facility and ship loader would cost in excess of 15 million dollars.

Mrs. Measham asked if the Proponent would operate on the original 10-acre site or crush on it.

Mr. Buxton noted that an application to blast in September would shortly be filed. This test blasting

would provide data to be included in the Registry of Undertaking.

Mrs. Wilson asked if the 25 employees would be hired locally.

Mr. Buxton stated the quarry manager will be brought in and other employees would be hired starting in Little River and working outward. A training program will be established by the Proponent.

Mrs. Measham asked whether the general manager was a local individual.

Mr. Buxton noted the general manager is an American citizen from New Jersey.

Mrs. Measham asked if the general manager was a current employee of the company.

Mr. Buxton replied yes.

Mr. Petrie noted that employment levels was a required part of the submission for the Registration of Undertaking as a part of to submit on economic impact.

Ms. Nesbitt had previously understood there was to be more than 2-3 construction personnel.

Mr. Buxton noted the construction personnel referred to would be ongoing and are required for environmental controls.

He noted that considerably more personnel would be required for the initial construction phase.

Ms. Nesbitt asked if an office would be on site.

Mr. Buxton noted there would be an office on site and there is an office in Digby, which will be equipped and staffed soon.

Ms. Nesbitt asked if these would be local hires.

Mr. Buxton replied yes.

Mr. Buxton noted he has received the Cultural report and noted the present owners of the property were in attendance.

He reviewed the highlights of the Report and noted that the original Barton grant included certain stipulations, i.e.: if the land were not suitable for farming then a stone quarry was to be operated on the land.

Ms. Nesbitt requested any further questions or concerns that required Mr. Petrie's input.

Mr. Petrie advised that as issues arise and questions are not answered, or if information regarding the EA process is required someone from his office would attend the CLC meetings and provide the information.

Ms. Harnish stated the public perceives this Committee to be for the quarry, they do not understand the avenue is open to them to voice their concerns. Mr. Kelly has stated this committee is a farce. She wondered if a notice of some sort should appear in the paper and whether the NSDOEL should advise the public of what this committee is for.

Ms. Nesbitt felt this might undermine the process or allow people to think the Province represented the quarry.

Mr. Petrie noted he could see both points and noted that the Committee could run a notice, the Committee is neither the Government nor the Proponent.

Ms. Nesbitt noted she would personally like to find out more information and felt that she was providing the community with a service by gathering and providing information to them. Ms. Nesbitt felt this should not be for one side or the other.

Ms. Harnish stated that businesses may be boycotted.

Mrs. Wilson asked how people had been recruited for the Committee and Mr. Buxton noted that there were currently five members.

Mr. Petrie noted the criteria of the NSDOEL states that a cross section of people and interests should be included in the Committee.

Mr. Buxton noted he has proceeded to identify persons based on that criteria.

Ms. Nesbitt asked if the department would have asked what sorts of interest.

Mr. Petrie responded that a draft make up of the Committee on a sectoral basis had been received.

Mr. Buxton noted that there was difficulty in forming the committee and he did try to gain representatives from the municipality, WVDA, tourism and marine interests, two businesses and two residents. Lee Wentzell agreed to represent fin fishermen. Alger Sollows whale watching, Martin Kaye the Marine Resource Center and Jr. Theriault business, community and lobster interests. All four agreed to sit as Committee members but were all pressured and subsequently chose not to sit. The WVDA, which represents development interests in Digby County, also declined to attend.

Mr. Buxton noted they would continue to add to the Committee and would like to see 10-12 members. Mr. Buxton noted that members do not have to be opponents or for the quarry but just people representing community interests and to get accurate information back to the public.

Mr. Wilson understood a lot of people see this as a process with no political clout and is just for exchanging information.

Mr. Buxton said there were no politics in this setting.

Mr. Wilson noted that this was part of the anger.

Mr. Petrie noted people are participating as indicated by the volume of letters his office has received.

Mr. Petrie noted the public is invited to comment when his staff and the Minister review the technical and social issues. Mr. Petrie noted it was an opportunity to make their views known.

Mrs. Wilson noted that the Concerned Citizens stated the Community Liaison Committee was ridiculous and asked if it was fair to say that if the public expresses its concerns or opposition this does not have any impact.

Mr. Petrie noted the EA is a process in itself and looks at a wider range of issues. Technical, social and economic. These factors have to be considered prior to a decision.

He noted that blasting in September and a manager being appointed or working on a smaller scale was not necessarily the foot in the door that people might think. Mr. Petrie noted the new application will be reviewed from scratch. Mr. Petrie noted that as far as blasting was concerned many do not favor it in their neighbourhood but it does occur in NS and can be managed to be acceptable. Whether GQP or any other quarry, they are subject to same criteria.

Mr. Wilson asked if the EA is for a larger site and it is rejected what will happen.

Mr. Buxton said that in that case a marine facility will not be built but there may be a 4 HA quarry regardless. Mr. Petrie noted if it was rejected from a marine prospective the Proponent may revise and resubmit.

Mr. Buxton noted that the Committee of Concerned Citizens has a problem with quarrying in any area in Nova Scotia. If they do not want quarries that is a political issue. However, quarries are permitted in Nova Scotia.

Mr. Wilson noted Nova Scotia is an extraordinary place and that it was only a matter of time before more quarries would be approved.

Ms. Harnish noted both Committees need a newspaper reporter at their meetings as there is a great deal of information and facts and felt none of this was appearing in the published accounts.

Ms. Harnish stated reasonable decisions are hard to make when no real facts are coming out.

Mr. Petrie noted the Committee might wish to consider how to get information out.

Ms. Harnish noted a reporter from The Courier had been invited to the meeting but was otherwise engaged.

Mr. Petrie noted the raw emotions surrounding this issue and that factual information would help.

Mr. Petrie noted there were resources available at www.gov.ns.ca for the Proponent and Citizens to review.

Ms. Nesbitt requested further questions, comments.

Mr. Morton noted the need for factual information based on specifics as opposed to emotional statements, then he could make a decision.

Mr. Buxton noted copies of the permit, minutes, terms of reference of the CLC are for factual information.

Ms. Nesbitt noted copies of the survey, plans for the sedimentation pond and wash facilities, where the water will come from are concerns that run deep, emotions are high. Any information would be valuable and to not explore it would be irresponsible.

Ms. Harnish noted this information should go to Tony Kelly's meeting.

Ms. Nesbitt voiced concern about that statement as Mr. Morton had attended a meeting at the school and heard that they are not interested in hearing from the CLC.

Mr. Buxton noted it was made clear that the Committee of Concerned Citizens wanted no information from the Proponent.

Mrs. Wilson noted it was civil here, questions were being asked properly and if they can record them and get the right answers it would do more for public awareness.

Mr. Buxton noted they may hold public meetings at a later date.

Mr. Buxton noted that the studies being done for the possible impacts are comprehensive, etc and that they have hired the best people in Nova Scotia to do these studies.

Mr. Buxton noted this information will be made available in the Registration of Undertaking.

Mr. Buxton noted one meeting could be used to advise the Committee of all these elements and noted there is no secret agenda and there are no secret documents.

Mr. Buxton stated anyone could attend the CLC meetings and ask questions. If any group felt they wanted to be represented they should contact the chairperson.

It was agreed that the next meeting would be set for August 29th, 7.00 p.m. same location.

Mr. Buxton advised members to contact the chairperson to add items to the agenda.

Mr. Buxton noted a survey plan will be provided at the next meeting.

Mr. Buxton thanked Mr. Petrie for his attendance and comments and members of the public for their attendance and interest.

Meeting was adjourned at 9.30 p.m.

Minutes of Meeting of Community Liaison Committee
(Amended September 25th, 2002)

Nova Stone Exporters Inc/Global Quarry Products Inc
7.00 p.m. August 29th 2002
Sandy Cove Fire Hall

In attendance: Ms. Cindy Nesbitt, CLC Member
Mr. Mark Jeffrey, CLC Member
Mr. John Ivens, CLC Member
Mrs. Marian Angrignon
Mr. Jerry Ackerman
Mr. Bob Van
Ms. Linda Bent
Mr. Alan Titus
Ms. Kristy Bishop
Mr. & Mrs. John A Johnson, landowners
Mr. Paul Buxton NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Rev. Robert McCormack, Mr. Brian Cullen, CLC Member and Ms. Christine Harnish, CLC Member

Ms. Nesbitt welcomed Committee members and guests to the meeting and provided the agenda for the meeting. Ms. Nesbitt noted that Rev. McCormack declined to continue as a Committee member because of community pressures.

Ms. Nesbitt noted several items for revision in the minutes of August 8th 2002.

Amendment 1 - page 1. It was noted that the Header of the minutes of August 8th 2002 was missing. "Minutes of Meeting of Community Liaison Committee" will be added.

Amendment 2 - page 6. Mr. Morton requested examples...closed and destroyed. "Destroyed" should read, "restored."

Amendment 3 - page 8. He noted that 10 - 12 wells might be affected.... This comment will remain unchanged.

Amendment 4 - page 11. Ms. Harnish stated that businesses were going to be boycotted. This should read, "businesses may be boycotted."

Amendment 5 - page 12. Mr. Morton noted Nova Scotia is an extraordinary place... This comment was made by Mr. Gary Wilson not Mr. Morton.

Amendment 6 - page 12. Ms. Nesbitt noted... "it would be irresponsible not to address it." This should read "to not explore it would be irresponsible."

Amendment 7 - page 12. Ms. Nesbitt voiced concern about a statement referring to her husband.... This should read "**Mr. Morton.**"

The minutes of August 8th 2002 were approved with the amendments of August 29th 2002.

Ms. Bishop noted that the minutes of August 8th 2002 had not been received by Mr. Gordon Balser's office.

Ms. Nesbitt reviewed information gathered (Appendix 1) from the site visit of August 15th 2002 to White's Cove. She noted that a good number of people had attended. Ms. Nesbitt provided photographs of the site area for members and guests to view. Ms. Nesbitt asked if blasting 160 - 170' from the water would satisfy the NSDOEL. Mr. Buxton noted the proposed test blast would gather data to ensure that all guidelines are met. Mr. Ivens asked if the quarry would be at the top of the hill. Mr. Buxton replied no. Mr. Ivens asked will the crusher be at the top of the hill. Mr. Buxton replied no it will be at the bottom. Mr. Buxton provided site survey and property plan maps for review. Ms. Nesbitt proceeded to the review of the site survey. Mr. Jeffrey asked how long the shut down time would be. Ms. Nesbitt thought approximately six weeks and Mr. Buxton replied that the shut down time is an estimate but six weeks was reasonable. Ms. Nesbitt noted that in December there are 15 - 19 lobster fishermen setting traps and 3 in May. She asked if the company could not ship in December because of the fixed gear concerns.

Ms. Nesbitt noted the lobster fishermen felt the month of May would not be a problem but December would be a problem for them.

Mr. Buxton stated that he understands what the month of December is to the lobster fishermen and the company will review this issue very carefully. With respect to the survey Mr. Buxton noted that the bore holes were not shown on the roadway yet and that the ~~xxx~~ along the shoreline is the survey line with survey pins and measuring will be done from this point. ~~xxx~~ denotes the property line and the center line of White Cove Road is indicated by with a 33' or 66' right of way. The survey shows a 33' right of way but the Department of Nova Scotia Highways right of way for public roads is 66'. Houses along the Highway 217 are shown. Mr. Buxton noted that typically houses closest to a quarry operation would be more affected by air born particulate, blasting concussion and noise than houses which are not as close to the operation. He noted that for the larger quarry the stock pile would eventually occupy the original 10 acres and the next 10 acres would be used for blasting. The quarry would move along to the East into the face and then proceed to the North and remediation will start behind it. The north side will be used first as there are less houses opposite it. Ms. Nesbitt asked if the Proponent anticipated problems around the properties with air borne particulates. Mr. Buxton noted the Proponent is required to stay within permit levels and cannot exceed those levels. He noted that test blasting in October will help determine the amount of particulates. Ms. Nesbitt asked if it was possible to keep a copy of the survey. Mr. Buxton agreed. He noted that additional information will be added and noted that the aerial survey will be superimposed onto the site plan and will show 2' contours. The bathymetric could be added although it is likely this will be two separate drawings. Ms. Nesbitt proceeded to review the Environmental Process and provided a news article for review, which was repeated in the August 28th issue of The Digby Courier.

With respect to this article Mr. Buxton noted that if a quarry is less than 4 HA (10 acres) the Proponent is not required to consult with or notify the public of their intention to open a quarry.

Mr. Buxton noted that for a larger quarry the Proponent is required to submit a Registration of Undertaking where they set out what they want to do and how they will deal with any impacts of the operation. This is in fact an Environmental Assessment.

Mr. Buxton noted that if the information provided to the NSDOEL is insufficient the Proponent is not granted approval and is then required to submit additional information. The information is typically submitted in the Registration of Undertaking and covers all anticipated issues, research, impacts, restoration and monitoring.

Mr. Buxton noted as an example esthetics for drivers of Highway 217. Generally the impacts are looked at from a short or long term point of view. Are they positive, negative or neutral? Are they local, regional, or national issues? The Proponent will state that since the quarry is not visible from Highway 217 the impact is neutral and that since the quarry is visible from the Bay of Fundy the long term local impact is negative. He noted that all elements will be dealt with in this way.

He also noted that all elements of the Environmental Assessment will be assessed and most studies have already been completed. E.g. A botanical survey, fauna survey, cultural and archeological studies, marine biology and marine ecology studies. He noted that one marine mammal study had been completed but that others were still in the process of being completed.

Mr. Buxton noted that economical studies are ongoing. The question of whether it will be positive to Digby Neck from an economic standpoint will need to be answered in the EA.

Mr. Buxton noted that the hydrogeological study will look at what could happen to the water table. It will look at how much water will be required for the plant operation and whether the operation will affect local houses. It will also deal with a long term monitoring program.

Mr. Buxton noted that all of these issues will be dealt with in the same way as the esthetics. A summary of each will be prepared which will go into the Registration of Undertaking document.

Mr. Ivens asked if all of the studies had been completed except the hydrogeology.

Mr. Buxton replied yes and that the economic study was still underway.

Ms. Bishop asked if the marine study had been completed.

Mr. Buxton reviewed a summary of the marine study for the attendees. He also noted that the brooks on the site were difficult to pin down as they showed up in different locations on various surveys and that they were all dry at the moment.

Mr. Buxton noted that he has asked the DFO to review the streams to determine if they are fish habitats or spawning areas and has filed a stream diversion plan with the NSDOEL.

Mr. Buxton noted that base line testing of water from streams and seawater is ongoing and that samples are being sent to labs for testing. Water samples will also be taken from the test holes and analyzed.

In response to question on timelines Mr. Buxton noted that when the Registration of Undertaking is filed the Act states that the Minister must respond within a specified time limit.

Mr. Buxton also noted that when the Proponent is satisfied with the conceptual plan for the marine terminal it will be filed with Navigable Waters and this may trigger a

Federal study. He also noted that the Federal government has a different view on impact. DFO's policy is that if fish habitat is destroyed you must create a fish habitat to replace it. Mr. Buxton noted that bathymetric charts would be provided at a future meeting showing inshore conditions and that the Proponent will consult with fish habitat experts to determine if fish habitat will be created by the marine terminal.

Mr. Buxton again noted when the conceptual design of the marine terminal is complete, possibly in 2 weeks and is filed this will trigger a Canadian Environmental Assessment which will require public consultations.

Ms. Nesbitt asked if there were any further questions.

Mr. Ivens noted that he had had quite a few questions but that they had been answered.

Mr. Ackerman asked if the 10 acre quarry would produce 2 million ton per year.

Mr. Buxton answered no. The 4 HA site has nothing to do with the Registration of Undertaking. He noted that there is a copy of the Approval for the 4 HA available for view at Ms. Nesbitt's garage in Centreville and has been given to CLC members. The NSDOEL required the CLC to be formed for the 4 HA quarry and the Proponent agreed that questions could be asked for the larger quarry. He noted that while the CLC was set up to monitor the 4 HA quarry 90% of the questions are for the larger quarry.

Mr. Ackerman stated that the community sees this as a sneaky process, a sneaky move because a permit was granted for a 10 acre quarry. This is what peoples' fears are.

Mr. Buxton noted that the Regional Manager of the NSDOEL made it clear that the Department of Environment would not countenance any repeat applications for 10 acres.

Mr. Ackerman asked could the NSDOEL have required public consultation for the 10 acres.

Mr. Buxton replied that this is not in the Act. He noted that you cannot quarry 4 HA and then another 4 HA and then another 4 HA environment on the same site.

Mr. Ackerman asked what is the public input on a larger quarry and at what stage will it occur.

Mr. Buxton answered that the CLC is dealing with the issue of a larger quarry.

Mr. Buxton noted that before the Registration of Undertaking, more general meetings will be held. He noted it was made clear that no one wanted to hear him at previous Concerned Citizens meetings. There is a question book at Ms. Nesbitt's garage and answers can be found for the questions. People are aware that other studies are being done.

Mr. Ackerman stated that people don't know how to get it (information), rumours expand fears.

Mr. Ivens stated people won't listen to the answers.

Mr. Ackerman stated that the press doesn't have answers.

Ms. Nesbitt noted that the press had been invited to each meeting but chose not to attend. She stated that Committee members are not for or against the quarry. They ask questions.

Mr. Buxton replied answers will be provided.

Mr. Ackerman noted that a large number of questions are directed to the NSDOEL and the Minister of Energy. They have not been answered by Mr. Balser or Mr. Morse.

Government officials don't answer then fears and rumours explode.

Ms. Nesbitt noted that questions could be asked or passed along to the Committee.

Mr. Ackerman stated that he won't ask Ms. Nesbitt to defend the government officials.

Mrs. Angrignon noted she was going to make an appointment with her MLA.

Mr. Ackerman thinks the public is owed a response and is outraged by the process of this development. He stated he is offended by the elected representatives, their silence is deafening.

Mr. Johnson asked whether the Committee of Concerned Citizens had been invited.

Mr. Buxton made it clear that anyone can attend the CLC meetings, that most people were aware of them and that everyone is welcome.

Ms. Bent asked where do you advertise this.

Mr. Buxton noted that the names of the Committee Members had been advertised in The Digby Courier and The Spectator. Minutes are posted in Ms. Nesbitt's garage in Centreville and a question book is available there. The minutes are available upon request and the minutes show the time of the next meeting.

Mrs. Angrignon noted that The Digby Courier had a Community Bulletin Board for these notices.

Mr. Buxton stated he would be happy to put it in if the chair agreed.

Mrs. Angrignon stated that careful consideration should be given before posting the notice.

Mr. Buxton noted the committee will hold open public meetings, which will be an overall review of the CLC process.

Ms. Nesbitt asked if this will be following the filing of the Registration of Undertaking.

Mr. Buxton replied no, it will be prior to that. He noted that the Proponent will answer questions and undertake to provide answers regarding the quarry but will not address any political issues.

He noted the Proponent is following the letter of the law and the spirit of the law but the Proponent cannot debate whether quarries should be permitted in Nova Scotia.

Mr. Ackerman sees the scar on the Parker Mountain and noted that no one knew about this except the Warden, that Council members did not know as it was all done behind the scenes. He feels this kind of situation is to be taken into account, it looks like it is happening again.

Ms. Nesbitt noted that she was presenting the following questions on behalf of Mrs. Carol Measham and Mrs. Gwen Wilson. (Appendix 2). These questions were reviewed.

Mr. Buxton will provide more detailed information on hiring.

Mr. Johnson noted the Proponent did not plan to mine through the top of the mountain.

Mr. Buxton noted that unless permission was given by the landowner(s) they could not blast within 800 feet of an adjacent building. He noted such permission will be required from landowners in the South-East corner.

Mr. Buxton noted that should the water table stipulation require an amendment to the 4 HA permit he is not sure if public discussion will take place. He noted he would get an answer to this question.

Mr. Buxton noted he was not sure how to demonstrate the levels of airborne particulate emissions for the committee.

Ms. Nesbitt noted that the maximum dBA from 7.00 am - 7.00 pm is 65 dBA, evening level is 60 dBA and the night level is 55 dBA and questioned if this was correct.

(Appendix 2)

Mr. Buxton replied yes.

Mr. Buxton noted water will be monitored on an ongoing basis for the 4 HA as required in the Permit. The Province will advise what monitoring will be required for the larger quarry in the Permit.

Mr. Buxton noted that the abandonment question was a good point. See Appendix 2.

Mr. Buxton noted that before the Proponent starts there is a basic dollar amount to be submitted (\$25,000) and within one year the Proponent must provide a rehabilitation plan for the quarry. NSDOEL will look at the plan and determine a dollar figure to rehabilitate. He noted that the newspaper article may refer to an old quarry that has been operating for a long time under different guidelines. In this project the Proponent has to put up money and if the Proponent doesn't remediate the Province will have the money to do so.

Mr. Buxton also noted that mines operate under different guidelines than quarries. With regard to trucking these are separate issues for the 2 applications. Mr. Buxton noted for the 4 HA quarry a marine terminal would not be built. For the larger quarry the Proponent will stipulate that they will not truck unless they get a request from the Department of Transportation. He noted the whole intent is to export, there is no market on Digby Neck. However, if there is a paving project along the road, and the Department of Transportation requests aggregate it will be trucked for that project.

Ms. Nesbitt noted the next set of questions were from Mr. Harold Theriault Jr. (Appendix 4)

With regards to whales Mr. Buxton noted that data is available and a considerable amount of study was gathered from construction in Newfoundland. The 1998 blasting regulations probably came from these studies. It is believed that whales are sensitive to noise but there is little definitive data. The Proponent has been recording mammals all summer to determine if the area is attractive to whales, etc. He noted there are significant satellite tracks of right whales and generally these whales aren't coming into White's Cove. This issue is important and noise will be monitored in the water from the test blast and specialists will be consulted further.

Mr. Buxton replied that he did not know what affect the blasting would have on herring but would investigate and respond.

Mr. Buxton noted that typical harbour seals are typically not affected by activity in the area but a more detailed response will be given.

Mr. Buxton noted the Proponent is prepared to work closely with the community regarding fixed gear. He noted if the shipping lanes are moved they will only be 4 - 5 miles offshore and the marine terminal should only be 4 - 5 miles from the shipping lanes. He noted the Proponent is aware that they have to deal with this, and will meet with the fishermen to discuss it.

Mr. Buxton noted they have asked Canadian Steamship Lines to advise their approach and departure procedures and the Proponent will discuss with lobster fishermen how this might affect them.

Mr. Jeffrey asked if they are still considering using a barge.

Mr. Buxton replied they are not pursuing this any further.

With respect to the blasting medium Mr. Buxton noted that magnafree 1161 will be used rather than ammonium nitrate and diesel fuel.

Mr. Buxton noted the noise issue for the two nearby campgrounds will be investigated.

Mr. Buxton will respond on possible affects of blasting on the fish eggs at the halibut hatchery in East Ferry.

With respect to jobs Mr. Buxton noted it is his opinion that many more jobs will be created than lost but this will be dealt with in the economic study.

With respect to negative effects Mr. Buxton noted that the Registration of Undertaking document deals with these issues. If there are so many negative issues then a permit will not be issued. The Minister is charged with this decision.

Mr. Ivens asked about delayed blasting.

Mr. Buxton noted that it was like pulling a zipper, each blast is milliseconds apart and there is less vibration than with one big blast. He indicated that it sounds more like a rip than a bang.

Mr. Ackerman noted the economic studies and questioned what the value of a ton of basalt on the New Jersey shore was.

Mr. Buxton replied \$6.50 US per ton.

Mr. Ackerman asked if this depended on the chosen use.

Mr. Buxton stated if you can't land rock in New Jersey for \$6.50 US per ton then it is not an economical project.

Mr. Ackerman inquired about alternative sources.

Mr. Buxton noted that trucking costs within the US are higher than shipping costs. He noted that it is not the shortage of rock in the US but the cost of hauling it by truck. The cost of shipping from Nova Scotia is \$3.00 - \$3.50 US per ton.

Mr. Ackerman noted that the Province gains no revenues from mineral rights.

Mr. Buxton agreed that there are no royalties.

Mr. Ackerman finds that this is offensive about our government.

Ms. Nesbitt asked for any further questions.

Mr. Jeffrey asked if land would be de-valued.

Mr. Buxton noted in general terms the Proponent will deal with this in the Registration of Undertaking. There will be an impact and this will be determined. With similar projects it has not seriously affected property values in those areas. The Proponent will review and provide an answer.

Mr. Buxton inquired if Mr. Jeffrey thought the property values would decline.

Mr. Jeffrey noted a property appraiser had told him if he applied for a mortgage and the quarry was in operation he would not get a mortgage.

Mrs. Angrignon asked if the company was looking to buy the abutting properties.

Mr. Buxton replied the company is not interested in a bigger quarry but they may be interested in obtaining additional land for a buffer zone.

Ms. Bent asked if the noise from White's Cove would be heard or felt down the Neck, 8 - 9 miles.

Mr. Buxton noted that a typical conversation level is probably 65 - 70 dBA and that you would probably hear the blasting during the day if you were within 200 - 300 yards.

Mr. Jeffrey asked if it was a constant or sporadic noise during the day.

Mr. Buxton noted the biggest noise would be when the crusher hopper is being fed, that is almost continuous.

Mrs. Angrignon asked about the noise of loading a ship.

Mr. Buxton noted the ship is double hulled and hence there is an air barrier. He noted that as finely crushed rock hit the bottom of the hold he would say there would be noise. The Proponent will investigate this issue.

Mrs. Angrignon asked how far will the noise travel in the water.

Mr. Buxton noted there is a greater transmission through a hard surface, less through mud and water. He noted there are concerns about possible noise in the water and this is being investigated.

Mrs. Angrignon noted the schools of herring and asked if continuous noise would frighten them.

Mr. Buxton noted the crushing operation is several hundred feet onshore and doesn't see this as an issue but as noted there may be noise from the ship loading. He will get an answer to this.

Mr. Titus asked if the blasting would be done on the St. Mary's Bay side.

Ms. Nesbitt replied the Bay of Fundy side.

Mr. Buxton noted there are 2 quarries on Brier Island and several on the Neck.

Ms. Nesbitt asked if Mink Cove is 4 HA.

Ms. Bent noted she did not know these quarries were there.

It was agreed that the next meeting would be set for September 19th, 7.00 p.m. same location.

Mr. Buxton advised that all were welcome to attend the next meeting.

Meeting was adjourned at 9.30 p.m.

Cindy Nesbitt - August 15, 2002

Marine Facility

- Pier - 600' long from the high tide mark.
- 3 - 5 concrete or pipe pile guide dolphins standing 15' above the high tide level
- Design - 60' square level pad on ocean floor
- Loader will be stationary, the boat will move along while loading
- Aim for 40 - 50 loads per year, shipping May – December
- 2 trips May, 2 trips December
- 6 weeks of shut down
- Shipping target -> 2 million tons per year
- CSL Spirit or a vessel approximately its' size will be used (625') carrying 40 - 45,000 ton per shipment, to be off loaded in New Jersey. Perth Amboy Pier in New Jersey, same pier that receives the gypsum from Hantsport

Blasting

- 160 - 170' away from water satisfies the requirements of DFO
- test blast in September, early October using a box formation 40' x 80', 8' spacing
- asked again about number of times blasting would be done in a month. Mr. Buxton answered it really depends on quarry status
- monitoring may be required in particulate and noise, water borne particulate may be monitored

Site Reclamation

- Permit granted for 4 HA quarry
- 1 year reclamation plan also DOE Provincial
- Reclamation is valued and bond is posted
- The site will be excavated with a 1 - 2% slope
- Stepped terrace for future cottage/home development
- Trees that are dying and cut on the property will be chipped and mixed with the site soils, etc and used for the reclamation

General

- Noted that the 40 - 50 trips per year would represent 1% of the ship traffic in the Bay of Fundy
- Compared with 600 oil ships to St. John, 100 gypsum boats and 1000 ferry crossings
- Brought up about "*Pathogen* cocktails" and the Zebra Mussels that has come into the Great Lakes
- The boats brought into the Great Lakes were from the Mediterranean. The boats to be used here have been here only.
- All elements are looked at. How to mitigate it?
- Can't be mitigated, has to be remediated.

Thomas Wheaton, DFO No-Net Loss Policy

Carol Measham & Gwen Wilson - August 27, 2002

Concerning jobs to be generated

- Please provide a listing of jobs that will be advertised for (for both the 10 acre and 300 acre quarry), numbers of persons required for each position, together with the appropriate job description and qualifications, training or experience required, and salary range offered.

Quarry Boundaries (Full 300 acre plot)

- If the property map supplied with Mr. Johnson's letter to the Digby Courier is correct, it appears that the southeast corner of the property is about 528 feet from highway 217. Thus how does the quarry remain "out-of-sight" or sound of the nearby houses as was attested by Mr. Buxton at the Liaison Committee Meeting and reiterated at the site tour?
- A map clearly delineating the limits of the quarry, including allowable blast area and with reference to existing dwellings, other property lines and roads would be helpful. If the 800 meter blast setback is in effect for the 300 acre quarry, we assume that a large arc in the southeast corner (drawn from the existing two houses at the road entrance) would be exempt from active mining. Please affirm.

Changes, Modifications and Amendments to the Permit

Item 3, General Terms & Conditions, Part D

- What procedures are in place for the modifying, in essence changing the terms of an approved contract?
- What procedures are in place to inform the public of proposals to amend an approved contract?
- What kind of changes could be considered?

Particulate Emissions

- Please provide a frame of reference in laymen's terms much like the attached decibel chart, which makes the allowable dust easier to picture.
- Will the DOE require a preliminary baseline monitoring of dust/particulate emissions as well as regular monitoring and/or can such monitoring be carried out at the request of landowners?

Decibel Levels

- Please see attached decibel chart for information purposes. Can monitoring of sound be carried out at the request of the landowners?

Abandonment

- It is not stated in the approval document that rehabilitation will occur concurrently with active quarrying in the new sections, as was described verbally and, I believe is minuted from an earlier meeting. The approval document states that rehabilitation takes place within 12 months of abandonment, which is defined as "cessation of production of aggregate for a period of 12 months." Thus it would appear that the

- quarry could go on forever as long as a bucket of aggregate is removed and no rehabilitation would be required to occur.
- Please note the attached clipping from the Chronicle Herald 8/23 concerning an "abandoned mine" where the 12 month period has now stretched to 2 years with no rehabilitation in site. Is there a way by which this rehabilitation problem could be tied down. I.e. the verbal assurances written into the contract?
- We request that this assurance be provided in writing from the Proponent/DOE and appended to the approval.

Trucking

- Despite verbal assurances that approval would have to be to permit removal or aggregate by truck, no reference/statements in the approval document state that trucking is NOT permitted.
- We request that this assurance be provided in writing from the Proponent/DOE and appended to the approval.

Access to quarry site

- Is there any other route that could be constructed (i.e. by purchase of land) to access the proposed quarry site, one which would not have an impact on neighbouring homes?

SOUND PRESSURE LEVELS
(in decibels – dB)

	160	
Jet engine – close up		
	140	Rock singer screaming in microphone (lips on mic)
Threshold of pain		
	130	
Pneumatic (jack) hammer		Cymbal crash
Planes on airport runway	120	
		Fender guitar amplifier full volume at 10 inches away
Power tools	110	
Subway (not the sandwich shop)	100	
	90	
Heavy truck traffic		
	80	Typical home stereo listening level Acoustic guitar, played with finger at 1 foot away
Average factory		
	70	
Busy street		Small orchestra
	60	Conversational speech at 1 foot away
Average office noise	50	
Quiet conversation	40	
Quiet office	30	
Quiet living room	20	
	10	Quiet recording studio
	0	Threshold of hearing for healthy youths

<http://www.coolmath.com/decibels/printout.html>

08/15/2002

Paul Buxton

From: "Bob D Petrie" <PETRIERD@gov.ns.ca>
To: <paul.buxton@ns.sympatico.ca>
Cc: "Chris A Daly" <DALYCA@gov.ns.ca>; "Jacqueline A Saccary" <SACCARJA@gov.ns.ca>
Sent: Tuesday, September 10, 2002 10:21 AM
Attach: Bob D Petrie.vcf
Subject: Approval Amendments

Further to the question raised through the CLC as to how the public would be informed about amendments to the approval:

For the existing approval, it is recommended that all amendments, whether "administrative" or "technical", significant or not, be made known to the CLC and consequently recorded in the minutes made available to the public. Although some minor amendments may not be of any consequence to the public it would be best to advise the CLC of any changes as that would demonstrate complete transparency of the process.

I am not sure if the question related to the current approval or any undertaking that might receive approval following the EA process. In that case, any significant change or deviation from what was reviewed during the EA process would require re-registration & re-screening of that component of the project and the additional public consultation that goes along with that process. This would occur prior to any Industrial Approval amendment.

I hope this answers the question.

Bob Petrie
District Manager, Yarmouth Office
Environmental Monitoring & Compliance Division
N.S. Dept of Environment & Labour
13 First St., Yarmouth. NS, B5A 1S9
(902) 742-8985 phone
(902) 742-7796 fax

Harold Theriault – August 29, 2002

1. How much noise will there be from blasting rock and loading a steel hulled ship?

2. Will this have any effect on the whales that have very sensitive hearing? (These animals communicate over 100 miles apart with their sensitive hearing.)

3. Will the noise have any effect on the herring that come to this shore? (These herring feed the whales, birds and fishermen.)

4. There is a colony of 150 seals that live near White's Cove. What will happen to these animals?

5. Will DFO have to move them to another area?

6. There will have to be more traffic lanes put into place for the shipping of this rock. These grounds are some of the best lobster fishermen grounds in Nova Scotia. Will fishermen have to move their gear from here? You cannot fish fixed gear where big ships travel, they will be destroyed.

7. If ammonium – nitrate (diesel fuel and fertilizer) is used for blasting the rock, where does the run-off from this diesel fuel go?

8. Will this quarry have any effect on the two nearby campgrounds?

9. A halibut hatchery in East Ferry has concerns. Noise and vibration can kill the tiny fish eggs. Could this happen?

10. Will more people be put out of jobs than this quarry will create?

11. Just how many jobs will this quarry create after it's all built and what will this number of people be doing?
12. Will there be any guarantees that this quarry will not have any negative effects on this community and the life we have and need in the Bay of Fundy?

Minutes of Meeting of Community Liaison Committee
(Amended October 24, 2002)

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. September 25th 2002

Sandy Cove Fire Hall

In attendance: Ms. Cindy Nesbitt, CLC Member
Mr. Mark Jeffrey, CLC Member
Mr. John Ivens, CLC Member
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mrs. Marian Angrignon
Ms. Sandra Denton
Mr. Fred Trask
Mrs. Stephanie Trask
Miss Lindsey Trask
Mr. Christopher Tidd
Mr. John Wall, Quarry Manager
Mr. Paul Buxton NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Brian Cullen, CLC Member; David Graham, CLC Member

Ms. Nesbitt welcomed Committee members and guests to the meeting and provided the agenda for the evening.

Mr. Buxton forwarded Mr. Ivens a copy of the questions raised at the August 29th meeting.

Ms. Nesbitt noted several items for revision in the minutes of August 29th 2002.

Amendment 1 - page 1. Amendment 7 - page 1. The amendment referring to her father-in-law should read "Mr. Brian Morton."

Amendment 2 - page 2. Ms. Nesbitt did not feel May ...December would be. This should read Ms. Nesbitt noted the lobster fishermen felt the month of May would not be a problem but December would be a problem for them.

Amendment 3 – Appendix 1, under the heading General. "Parhogen" should read "Pathogen" and Thomas Winetch should read Thomas Wheaton.

The minutes of August 29th 2002 were approved with the above noted amendments.

Ms. Nesbitt welcomed the Quarry Manager, Mr. John Wall to the meeting. She noted he would assist with questions about the quarry, the manpower schedule, and talk about what the plans are for the quarry operation.

Ms. Nesbitt noted she and Mr. Ivens met with David Morse and his assistant on Monday. She felt it had been a good meeting. Mr. Morse and his assistant wanted to know about the CLC and wondered whether the Proponent had been forthcoming with information.

Ms. Nesbitt advised them of the information the Proponent had provided to the CLC and that the committee was very pleased.

Ms. Nesbitt noted Mr. Morse wondered if the committees' questions were being answered. She advised him questions had been well answered and questions that could not be answered at the time were in the process of being answered.

Ms. Nesbitt requested if someone wished to speak to please identify him or herself for the minute taker.

Ms. Nesbitt proceeded to the review of the site plan.

Mr. Buxton noted the site plan shows a block of land in the center. This small block of land is the permitted quarry and he noted it is slightly less than 4 HA.

Mr. Buxton noted various houses along the highway, which had been surveyed and were shown on the site plan in the correct relative positions. He noted Whites Cove Road leading to the shore was shown at 66' wide but the Proponent is unsure of this, the last survey done indicated 33'. The Provincial government designated all highways as 66' by statute.

Mr. Trask asked where is the location of the quarry property.

Mr. Buxton pointed out the quarry property. He indicated the property is about 370 acres.

Mr. Trask asked in which direction would they expand the 10 acres.

Mr. Buxton using the site plan indicated the direction the quarry would expand. As noted in the August 29th 2002 minutes the quarry would move along to the East into the face, and then proceed to the North.

Mr. Buxton noted the one control is that the Proponent cannot blast, for example, within 100' of the highway or the property line. He also noted there is a bigger stipulation, as there are existing houses and therefore there are existing foundations. The permit stipulates the Proponent is not permitted to blast within 800 meters of an existing foundation unless the property owner grants specific permission to do so.

Mr. Buxton using the site plan pointed out areas where the Proponent will not be permitted to blast.

Mr. Trask noted the position of his well and questioned Mr. Buxton about this.

Mr. Buxton noted that at the last meeting the committee had discussed at some length the water supply issue and the potential problems with water supply. He noted the Proponent is currently having a comprehensive hydro-geological study done on site to determine whether there may be problems with blasting and associated wells.

Mr. Buxton noted the drilled wells in the area are a matter of public record and the Proponent is assembling the drill logs for those wells. He noted this information would provide the depth of the wells and the gallons per minute at the time the wells were drilled.

Mr. Buxton noted the Proponent would like to examine the wells in the area to test for depth, volume and chemical analysis of the water. He noted this information would enable the Proponent to establish the status of a well, volume per minute when drilled, today and 5 years from now after an extensive series of blasting on site.

Mr. Buxton noted the Proponent would stipulate very clearly that if they were responsible for damaging any wells in that area they would provide an alternate source of water.

Mr. Buxton asked that if everyone in the area lost their well and the Proponent had to drill new wells at 105' and provide all the hookups, etc. this would cost the Proponent \$40,000.

Mr. Trask asked what if they do not find water at level.

Mr. Buxton stated the hydro-geological studies would state the levels of water throughout the basalt and the question would be which bed the water would be drawn from.

Mr. Buxton compared the cost of drilling new wells to the overall cost of opening the quarry operation at \$25 million.

Mr. Buxton noted the hydro-geologist did not feel water levels would be a problem but he did feel the Proponent may have difficulty with anyone who had a dug well and would not let the Proponent test the dug well. He noted that unless the Proponent was able to do a pre-test report on a dug well he was unsure of what the Proponent could do for them.

Mr. Buxton noted these are technical issues and the company cannot walk away from them. He noted if damage was done to any property the Proponent is required by law to repair it.

Mr. Trask asked if they were going down to sea level.

Mr. Buxton noted the Proponent is not allowed to go below sea level.

Mr. Trask asked if they would go to sea level.

Mr. Buxton replied they would go somewhat above sea level because they eventually want a slight grade away when they finish the site and remediate it. They want the site to drain.

Mr. Buxton noted an issue had been raised before and stated he wished to readdress it as it was fairly important and had been discussed at the last meeting.

Mr. Buxton noted if the site had been in the middle of nowhere and there were no houses within 25 miles and the Proponent wanted to crush large quantities of rock and export them, the Proponent would want to use the most economical blasts he could develop. He would probably use about 1000 pounds of blasting mixtures in each delay, big blasts to get down big walls of rock.

Mr. Buxton indicated in this case, the permitted quarry, which is a small area, and the rest of it is adjacent to the Bay of Fundy, which is a fish habitat and possibly spawning grounds. Hence, there are very strict regulations in place to determine the level of blast (the amount of powder per hole) at various distances from a fish habitat or spawning ground.

Mr. Buxton noted there is a small test blast scheduled for the end of October. He noted that this designed to count 100 pounds per delay and this is about one tenth of the charge that would be used at a large quarry.

Mr. Trask asked how many pounds of dynamite would be used.

Mr. Wall replied typically there would be 5 pounds of toe load in the bottom of a hole; the rest would be ammonium nitrate or slurry. He noted typically very little dynamite is used.

Mr. Trask asked how much will the dynamite blast equal.

Mr. Wall replied 2000 pounds of explosive agent, primarily ammonium nitrate mixed with fuel oil which is a low grade commercial explosive.

Mrs. Trask asked if the fuel oil would get into the water.

Mr. Wall replied the fuel oil is burnt.

Mrs. Trask noted this had happened before.

Mr. Wall noted typically they mix 6% fuel oil with ammonium nitrate. He noted if more than this is used the fuse would not go off and it is a very controlled substance.

Mr. Buxton noted the committee would be getting a technical paper answering this question, as Mr. Harold Theriault had raised it at the last meeting. He noted the question would be answered as to precisely what the explosive is and the consumption of fuel oil.

Mr. Buxton noted the limitation of the size of the blast at this quarry is under the 1998 guidelines adopted by DFO. In order for a blast to take place at the site a blasting plan has to be approved by the DFO.

Mr. Buxton advised the committee the DFO has a blasting plan now for a test blast, which will be a very small blast in an area of 40' by 80'. The primary reason for the test blast is to carry out noise and seismic monitoring at the property lines and to put hydrophones in the water to determine if there is any noise transmitted into the water.

Mr. Buxton noted these will be fairly comprehensive tests and the Proponent is negotiating with the firm of Jacques Whitford from Halifax to monitor the test blast.

Mr. Buxton noted the results of the test blast would be given to the CLC.

Mr. Jeffrey asked if the test blast would be a normal size blast.

Mr. Buxton replied in terms of area and size of delay, yes and he noted for the guests who had not attended previous meetings the blasts do not go off together, they go off sequentially which is why they are called delays.

Mr. Buxton referred to a zipper being ripped and noted the blasts were similar to this.

You cannot distinguish between the blasts but each delay will give a shock to the rock and create some noise and disturbance but they do not build on each other because there is a delay between each one going off. He noted this is the reason the DFO controls the amount of blasting material in each hole.

Mr. Wall addressed Mrs. Trask's earlier question. He noted that in order to give her an idea of the blasting mixture if the magnitude of a shot was 10,000 pounds of explosives approximately 600 pounds of shot would be fuel oil. If you were 98% efficient with your explosives you would have less than 2 gallons of fuel unconsumed. He also noted if a 4-wheeler tipped over there would be more hydrocarbon pollution from this than if a shot went terribly bad and the technical information would be made available to the committee.

Mr. Trask asked about other water sources on the property.

Mr. Buxton replied the Proponent does not have the final hydro-geological report.

Mr. Buxton pointed out on the drawing several areas they would look at to determine if there may be a pockets of water in those areas. He noted they are looking at faults, ribbons of quartz and areas of basalt where water can gather and they would look at all water sources because they are concerned about peoples' wells in the area noted on the site plan.

Mr. Trask asked if Mr. Buxton was stating there were no springs in the area being discussed.

Mr. Buxton answered no, and he stated that the hydro-geological report had not been completed. He noted that at one test hole as indicated on the site plan water could be heard but they were unsure of the depth and the water was heading down towards the Bay of Fundy.

Mr. Buxton noted the Proponent would have the answers to these questions regarding the water supply. The Proponent has interest in what the water supply is as there is need of it for the crushing site for dust suppression and possibly to wash the aggregate and they would need to know that if they are taking water out whether there is sufficient water there for it to recover and not take water from someone else.

Mr. Buxton referred to the designs of the quarry showing wash ponds. He noted water would be collected in the wash ponds, dust drops to the bottom and the water is re-used.

He noted some water would evaporate and have to be replenished.

Mr. Trask asked if as you come back into the mountain are you creating a large space where all the water from area will run.

Mr. Buxton replied from the top of the mountain, certainly. He indicated the top of the mountain on the site plan and stated the water that falls on each side of the mountain and will run each way.

Mr. Trask indicated the direction he believes the top of the mountain traveled.

Mr. Trask noted there were five springs and a large brook in the area.

Mr. Buxton noted this would be determined when the hydro-geologist report was completed. He noted this report would be discussed here with this committee.

Mr. Tidd noted 65 dBA was the sound level the permit was issued for and he wondered if he or Mr. Trask would hear a steady roar.

Mr. Buxton replied the level of his voice was about 65 dBA.

Mr. Tidd noted he would not wish to hear Mr. Buxton talk 24 hours per day.

Mr. Buxton reiterated that the CLC was formed because a permit was granted to operate a 4 HA quarry and the committee members are here to gather information on the 4 HA quarry and to ensure people get accurate information. He further noted that while it was fairly clear most people were interested in what happens when the quarry gets bigger than 4 HA, there is no permit in place for a larger quarry and this is the process is now being undertaken.

Mr. Buxton noted he cannot tell the committee or answer questions on what the terms and conditions will be of any future permits, he can only comment on what the terms and conditions are for the existing permit and essentially the noise level not to be exceeded at the property line is 65 dBA during the day, 60 dBA in the evening and 55 dBA at night.

Mr. Buxton referred to the sound level chart (see minutes – August 29th 2002 Appendix 2, page 3) and noted copies could be provided. He noted 65 dBA is loud conversation from a distance of one foot away and he noted the nearest house from where the quarry will actually be operating is approximately 1300 meters.

Mr. Trask asked about wind and weather conditions.

Mr. Buxton replied this did make a difference.

Mr. Trask stated the noise was going to extend to a large area.

Mr. Buxton noted as you move away from one foot to one thousand meters it is doubtful the noise would extend far.

Mr. Trask stated with the winds you would still hear the noise from the excavation.

Mr. Trask questioned whether Mr. Buxton would want to hear noise 24 hours per day.

The quarry would work 24 hours per day and they would still hear it 24 hours per day.

Mr. Buxton noted they may be able to hear some noise but the Proponent cannot exceed the noise levels set out by the permit, those noise levels are at the property line.

Mr. Trask asked when the tests were going to be done.

Mr. Buxton replied they would be done as soon as the permits were in place. A blasting plan had to be submitted to DFO and when the permit is received the site would be prepared and notification would given to the consultants so they may set up for monitoring the blasts and the CLC has indicated they want to be apprised and be there.

Mr. Tidd asked if it had been decided how the aggregate was being taken out, either by way of St. Mary's Bay or the Bay of Fundy.

Mr. Buxton replied by way of Bay of Fundy. He noted if it is economical to build a marine terminal it will be built in White's Cove.

Mr. Tidd asked what this would consist of.

Mr. Buxton speculated it would be built of 36" pipe piles with a concrete cap on top.

Mr. Tidd asked if there was any mysterious harbour being built. He had heard rumours a wharf would be built and in ten years time you would be able to take lobster boats in.

Mr. Buxton replied the Proponent would need to get a ship loader out and there would be a line of rock out or a line of supports for the ship loader going out to a very large dolphin in the middle which will be concrete capped and on either side there will be other dolphins. He noted the ship would be approximately 625' long. He noted if a boat got into trouble during a storm it could possibly hide behind a dolphin.

Mr. Tidd asked if there were no plans to build a major harbour.

Mr. Buxton noted there would only be isolated dolphins.

Mr. Tidd asked how much lobster bottom this would take up if it would be one mile of shore.

Mr. Buxton noted he could not answer this question because he was not aware of the route the ship would take at this time and noted the shipping lanes could be moved towards the East. He noted the information on how the ship would come in, tie up, move out and go back into the shipping lanes would be provided to the committee and for the lobster fishermen.

Mr. Buxton noted the Proponent does have a side-scan sonar and seismic print of the bottom, which he will bring to another meeting. He noted the majority of the bottom immediately around the area of note is bare basalt, there is one patch of erratic boulders and as you go further out to the north and west there is a small patch of silty sand on the bottom.

Mr. Buxton noted this will be part of the design considerations. If a rock base is built to get the ship loader out and the bases of the dolphins are considered destructive to fish habitat the Proponent will have to create fisheries habitat to the satisfaction of the DFO.

Mr. Buxton noted this is not a question of giving them an amount of money. The Proponent will have to recreate the fish habitat destroyed. He noted it might be possible to take rock and spread it on the bare areas there now in order to create fish habitat. The DFO will advise the Proponent of this.

Mr. Wall noted he would like to address the issue of noise. He noted most of the activity would be at the 7-meter level, the quarry floor. The hillside goes up to approximately 100 – 125 meters and as a mitigating factor there would be a hill between the houses and the source of noise.

Mr. Tidd noted he could hear boats sailing up and down the Bay of Fundy from his home up in the hills. Others agreed with this comment.

Mr. Tidd noted this noise comes from sea level.

Mr. Wall noted Mr. Tidd is hearing those boats at a noise level of less than 50 dBA against a background level of approximately 40 dBA. He noted when a car drove by Mr. Tidd could no longer hear the boat.

Mr. Tidd agreed with this statement.

Mr. Wall also noted it had to be absolutely quiet in order for Mr. Tidd to hear these boats and this level of noise is significantly under the night time limit of 55 dBA.

Mr. Tidd stated his point is he likes hearing it once in awhile and half the reason he likes to live here is you like to hear noise once in awhile and then hear nothing but this quarry is going to be 50 dBA, 60 dBA 24 hours per day.

Mr. Buxton noted this is at the property line. He noted as you move away from the property line as Mr. Trask pointed out the weather conditions will determine to a large extent how high it will go on any particular day. He noted as you move away from the property line it clearly has to be less than what it is at the property lines.

Mr. Buxton again noted they were talking about a conversational level in the evening at the property line and he asked the committee and guests to imagine standing 300 – 400 meters from him and whether they could hear his voice.

Mr. Tidd understood this but he is against it.

Mr. Buxton noted this is not a silent operation and no one was trying to pretend one could crush rock and load it into a ship and not make any noise but the limits are set by regulation and those limits cannot be exceeded.

Mr. Tidd asked Mr. Wall if those limits were higher than in other places he had worked.

Mr. Wall replied the limits were the same. He noted in New Jersey the limit is 65 dBA at the property line during the day, 50 dBA at night and 55 dBA in the evening.

Mr. Tidd noted a gentleman at the school a few nights previously, possibly a Mr. Mahtab, mentioned 60 - 65 dBA was high.

Ms. Nesbitt noted a bulletin had been mailed which stated that questions would be answered and she wondered who would be providing the information. Would it be this Mr. Mahtab.

Mr. Tidd thought this was correct.

Mr. Wall asked what was his statement.

Mr. Tidd replied the Mr. Mahtab thought 60 – 65 was quite high boundaries for a noise level. He noted this gentleman was the spokesman for the evening.

Mr. Trask asked if Mr. Wall operated quarries at this time in New Jersey.

Mr. Wall stated at this time Clayton Concrete does not own a quarry in New Jersey. He noted they own three sand operations, produce approximately 38 million blocks per year, 4 million tons of sand at the different operations and they sell approximately 2 million cubic yards of concrete per year.

Mr. Trask asked how many rock quarries are in New Jersey.

Mr. Wall estimated there are a total of 75 – 80 mining permits in New Jersey and over half of them are quarries. He noted New Jersey is a small state but they make a mega amount of stone.

Mr. Wall noted population equals cars and cars equals traffic and traffic equals roads. He noted he now lives in northern New Jersey and within a 25-mile radius of his home there are probably more than 10 quarries producing 2 million tons per year.

Mr. Trask asked if this was basalt rock.

Mr. Wall replied hard rock but he noted there are a couple of basalt rock quarries.

Mr. Trask asked in what part of New Jersey.

Mr. Wall replied he lives in Flanders, New Jersey, which is 45 miles west of the George Washington Bridge.

Mr. Tidd asked if you are allowed to take coastline along the American shore to bring a ship to shore. He asked if this was being done down there or around where Mr. Wall lives in New Jersey.

Mr. Wall noted there is only one quarry he knows of which loads boats in New England and the mid Atlantic region and it is in Connecticut. He noted the quarry is six miles from the water and they have their own railway from the quarry site to the loading point.

Mr. Tidd asked Mr. Wall if it is legal to do what they wanted to do here as on the American shore.

Mr. Wall replied there are several quarries on the Hudson, which load barges not ships.

Mr. Tidd asked if these were not on the salt water.

Mr. Wall noted the salt water goes up past Pokepssee and an Irish owned company loads barges and owns a quarry in Connecticut.

Mr. Tidd asked if this was on the main shoreline. He asked if there were any quarries along here.

Mr. Wall replied he did not think so.

Mr. Tidd noted a man made a statement and he was unsure of whether this man was an American or a Canadian and this man thought you were not allowed to take stone off the American shore.

Mr. Wall noted there are no laws prohibiting it but it's not economically feasible to do it.

Mr. Tidd took it there were laws in place so you couldn't remove the rock.

Mr. Wall noted he worked for a large quarry in New Jersey, Mount Hope Rock Products. He noted they had supplied 5 million tons per year.

Mr. Wall stated in 1988 they supplied a big job in Philadelphia for landfill where they sold 100,000 tons of 3/8 aggregate in one month. He noted they were later beaten out by Construction Aggregates from Nova Scotia for the remainder of the million tons of the 3/8 aggregate.

Mr. Wall noted the rule of thumb in the States is it's 10 cents a 10-ton mile US\$ to ship by truck. He noted they were 38 miles from Manhattan and the stone was cheaper at the dockside from Nova Scotia by ship than from the center of New Jersey by truck.

Mr. Tidd asked if aggregate would come from a pit.

Mr. Wall replied from the center of New Jersey.

Mr. Tidd asked where is the Nova Scotia mine.

Mr. Buxton replied Auld's Cove, Port's Hawksbury.

Mr. Wall noted 10 million tons per year is sent by barge down the Hudson River to end users in the New York City area. He noted it is a big market and it is cost effective to come to Nova Scotia with the foreign exchange and labour differences and it is an economic move. There are no laws prohibiting you from doing it.

Mr. Wall noted as difficult as it is to get a permit in Nova Scotia it is truly an order of magnitude of difference in the States. He noted New Jersey is a fraction of the size of Nova Scotia. Nova Scotia has less than 1 million people and there are 17-18 million people in New Jersey.

Mr. Trask asked if there were any plans to go across eventually to St. Mary's Bay.

Mr. Wall replied there is 220 million tons of rock on 380 acres at Whites Cove and at 2 million tons per year this would be more than required. He noted currently there are no plans for this and this would be a totally separate issue, which they are not entertaining.

Mr. Trask asked about the property next to the quarry and wondered if they had been in touch with the owners.

Mr. Wall replied in the event that they were successful with the permit those people could be contacted in order to obtain an option on their property.

Mr. Buxton noted this would be to provide a buffer strip and this had been discussed at a previous meeting. He noted he had been asked if they were going to expand the quarry and he replied if they looked at other properties in the area it would be to provide buffers or possibly to acquire properties they think people might want to sell it at this stage but it is not to expand the 370-acre quarry.

Mr. Buxton noted as Mr. Wall pointed out the market the Proponent is looking at is 2 million tons per year and there is over 200 million tons of rock now, i.e. 100 years supply. He noted no one invests money on a project 100 years down the road, twenty years is an economic life of a project because this is the capital equipment amortization period and then you have to re-capitalize in order to get going again after 20 years. He noted 100 years is not in any economic calculations.

Mr. Trask asked what the wages would be in this quarry.

Mr. Buxton asked if this question could be put on hold as there had been two written questions on this and he wanted to respond to the written questions.

Ms. Harnish noted in reference to Mr. Trask's question about purchasing other property, she was stating for the record she had been asked to represent the Proponent in acquiring other property.

Mr. Trask asked if Ms. Harnish had been asked by the quarry to find more property for them.

Ms. Harnish stated she had been asked to inquire about purchasing from the adjoining properties.

Ms. Nesbitt read the job related questions into the record. (see minutes – August 29th 2002 Appendix 2 and 4).

Mr. Buxton noted Mrs. Measham's question had been partially answered and indicated the Proposed Quarry Manpower Schedule (Appendix 1) is for a quarry bigger than the permitted 4 HA. He noted the schedule indicates the range of wage levels, a job description as well as the number of positions.

Mr. Buxton noted at this time the Proponent has not specified the detailed qualifications, training or experience but he felt most of them speak for themselves.

Mr. Buxton noted there would be 2 shifts and he reviewed the positions on each shift and he noted Mr. Wall would be the quarry manager. He also noted there would be a shift differential of 50 cents per hour for the second shift and the positions would be virtually the same with the exception of the Office Clerk and the Quarry Manager.

Mr. Buxton noted this does not deal with the construction aspect and he noted he could not give the number involved for this because the Proponent does not know exactly what the construction is going to be at this time.

Mr. Trask asked how many excavators would be working on one shift.

Mr. Wall replied there would be one loader loading two trucks and at any given time there may be two other pieces of equipment operating. Stripping, ripping high spots in the floor.

Mr. Trask asked what Mr. Wall meant by stripping.

Mr. Wall replied the soil had to be removed on top of the ground before drilling and blasting occurs because the soil should not be mixed with the rock. He noted the soil would need to be saved in order to reclaim the site.

Mr. Trask asked what soil.

Mr. Wall noted the Proponent wants to pay competitive wages and they do not want to make the rates high so it puts a strain on other businesses in the area nor do they want to make them low and take advantage of people. He noted this type of industry is very capital intensive and they want good qualified people working on a permanent basis.

Mr. Trask asked if they would train the truck drivers.

Mr. Wall replied yes they would train people to give them industry specific training and industry specific safety training for these positions. He noted the goal is to develop a work force who will be with the company on a permanent basis. It is essential to develop a skilled permanent work force to be successful on a long-term basis.

Mr. Tidd asked if local people would gain jobs first or would they hire outside of Nova Scotia.

Mr. Wall stated load people first but judging by the number of applications there would be some disappointed. He noted Ms. Nesbitt is collecting resumes now.

Mr. Wall noted there is not going to be any midnight deals made with people on the side, on opening day it will be fresh faces. It will be people from the community. Jobs will be publicly posted so everybody will get a fair shot. He noted if there are people in the immediate impact area he did not think it would be uncalled for to give preference there. Mr. Tidd noted he thought the farther away from the site the less people cared whether it comes or goes and he feels the community should be given preference.

Mr. Tidd asked if Mr. Wall was an owner of the quarry.

Mr. Wall replied he is not an owner and it is not a public corporation. He noted that the Claytons had been good successful employers. He noted this is not a surprise attack; they have read the regulations and applied to operate a quarry in Nova Scotia.

Mr. Tidd opposed this statement and noted that 10 years ago someone applied for a quarry in the same area.

Mr. Tidd asked if the Claytons and Mr. Johnson were familiar with each other.

Ms. Nesbitt noted Mr. Johnson had not met the Claytons.

Ms. Harnish noted Mr. Johnson had been looking at buying for investment purposes.

Mr. Trask asked if that was what he had been doing on Eastern Head.

Ms. Harnish replied yes.

Ms. Nesbitt noted there are a lot of rumours.

Ms. Carty replied she had heard a lot of rumours as well.

Ms. Nesbitt noted anyone could ask questions, they are welcome to attend the meetings and overtures had been made. She noted the CLC would give a package to the Concerned Citizens but they do not wish to have the information.

Mr. Tidd noted the Concerned Citizens Group does not want to hear it.

Ms. Nesbitt suggested Mr. Tidd has come to the right source for information.

Mr. Tidd noted the Proponent is on the money making end.

Ms. Nesbitt asked if this did not protect the area. She noted these people were not going to spend all this money for nothing.

Mr. Tidd noted he did not wish to hear an excavator 24 hours for the next 20 years.

Mr. Wall stated he is not saying this isn't something people will not notice but they will mitigate the effects.

Ms. Nesbitt asked about the plans to ship January to April.

Mr. Wall noted this would be determined by the weather, demand in the city. He noted this type of construction stops in December/January but he did not know enough about the schedule to make a determination. He did note the Proponent would work with any concerned party to coordinate activities.

Mr. Trask noted those i.e. December and May are the two most productive months of the lobster season.

Mr. Wall noted he did not know about the lobster season but he would like to talk to someone about this.

Mr. Trask asked if they could not fish in the area while the ship is loading.

Mr. Buxton noted the ship would load in 8 hours.

Mr. Trask asked if the lobster fishermen would have to move all their gear.

Mr. Buxton noted this would not be done everyday. He indicated there might be 2 ships in December and the company would try to arrange something with the lobster fishermen.

Mr. Trask asked if the ship would be tugged in.

Mr. Buxton noted that CSL has not yet stated its requirements.

Mr. Buxton noted no one is saying you can never lobster fish in White's Cove again but there may be 2 occasions in December and 2 or 3 in May when ships will come in and leave and this is something that can be discussed.

Mr. Wall asked how far out from the shore do you put the traps.

Mr. Tidd replied roughly three quarters of a mile.

Mr. Wall asked if he was not any closer.

Mr. Tidd replied he is not what you call an inshore fisherman.

Mr. Trask noted there are other traps.

Mr. Tidd noted half of a mile in the winter time out to 3 or 4 miles.

Mr. Jeffrey noted there are traps from inshore out to the shipping lanes.

Mr. Trask noted there are a large number of traps especially in December.

Mr. Wall noted the widest ship is 105 feet.

Mr. Trask asked how wide was the Weymouth barge.

Mr. Tidd replied 70 – 80 feet wide.

Mr. Trask asked if it caught traps.

Mr. Tidd replied it catches a lot of traps.

Mr. Jeffrey noted it caught several of his traps last December.

Mr. Tidd explained that there is an Irving Oil barge running St. John to pick up wood chips in Weymouth.

Ms. Nesbitt asked what happens with the gear when it is destroyed.

Mr. Tidd replied nothing, you can't prove the barge destroyed it.

Mr. Tidd noted that he had heard if his well happened to go dry he had been told that if it went to court it would be pretty well impossible to prove because it could have been an act of nature.

Mr. Buxton noted that this is why the Proponent would encourage people to allow them to do a pre-blast survey. If you've had water for the last 15 years, the drill log from the original driller who is licensed is registered with the province of Nova Scotia. It is all a matter of public record and anyone can look at the logs. The quantity of water the well driller identified when he drilled the well is known and if three years after the Proponent has been drilling your water has suddenly gone, you have a cast iron case.

Mr. Tidd noted he is working with tens and hundreds and the Proponent is working with millions. He noted he is up against the big boys and he is worried about this.

Mr. Trask noted as an example the Bremner's who live roughly a mile away have a quarry the day after dynamite went off their 200 foot drilled well went dry.

Ms. Nesbitt noted she knew of 3 wells in this same area did go dry and the day it happened the company brought bottled water and made sure the people's water needs were met. She noted within a few days 3 wells were drilled on site. She also noted two of the wells were dug wells and they had gone dry historically every summer and the other well did have some problem. She noted the people did have their water restored and their driveways were paved.

Mr. Trask noted this was one mile away from the blast and it did destroy wells.

Ms. Harnish asked who would perform the tests on the wells.

Mr. Buxton replied Jacques Whitford.

Mr. Buxton asked Mr. Trask if the Proponent came and asked him if they could do a pre-blast well survey on his property and take a chemical analysis of the water would he permit this.

Mr. Trask replied yes.

Mr. Buxton noted they would be very pleased to do this. There you have the evidence and if the water disappears, you have a cast iron case. If someone does not let us on the property then it does become more problematic.

Mr. Trask asked what if he wanted to hire his own contractor to do his well, would the Proponent pay for this.

Mr. Buxton replied yes.

Mr. Wall asked if this was to do the test or to do the well.

Mr. Trask replied to do the well.

Mr. Wall replied yes, if it is within a general range. He noted if the Proponent could do it for \$1000 and Mr. Track's guy wanted \$5000, then this would be a problem.

Ms. Nesbitt asked about the pre-blast survey for the water test, how much land it would encompass, what area are we talking about.

Mr. Buxton replied the Proponent would do it in an area the hydro-geologist feels may be at risk. He noted he suspects the hydro-geologist and the geologist will tell them Little River will not be at risk. He noted the housing along the road and the immediate area would be at risk.

Mr. Trask asked if the Proponent had hired the geologist.

Mr. Buxton noted that the geologist is from the United States, the hydro-geologist is from Halifax, part of the Jacques Whitford Company, the biggest consulting engineering company this side of Montreal.

Mr. Buxton noted they probably do 90% of all of the environmental assessments in Nova Scotia. He noted Phillip Analytical would do the actual testing of the water in Halifax.

Mr. Buxton noted these are all independent companies.

Mr. Trask asked what were some of the other questions asked.

Ms. Nesbitt read the quarry boundaries question for the record.

Mr. Buxton noted the question was right in the sense the corner of the property on the south-east side is quite close to the road but no blasting can take place in this area.

Blasting cannot take place within 800 metres of any structure.

Mr. Trask asked where is 800 meters from the houses.

Ms. Harnish asked if the Proponent could excavate the southeast corner but they can't blast.

Mr. Buxton replied this was true. The map was reviewed and houses were pointed out on the southeast corner.

Mr. Trask asked if the arcs marking the map were the 800 meter points.

Mr. Buxton replied yes and he reviewed various houses located on the map.

Mr. Trask noted the position of his house, the 800 meters and asked if the Proponent could not come any closer than point referenced.

Mr. Buxton replied that blasting could never be any nearer and noted the area on the map which cannot be blasted.

Mr. Trask noted the quarry is 1000' away from those properties and the chances of draining all the water sources from those properties is very good, very high.

Mr. Buxton replied Mr. Trask could ask him question again after the hydro-geologist report was received.

Mrs. Trask asked if Mr. Buxton could understand their concerns.

Mr. Buxton replied of course he could but he noted the Proponent is trying to give out accurate information. He noted there is no point in giving an opinion at this time. When the professional study is completed this committee will be advised of the results. Mr. Trask can attend further meetings.

Mr. Trask noted he would prefer to attend another meeting.
Mr. Buxton noted Mr. Trask was very welcome to attend.
Ms. Nesbitt asked Mr. Tidd if he would like to look at the map.
Mr. Trask noted many people have concerns about water and noise.
Mr. Tidd noted sound travels in the community and he asked if property values would decrease.
Ms. Harnish replied possibly the adjoining properties but she has seen no indication so far. She noted she has never been involved with selling a property around a quarry.
Ms. Nesbitt noted if there is work in an area then people do tend to move towards those areas where there is employment, so is there a possibility in your opinion the increased work in the area will make those properties more desirable.
Mr. Trask replied he would think anyone working for a quarry would not want to live right next door to it.
Ms. Nesbitt read the question re: Changes, Modifications and Amendments to the Permit into the record. (see minutes - August 29th 2002 Appendix 2)
Mr. Buxton noted the answer to this question had been attached to the minutes of August 29th 2002 and forwarded to CLC members. He noted that this answer was from Bob Petrie, the NSDOEL Regional Manager. He was asked those questions.
Mr. Buxton read Appendix 3 of the minutes of August 29th 2002.
Mr. Buxton noted with the 4 HA permit if there are minor administrative changes Mr. Petrie is suggesting the CLC be made aware of them and the public be made aware of them. Mr. Petrie also noted with respect to a larger quarry if there is a major deviation requested, an amendment to the permit then it would be a requirement to go back and do the process again for that particular item.
Mr. Buxton noted everybody would be made aware of an amendment for a permit for a larger quarry; it would become a public issue.

Ms. Nesbitt read the questions for the Particulate Emissions into the record. (see minutes - August 29th 2002 Appendix 2)

Mr. Buxton replied at the moment he has not been able to come up with a reference for particulate emissions. He noted if he could find something in chart form or transparencies, which give some visual idea of what particulate emissions, are he will do so but he is unaware of any at the present time.
Mr. Buxton noted that there will certainly be stipulations in the approval for a larger quarry with respect to particulate emissions and monitoring. He noted he is unaware of what the stipulations would be and they would certainly be no less onerous than the ones for the 4 HA quarry.
Mr. Buxton noted as he has said with respect to noise that there is no current requirement for the Proponent to carry out testing for particulates emissions at the request of a landowner. He noted this is not to imply testing would not be carried out at the request of a landowner.
Mr. Buxton also noted Mr. Wall would be involved with Occupational Health and Safety Regulations with respect to particulate emissions. He noted if too many particulate emissions get into the air OHS will be there.
Mr. Buxton noted if particulates are not being produced on site they will not be getting off site. He noted there would be water trucks on site to keep the particulate emissions down because of the staff on site but also because the Proponent is not permitted to exceed certain levels at the property line.

Ms. Nesbitt read the questions for Decibel Levels into the record. (see minutes - August 29th 2002 Appendix 2)

Mr. Buxton replied this is much the same as particulate emissions. He noted the Proponent can be requested under the existing permit to carry out monitoring for noise and the NSDOEL can tell the Proponent where to take the noise tests.

Mr. Buxton noted there is nothing in the existing permit requiring the monitoring of sound at the request of landowners.

Mr. Buxton again noted this is not to imply the Proponent would not carry out monitoring at the request of landowners.

Ms. Nesbitt noted the question of abandonment.

Mr. Buxton replied there is no answer at the moment, but it will be supplied in written form.

Mr. Trask asked what the question about abandonment had been.

Ms. Nesbitt read the question into the record. (see minutes - August 29th 2002 Appendix 2)

Mr. Trask asked if there was an answer for at this time.

Mr. Buxton replied he does not have a written answer. He noted this is not a mine it is a quarry and when the permit was issued for a 4 HA quarry there was a requirement that the Proponent put up funds (\$6250 per acre/\$25,000 total) before any work is done. He noted within one year of the permit (April 30th 2003) a comprehensive remediation plan has to be submitted to the NSDOEL and at point the NSDOEL which will be assessed and further remediation bonds may be required.

Mr. Trask asked if the 4 HA quarry would be the working platform.

Mr. Wall agreed this would be a beginning.

Mr. Buxton noted as part of the process, the Registration of Undertaking, the Proponent has to give a very specific remediation plan.

Mr. Trask noted he has seen American companies come in, they work, make promises and then file Chapter 11, and they go bankrupt.

Mr. Buxton noted that Chapter 11 is a protection from creditors, it is not bankruptcy and we don't have the same provisions in Canada. He noted that the NSDOEL has the money. If the company walks away the government has the money to remediate.

Mr. Buxton noted that remediation for a lot of people is a vastly important issue. What is this site going to look like when it is finished?

Mr. Trask noted he has dealt with American companies and they have very good financial records and first thing you know they go out of business.

Mr. Buxton noted things like that happen in business but this company has been operating for 50 years and its record is a matter of public record. The EPA will confirm that they have an impeccable environmental protection record in the United States. He noted there are people in Nova Scotia who have checked this out quite thoroughly.

Ms. Nesbitt read the questions re: Trucking into the record. (see minutes - August 29th 2002 Appendix 2).

Mr. Buxton quoted from the written answer. The existing permit does not prohibit trucking of aggregates from the site. However, the permit application for a larger quarry will deal with this issue and it is highly probable the approval will set specific terms and conditions with respect to trucking of the aggregates.

Mr. Trask asked what about aggregates being trucked into the quarry.

Mr. Buxton asked Mr. Trask why would the Proponent truck into the quarry.

Mr. Trask replied he did not know, he was just asking. He is aware of aggregates being trucked in to other quarries up the neck.

Mr. Buxton noted this issue has never been raised. He noted he did not think the Proponent would be able to buy rock material and truck it from any other basalt quarry to site cheaper than it can be created on site itself.

Mr. Wall noted it is not economically feasible. He noted that most of the departments the Proponent deals with have specific approval requirements and if aggregate came from an outside source there would have to be another site approval by these departments.

Mr. Wall noted this is a business where you get contracts by nickels and dimes, it is a very cost competitive business, and it's just not feasible to do.

Mr. Trask replied 'at this time'.

Mr. Buxton asked if he was talking about in 40 years time.

Mr. Trask replied yes.

Mr. Buxton said that essentially there is no market for aggregates in the local areas of any magnitude and hence trucking is not in the plan. However, the Proponent has stated that should a request come from a government agency for a specific local project the Proponent would seriously consider the request.

Mr. Buxton noted that if some project in Little River wanted 5000 tons of aggregate and we got a request from the community of Little River or the Municipality of Digby or the Provincial Government we would probably supply it as a good neighbor gesture.

Mr. Buxton noted the Proponent is talking about shipping 2 million tons per year, to truck a few thousand tons would be a money losing proposition but we would do it as a good neighbour gesture.

Ms. Nesbitt read the questions for access to the quarry site into the record. (see minutes - August 29th 2002 Appendix 2).

Mr. Buxton noted he has said it is possible a different access point to the quarry could be used to the northeast and this is being investigated, there is some potential there.

Ms. Nesbitt read Mr. Theriault questions 10 and 11 into the record. (see minutes - August 29th 2002 Appendix 4).

Mr. Buxton noted read his written response.

Mr. Buxton noted if anyone could produce evidence that the operation of this quarry will lose a job then the Proponent will respond to it. He noted he couldn't respond because he does not think there will be a job lost.

Mr. Tidd noted that he was aware of a business that may close as a result of a quarry operation.

Mr. Buxton noted unless the Proponent knows he cannot respond.

Mr. Tidd noted a fisherman can walk away with his paper in his briefcase and he has all he'll ever need with him. I.e. quotas.

Mr. Trask noted if three of his people leave this would put him out of business.

Mr. Buxton noted anyone hiring for the quarry would take those kinds of things into account. He noted it is clearly not the Proponent's purpose to take people away from the local businesses.

Mr. Trask noted other operations in the area are in the same situation.

Mrs. Carty noted people would probably be applying because there are rumours Irving Sawmill may shut down in November and there are 60 people working there and they do not have a lot of education. She noted a lot of those people could be applying for jobs.

Ms. Nesbitt noted when people do go to other jobs for a better opportunity there is always somebody else to take their place.

Mr. Trask stated he doesn't agree with statement and if someone has done a job for 20 years and then you lose them and you have to retrain.

Ms. Harnish noted if Mr. Buxton sees they already have jobs he may decline their applications.

Mr. Buxton noted that the company will look carefully at the situation. He noted there would be a high degree of sensitivity in the hiring of people.

Ms. Nesbitt asked if anyone else would like to add anything.

Ms. Nesbitt read Mr. Theriault question 12 into the record. (see minutes - August 29th 2002 Appendix 4).

Mr. Buxton read his written response to this question.

Mr. Trask asked Mr. Buxton if he was saying this was going to be a way of life. This noise is going to be a way of life for us.

Mr. Buxton replied no and he noted his first statement. There will be no guarantees there will be no negative effects.

Mr. Trask noted Christine just told them the value of our properties is going to be effected by this.

Mr. Buxton noted in his view whatever you do anywhere there is some sort of effect on property.

Mr. Buxton noted there is no question in his mind there will be an effect. It might be a positive or a negative effect. He can't tell but he can say there will be an effect even if it is neutral. He noted everything you do has an effect on something and we will not pretend you can operate a quarry here without someone complaining and the Proponent will not make guarantees there will be no negative effects.

Mr. Trask asked if it affects the value of our property would there be compensation for us.

Mr. Buxton noted there are ways of handling this situation.

Mr. Trask noted he has a lot of money invested in his property.

Mr. Buxton agreed Mr. Trask has a very nice property.

Mr. Trask noted he does not want to move.

Mrs. Trask noted there is nowhere else they want to move to.

Ms. Harnish noted that property values may be effected when the quarry starts up but it may not be as bad as everybody thinks, it may level out again. She noted she did not know.

Mr. Wall noted if it were something the Trasks would like to discuss he would be happy to meet with them and discuss what he knows of the Principals view

Mr. Trask noted one property, someone looked at it and when they found out about the quarry they turned away from it.

Mr. Tidd asked if a gypsum mine is different.

Mr. Wall noted what is different about a gypsum mine is that they have a railroad going in and out moving the product and there is nothing noisier than a railroad.

Mr. Tidd noted it wasn't about the noise but a man who worked on the railroad said the railroad paints the houses every year because there is so much dust.

Mr. Wall noted he could not envision a scenario where the quarry would make any amount of dust and there are particulate requirements have to be adhered to.

Mr. Tidd asked where does the water go when you wash the stone, it takes a lot of water to wash kind of rock.

Mr. Wall replied it goes around and around, it is a closed circuit system.

Mr. Tidd asked if it wouldn't get back into the water table.

Mr. Wall replied yes it would, it's water.

Mr. Tidd asked would it pick up minerals and whatever you are taking off the rock.

Mr. Wall noted it would not pick up any minerals that aren't already there.

Ms. Harnish asked Mr. Buxton if he knew if they were washing the stone in Roxville.

Mr. Buxton replied he didn't know.

Mr. Trask noted a man who is 12 miles from the gypsum mine stated every time they blast his windows rattled at midnight.

Ms. Nesbitt asked is it likely the people who live in Little River will hear or feel the blast.

Mr. Wall noted he does not know how far out it will go. The test blast will answer some of these questions.

Mr. Trask asked if this test blast will be smaller than a normal blast.

Mr. Buxton replied no. In fact it is the biggest blast the company is able to use under the guidelines set out by DFO.

Mr. Trask asked what does the fisheries have to say about noise in the water.

Mr. Buxton replied he does not know what comments DFO will have with respect to noise in the water. However, the Proponent will test for noise transmission in the water during the test blast.

Mr. Buxton noted there were other questions concerning this kind of issue from Harold Theriault. Will the noise have any effect on the herring? This is not known but is being researched by our marine ecologist.

Mr. Trask asked if you don't know you can still go ahead if there is no information on it.

Mr. Buxton noted there is no information on some of these issues anywhere in the world, it is simply not known. He noted the Proponent will give specific answers where there are answers available and if there is no scientific information we can't give an answer.

Ms. Nesbitt asked if there were any other questions.

Mr. Tidd asked Ms. Nesbitt if she had any other questions.

Ms. Nesbitt replied that was the end of the questions from Mr. Theriault Jr.

Mr. Tidd asked about other companies in the States, are they going to see you bringing it back cheaper than them and isn't everybody going to rush up along Digby Neck to have a little quarry. He noted competition is competition.

Mr. Trask asked if this is the reason Christine is looking for other property.

Ms. Harnish stated no, she is looking at the adjoining properties.

Mr. Wall noted one thing he could say for the company is that they are looking for one quarry site in this area. With respect to whether everybody will jump into this, he does not think so because there are only so many docks in New York where you can unload the stone.

Mr. Tidd asked Mr. Buxton is there anybody looking for other places up along the neck, on Victoria Beach.

Mr. Buxton replied that the Proponent isn't.

Mr. Tidd asked if there was anyone else.

Mr. Buxton replied he couldn't speak for anybody else.

Mr. Tidd asked Mr. Buxton if he was only working for the Clayton's.

Mr. Buxton replied that his client is Global Quarry Products.

Mr. Tidd noted he is trying to get his point across that we have this on our shoulders down the river, this might be in Centreville, this might be in Gulliver's, it might be in Victoria Beach.

Mr. Trask asked Ms. Harnish if they were looking for another site in Digby.

Mr. Wall noted that the Proponent wants one quarry in this area and the reason they want a quarry in this area is that basalt rock is a good quality aggregate for construction purposes.

Mr. Wall noted if you look at the map from where the market area will be up and down the coast there is the transportation advantage of coming here versus going up to Auld's Cove or going into some of the quarries in Halifax or going to Newfoundland. He noted there is a disadvantage of being on windward side of the Bay of Fundy because you are going to have expensive dock building costs.

Mr. Trask asked where were you looking.

Mr. Tidd noted the other night at a meeting a lady stood up from Wolfville and said they are concerned about it there.

Mr. Wall asked where.

Mr. Tidd replied Wolfville, above Kentville and New Minas.

Mr. Wall added there are very few places you can offload the stone in the Metropolitan New York area. He noted having a place to land it is pretty much the determining factor.

Mr. Trask asked will they take on ballast water.

Mr. Wall replied typically most of the ships take the stone to the States bring coal up to Nova Scotia.

Mr. Trask asked where do they use it.

Mr. Buxton Auld's Cove is an offload point for coal taken by train to Point Aconi.

Mr. Wall noted years ago in Nova Scotia when there was a coal mining industry in Nova Scotia they built a lot of coal fired power plants. He understood there is more coal coming north than there is stone going south but he is not the authority on this but he is sure information is publicly available from the power authorities here and from Canadian Steamship Lines.

Mr. Wall noted as far as whether they take on ballast water or whatever they do he does not know but he is sure they have a set of regulations they must live with.

Mr. Wall noted the ships would be Canadian Flag vessels.

Ms. Nesbitt noted that it seems with every kind of industry or every kind of economic activity there's noise. She noted in the forestry industry there are chainsaws and we put up with and in the fishing industry.

Mr. Trask replied you can't compare woods work with a quarry.

Ms. Nesbitt noted they did work 24 hours.

Mr. Trask replied but they won't be there for thirty years.

Ms. Nesbitt discussed various industries, noises, levels and effects the community puts up with and accepts it.

Mr. Trask noted these noises are for a few seconds.

Ms. Nesbitt noted what she was saying is for a community to be successful sometimes there has to be diversification.

Mr. Tidd again raised the question about noise and dust.

Ms. Nesbitt noted on these two issues that NSDOEL has restrictions for noise and particulate emissions.

Mr. Tidd noted he has so much riding on this and he was not speaking for just himself. His home is there, his work is there and up until last Friday night he was on the fence, he didn't want the quarry because it was of no benefit to him. However, he heard from a speaker at the Concerned Citizens Group's meeting that it is possible to lose his water,

and there will be some noise and dust he thinks it is changing his lifestyle from what he had planned it out. He noted maybe he is the one has to get up and get going.

Ms. Nesbitt won't say but she asked what makes this speaker man more credible than the Proponent.

Mr. Tidd replied nothing but he had heard the negative first.

Ms. Harnish noted it is her understanding this committee is an ongoing committee and so factors such as noise and dust pollution are to be brought to the attention of the committee. If they are exceeding the limits then the committee goes to the NSDOEL with the complaint.

Mr. Buxton noted Mr. Trask should be given a copy of the guidelines for the CLC.

Mr. Trask asked who is on the committee.

It was noted Cindy Nesbitt, Christine Harnish, Mark Jeffrey, Judy Carty, Brian Cullen and John Ivens.

Ms. Nesbitt asked Mr. Tidd if he would like to join the committee.

Mr. Tidd replied he is on the other committee. (I.e. the Concerned Citizens Committee)

Ms. Nesbitt noted that he might like to take information back or bring questions from the Concerned Citizens.

Mrs. Trask replied they don't want us to take information back.

Ms. Nesbitt noted any information the CLC has always been offered to anyone, there is a book at store, all the information, any questions, and Ms. Nesbitt noted she has done a lot of research on Internet.

Mrs. Trask asked if there were any pictures of sites they have reclaimed.

Mr. Wall replied he did not think they had closed any sites but he would check.

Mrs. Trask asked how old are the oldest sites.

Mr. Wall replied they have been mining at two locations in New Jersey for over 20 years. He noted one site in Jackson, New Jersey is where Gliddon Paint had mined titanium dioxide and he is not sure of the other one.

Mr. Buxton noted there are very good examples of reclaimed quarries. He is not sure if there are any examples in the province of Nova Scotia.

Mrs. Trask asked whether the deposit for reclamation is paid and then it becomes our government's responsibility.

Mr. Buxton replied no, it only becomes their responsibility if the Proponent doesn't do it.

Ms. Nesbitt circulated photos of some reclaimed quarries.

Mr. Buxton noted that when the site is remediated it will be a lot more valuable than it is today, it will be accessible, it will be subdivided, and it will be at a 7-metre elevation above the water with a gentle slope.

Mr. Jeffrey asked if any of the rock could be quarried without blasting.

Mr. Wall replied they would see how it turns out.

Mr. Wall noted in terms of cost projections everything is planned to be blasted.

Mr. Tidd asked if the meetings were taped.

Ms. Sanford replied this is the first one to be taped.

Mr. Buxton noted the minutes belong to the CLC and the Proponent is required to provide some one to record the meeting.

Mr. Tidd asked Mr. Buxton if he is a legal representation for the company.

Mr. Buxton noted he speaks for the company in the sense that he is the Project Manager of this particular quarry operation.

Mr. Buxton asked Mr. Tidd if the Concerned Citizens Group had seen the permit to the 4 HA quarry.

Mr. Tidd replied he did not know.

Mr. Tidd asked to get this permit you did not need an environment assessment.

Mr. Buxton replied that no environmental assessment was required for the 4 HA permit.

Mr. Tidd noted on Friday it was said at the Concerned Citizens Group meeting that there is not a permit issued by DFO for a wharf.

Mr. Buxton replied that the Proponent hasn't made an application yet.

Mrs. Trask asked why the application hasn't been yet.

Mr. Buxton responded because the Proponent hasn't completed the conceptual design yet.

Mr. Tidd asked for the big quarry does there have to be public consultation.

Mr. Buxton responded that that is what the CLC is all about.

Mr. Tidd replied yes we are doing it here but how many people are here, I can count them on my fingers. Maybe somebody doesn't want three hundred people in a room.

Mr. Buxton replied no but there have been for example at least six members of this committee who agreed to sit from this community were in fact were threatened to the extent they would not come. He noted other people had been told if they come to this meeting then so and so, that is why there are so few people around the table. He noted the information is readily available, the minutes are sent out to anybody who wants a copy, they are available at the Municipal Building, they are available at Ms. Nesbitt's store, they are available by calling on the telephone, the information is out there.

Mr. Trask noted people are very concerned about what's going to happen to their water supply, they'd like an answer.

Mr. Wall replied the information is not being withheld it is just not been completed at this point.

Mr. Wall noted the partnership was formed in the beginning of May and the studies were commissioned at point and to date over \$100,000 has been spent on studying all of these different aspects and the studies are not complete at this point. He noted information is not being withheld.

Mr. Trask asked what will the pier cost.

Mr. Wall replied there is a range of different designs, anywhere from \$3 million to \$10 million.

Mr. Wall replied those ships are big.

Mr. Trask asked what happens if the ship docks and

Mr. Jeffrey asked if this quarry gets off the ground are you going to block public access to White's Cove, the beach, and the shoreline.

Mr. Buxton replied that access is a safety issue but at the moment it is a public road. He noted that there will be blasting, crushing, and vehicles moving.

Mr. Trask asked if you intend to get control of the road.

Mr. Buxton noted they would like to from a safety perspective.

Mr. Trask asked about the ATVs going through the woods at blasting periods.

Mr. Wall replied that a blasting procedure will be implemented. When there will be a blast in the quarry, quarry personnel will be notified and they will assist in blocking all public entrances and policing the area that would be impacted by the blast.

Mr. Trask noted there are a lot of kids in the area.

Mr. Wall replied before we start blasting the area has to be cleared. It will be visually surveyed, entrances will be blocked off and a visual inspection of the site made.

Ms. Harnish asked if the residents of the village will be notified when the test blast is done.

Mr. Buxton replied the Committee will be notified.
Ms. Harnish wondered if they should put a notice in the store.
Mr. Buxton replied if the Committee wants a notice posted the company will do so.
Mr. Trask asked if the blasts would be a monitored.
Mr. Buxton replied yes they will be.
Ms. Nesbitt asked if there were any other questions.
Mr. Tidd asked if the next meeting would be before the test blast.
Mr. Buxton replied yes.
Mr. Tidd asked if it will not touch the shoreline.
Mr. Buxton replied no it is set back.
Mr. Trask asked in which direction is the pier going from.
Mr. Buxton replied northwest.
Mr. Tidd asked how long had Mr. Wall had been in the business.
Mr. Wall replied 25 years.
Mr. Trask asked if you put rock down, how many feet out will it be.
Mr. Buxton replied 600 feet.
Mr. Trask asked if this will create more tide.
Mr. Buxton replied only if we block it off.
It was agreed the next meeting would be set for October 17th, 7.00 p.m. same location.
Meeting was adjourned at 10.45 p.m.

Proposed Quarry Manpower Schedule

First Shift	Shift Total 17
1 – plant operator	14.00 – 16.00
1 – quarry operator	15.00 – 17.00
1 – plant manager	Salaried
2 – quarry rock truck drivers	12.00 – 14.00
1 – class A mobile equipment mechanic	16.00 – 18.00
2 – ground man / labor	11.00 – 13.00
1 – electrician (back up plant operator)	16.00 – 18.00
1 – quality control tech	13.00 – 15.00
1 – fuel man / greaser	12.50 – 14.50
1 – water truck driver	12.50 – 14.00
2 – misc. equipment operators (bulldozer, excavator, clean up loader)	14.00 – 16.00
1 – office clerk	12.00
2 – welder repairman	14.50 – 16.50
<div style="display: flex; justify-content: space-between; align-items: center;"> Second Shift plus \$.50 per hour shift differential Shift Total 14 </div>	
1 – plant operator	14.50 – 16.50
1 – electrician (back up plant operator)	16.50 – 18.50
2 – ground man / labor	11.50 – 13.50
2 – welder repairman	15.00 – 17.00
1 – quality control tech	13.50 – 15.50
1 – shift foreman	18.00 – 20.00
1 – mechanic, fuel greaser	13.00 – 15.00
1 – face operator	15.50 – 16.50
1 – misc. operator	14.50 – 16.50
2 – quarry truck drivers	12.50 – 14.50
1 – water truck drivers	13.00 – 14.50
Plant Total 31	

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. October 24th 2002

Sandy Cove Fire Hall

In attendance: Ms. Cindy Nesbitt, CLC Member
Mr. Mark Jeffrey, CLC Member
Mr. John Ivens, CLC Member
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mrs. Marian Angrignon
Ms. Diane Langdale
Mr. Fred Trask
Mr. Kingsley Bilcher
Miss. Mary McCarthy
Mrs. Lynyak
Mr. Dwight Outhouse
Mrs. Angela Outhouse
Mrs. Marcella Towle
Mr. Travis Frost
Mrs. Sarah Frost
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Brian Cullen, CLC Member, Mr. David Graham, CLC Member

Ms. Nesbitt welcomed Committee members and guests to the meeting and noted that the meeting would be an open forum and all questions would be welcomed.

Ms. Nesbitt noted one item for revision in the minutes of September 25th 2002.

Amendment 1 - page 5. Mr. Buxton replied by way of St. Mary's Bay. This should read "by way of the Bay of Fundy."

The minutes of September 25th 2002 were approved with the above noted amendment.

Ms. Nesbitt asked if there were any questions arising from the September 25th 2002 minutes. Ms. Nesbitt advised the guests that copies of the minutes are available upon request and she noted that she was pleased to see more people attending the meeting and hopes that this will spark more discussion. She thanked them for attending.

Ms. Nesbitt proceeded to the next agenda item - Answers to previous questions. She noted that Mr. Buxton had provided answers to previous questions which had been put into written form and that the answers are available with the minutes.

Mr. Buxton noted that the answer to the question regarding manpower had been attached to the minutes of September 25th 2002. (See Appendix 1 – Proposed Quarry Manpower

Schedule) He noted that each question and response will be recorded on an individual page and will be made available to anyone asking that specific question. These pages will be available at the office in Digby or from the CLC members.

Mr. Buxton noted a question with respect to changes and modifications of a permit had been asked. (See Appendix 2 – August 29th 2002 minutes) He noted Bob Petrie the Regional Manager of NSDOEL answered this question and the answer was circulated at the September 25th 2002 meeting.

Mr. Buxton noted that the question regarding abandonment of a quarry (See Appendix 2 – August 29th 2002 minutes) had not been answered at the previous meeting. He read the question and provided background pertaining to the question for those people attending their first CLC meeting. He noted that when a permit was issued for a 3.9 HA (10 acre) quarry one of the conditions in the permit was that the NSDOEL could require the Proponent to set up a Community Liaison Committee to deal with the 4 HA quarry.

Mr. Buxton noted that the NSDOEL asked the Proponent to set up the CLC approximately 3 ½ months ago and that this is the fifth meeting of the committee. He noted that the CLC is technically to deal with the permitted quarry that is 3.9 HA. He further noted that he had made it clear at the first meeting that most people were interested in the permit application for the larger quarry and that questions could come forward from anyone in regards to the larger quarry even though the CLC was set up to monitor the activities of the smaller quarry.

With respect to the question re: abandonment Mr. Buxton noted that Ms. Measham and Mrs. Wilson were referring to the approval document for the small quarry. There is a requirement to put up money for rehabilitation before any quarrying is done and within twelve months of the issuance of a permit the Proponent must submit a comprehensive rehabilitation plan which is acceptable to the NSDOEL and that plan is then costed. If the NSDOEL thinks that this plan is for example \$200,000 the Proponent has to put up that money up front.

Mrs. Lynyak asked if the Proponent could put up a bond.

Mr. Buxton replied that they could.

Mrs. Lynyak noted this would be cheaper.

Mr. Buxton replied that this is correct and that the result is the same. If the terms and conditions of the bond are not met then the bonding company has to put up the money instead of the Proponent.

Mrs. Lynyak asked what happens if the bonding company is not satisfied with what the Proponent will do. She noted that the Clayton's are in trouble in Florida.

Mr. Buxton replied that the Clayton's do not operate in Florida.

Miss McCarthy asked who told him this.

Mr. Buxton replied that he is aware that the Clayton's do not operate any quarries in the United States.

Miss McCarthy noted that she has a connection with an insurance company and that she is aware that the Clayton's are suing their own insurance company.

Mr. Buxton asked whether this was in connection with a quarry.

Miss McCarthy replied yes.

Mr. Buxton again noted that the Clayton's do not operate a quarry.

Miss McCarthy noted that maybe her tense was incorrect.

Mr. Buxton again noted that they do not operate any quarries at this time.

With respect to bonding Mr. Buxton explained for example, any contract that a contractor performs for the Provincial government, building a school, a highway, is bonded. He noted that it is very difficult to get a bond in the province of Nova Scotia.

Mrs. Lynyak asked how do you get a bond.

Mr. Buxton replied firstly by being a reputable company with a history of completed projects. He noted for example that if you were just starting up a business and bid on a 30-mile highway you could not get a bond.

Ms. Lynyak stated that she thought this was not true in Nova Scotia that it was wrong for people to go on the past history of a company.

Mr. Buxton replied for example if a construction company bid on a small contract and successfully performed that contract, and possibly a second larger contract, a bonding company could be approached and the company receive a bond for a larger contract. Generally, today it is more difficult to get a bond.

Ms. Lynyak asked if she could check with the company that issues the bond. She noted that they have had no assurances of the value of this company.

Miss McCarthy asked who exactly is the Proponent, the bonding company, the contractor.

Mr. Buxton replied the owner of the right to quarry is Nova Stone.

Miss McCarthy requested more information on Nova Stone and noted that the information on Nova Stone is not very credible. She also noted that she has discovered from the Registry of Joint Stock that their e-mail address is a hotmail company and that an e-mail company is not very reliable. She noted it was a fast way of getting in touch but not verifiable information.

Miss McCarthy asked who are the directors of the company. She noted that she is aware of Corinna Kincaid.

Miss McCarthy also noted that she was aware that the treasurer is Shelly Wanbe and asked who else is in the company.

Mr. Buxton replied that there are no other directors.

Miss McCarthy asked what is the address of the company.

Mr. Buxton replied that this can be provided.

Miss McCarthy noted several addresses from previous documents and that the telephone numbers were incorrect. She noted that this is the company and she has no idea of whom she is dealing with, there are two names, no address, and no telephone number. She further noted that she had gone into the office in Digby hoping to get some answers and thought that she would be approaching Nova Stone and that she was told it is Global Quarry Products.

Miss McCarthy asked who is the director of the company and will we ever see the director.

Mr. Buxton replied that he is the Project Manager in the province of Nova Scotia and that he is in charge of getting this project off the ground. He noted that his name is in the telephone book and that he lives in Deep Brook.

Miss McCarthy asked if we have a problem, a court case, can we implicate Mr. Buxton.

Mr. Buxton replied yes.

Miss McCarthy asked where did this company come from, who is this company Nova Stone Inc. She asked if Mr. Buxton was telling her that he is the company.

Mr. Buxton noted that the company is a registered corporation in the province of Nova Scotia and he reminded Miss McCarthy that she had already checked this with the Registry of Joint Stock. It is a legitimate Nova Scotia company.

Miss McCarthy asked why the telephone numbers do not work.

Mr. Buxton noted the number for the 4 HA quarry is 530-2619 in Bridgewater for Corrina Kincaid or Shelly, the secretary.

Mr. Buxton noted that if she would like to find out information about the progress of the application for permits she should come into the Digby office or call him directly.

Miss McCarthy noted that she wants to deal directly with the company.

Mr. Buxton replied that when she talks to him she is dealing with the company.

Miss McCarthy referred to the letter she had received from Corrina Kincaid and that the telephone numbers were incorrect.

Mr. Buxton replied that she was looking at information that is out of date. He noted that if she wanted information to call him and if she wanted extensive information on subjects that we had started to discuss such as the abandonment of a quarry then he recommended that she attend the CLC meetings.

Miss McCarthy replied that she had a question about the abandonment of a quarry. She noted that the bond of \$6250 per hectare would be roughly \$2000 per acre and that this amount would not even cover the cost to drill a well.

Mr. Buxton addressed the chair and noted that he had begun to answer the question when Miss McCarthy interrupted him and he noted that if she had listened to the answer she would have the correct information.

Ms. Nesbitt requested that Miss McCarthy respect the way the meeting is run.

Miss McCarthy asked if she should address the chair to start with.

Ms. Nesbitt noted that this was correct.

Miss McCarthy noted that she is concerned about the out of date information.

Ms. Nesbitt replied that this does happen when you are setting up, temporary addresses, telephone and fax numbers are in place until an office is set up. She noted that this is routine and that it occurs frequently.

Miss McCarthy noted Mr. Petrie advised her that there would be transparency in the process and she was hoping that they would be brought up to date.

Ms. Nesbitt replied that any information they have requested has been received by the CLC and that this was the first meeting that Miss McCarthy had attended. She is most welcome to attend but when we are dealing with a question we finish with the question and we move onto something else. She requested that Miss McCarthy finish listening to Mr. Buxton and then if she had another question she was more than welcome to ask that question.

Miss McCarthy replied that she did not wish to interrupt the meeting but she felt that these things were very important. She noted that the most important thing tonight is to know whom we are dealing with.

Ms. Nesbitt noted that she is finding that out now.

Mr. Buxton noted that the procedure for when a permit is issued is that there is an initial bond or cash which is in the amount of \$6250.00 per hectare; for a 4 HA quarry it is \$25,000. He noted that before any work is done that amount of money is paid to the Minister of Finance for the province of Nova Scotia.

Ms. Lynyak asked if this is where the bond went.

Mr. Buxton replied that this company paid cash, a certified cheque for \$25,000.

Ms. Lynyak asked why would they do that.

Mr. Buxton replied because they chose to do so. He noted that the second procedure is that within one year from the issuance of the permit, in this case by April 30th 2003, a comprehensive rehabilitation plan for the 4 HA quarry is to be submitted to the

NSDOEL. NSDOEL will look at the plan and if they approve of the rehabilitation plan and they think the cost of the rehabilitation is X dollars, the company can then post a bond in that amount or it can pay cash in that amount. If the rehabilitation work is not carried out the province either has the cash or it can call on the bonding company to put up the cash.

Ms. Lynyak asked if the province would have use of that money for thirty years.

Mr. Buxton replied if the cash was put up, yes.

Ms. Lynyak noted that we should have the right to know where that money is kept.

Mr. Buxton replied that she would have to ask the Minister of Finance.

Ms. Lynyak noted that Mr. Buxton had stated the reason this company can work here is that it has a great reputation. She stated that that reputation would have to be translated into actual facts available.

Mr. Buxton replied to the chair that he would like to correct this statement. The operating company is Global Quarry Products and the owner of the permit is Nova Stone. Both are Nova Scotia companies.

Ms. Lynyak noted she stands corrected.

Mr. Buxton noted that the Clayton's hope to buy the rock.

Ms. Lynyak asked if it is the insurance company's responsibility to check them out.

Mr. Buxton replied the insurance company has nothing to do with it. It's a bonding company.

Ms. Lynyak asked if it was especially for bonds, performance bonds.

Mr. Buxton replied that there can be bid bonds, performance bonds, etc.

Ms. Lynyak asked if in this case it is a performance bond.

Mr. Buxton replied that it would be a form of performance bond. He noted that if the rehabilitation is not done the bonding company is required to put up the money.

Ms. Lynyak asked if it would be out of place to ask who the company is that had done this.

Mr. Buxton replied the Proponent has paid cash so there is no bonding company.

Ms. Lynyak replied they didn't have to prove anything to anybody and asked if all they had to do was give the money.

Mr. Buxton noted if the next piece of funding required \$250,000 then bonding would become an option. He noted that for a larger quarry the rehabilitation sum might be in the millions.

Ms. Lynyak replied that he had answered her question. The question she asked was how are they to tell the reputation of Nova Stone and she thinks the answer is that you can't, that there is no way to check it.

Mr. Buxton noted there is no history of Nova Stone and Global Quarry Products as they are recent companies.

Mr. Buxton readdressed the question from Ms. Measham and Mrs. Wilson, which dealt with this very issue. He noted their concern was essentially "when can a quarry be forced to rehabilitate, the point being that as long as the quarry is in operation then perhaps they don't have to rehabilitate." He noted the Proponent has said that for a permit for larger quarry they would undertake concurrent rehabilitation, i.e. when a piece of land has been worked it would then be rehabilitated as other parts of the quarry are opened.

Ms. Lynyak noted that the Pits and Quarry Guidelines states 30 years.

Mr. Buxton replied that in the terms and conditions of a larger quarry NSDOEL will make these kinds of conditions and the Proponent must adhere to the rehabilitation plan set out in the permit application. The Proponent intends to do this because they believe it

to be good practice and on a practical note it becomes more difficult to manage a large open area of quarry site.

Mr. Buxton noted the Proponent is required to have settling and wash ponds, and environmental structures in place to prevent any particulate matter entering the Bay of Fundy. If the Proponent has 100 or 200 acres of open quarry, as people have claimed, it would be virtually impossible to control that because there would need to be 5 - 7 sedimentation ponds and it would become an operational nightmare. If you rehabilitate as you go you only have a small open area to control water and direct it into sediment and wash ponds.

Mr. Buxton noted that they have made that statement and the Proponent is prepared to do this. He noted that Ms. Measham and Mrs. Wilson were concerned because this is not stated in the 4 HA permit. A permit has not yet been issued for a larger quarry but the Proponent will state in the application for a larger quarry that this is their intention.

NSDOEL will probably include it in the terms and conditions of larger quarry.

Miss McCarthy noted 10 acres is reserved for stockpiling the aggregate, areas for wash ponds and the work area and asked if a lot of that will be in use before recovery begins.

Mr. Buxton replied probably about 30 – 35 acres as has been previously stated in the minutes.

Miss McCarthy noted that this sounded very minimal.

Mr. Ivens requested further review of the minutes and the questions that had been noted.

Mr. Buxton referred to the list of questions written by Carol Measham and Gwen Wilson. He reviewed the questions asked (See Appendix 2 - August 29th 2002 minutes) and noted that these questions have now been answered in writing.

Mr. Buxton referred to the list of questions asked by Harold Theriault (See Appendix 4 - August 29th 2002 minutes) and reviewed them. He noted that some of them had been previously answered in writing and the others will be answered in writing. He noted the Proponent has commissioned a marine ecology expert to answer questions 1 and 5 and an extensive literature search has been done. The answers will be circulated with the minutes.

Mr. Buxton noted that these were specific questions and they will be answered in writing. He noted if anyone else would like to send in their list of questions they will be answered.

Mr. Outhouse asked who is the herring expert.

Mr. Buxton replied Mike Brylinsky from Acadia. He noted Mr. Brylinsky is a marine ecologist.

Mr. Outhouse noted that he already knew the answer to that question.

Miss McCarthy asked why is the community not involved in these studies, why have they not been brought into it before they are started because the Environment Act does allow for the terms of reference to be scrutinized by the public and for their input.

Mr. Buxton noted that in order to get a permit for a quarry larger than 4 HA the Proponent is required to file a Registration of Undertaking document to be examined primarily by the NSDOEL and they will determine if it's complete, if the questions regarding the site have been answered to their satisfaction. If not the permit will be refused.

Mr. Buxton noted that the Proponent knows what is required in broad general terms and has commissioned who they feel are the best experts in Nova Scotia.

Mr. Buxton noted that these studies had been discussed at the CLC meetings and the Proponent has undertaken to go back to the consultants to answer those questions that have been raised by the committee or by the general public. He noted that these questions

are basically regarding noise and blasting adjacent to fish habitat and that there are guidelines in place set out by DFO, Guidelines for Blasting Close to Fish Habitat or Spawning Grounds.

Mr. Buxton noted that these are the guidelines the Proponent is required to follow under the terms of the permit issued by NSDOEL and he further noted the guidelines were developed from literature and studies done on the effects of noise and blasting on marine mammals.

Mr. Trask asked if a survey had been done in Massachusetts.

Mr. Buxton noted that there is one being done by Dalhousie currently and that extensive work was carried out in Newfoundland during construction of offshore platforms where there had been extensive blasting.

Mr. Buxton's answer to Mr. Theriault's question is that the Proponent will adhere to guidelines set out by DFO.

Mr. Trask asked if it was true that there were no quarries on the East Coast of the United States because of the effects of dynamite.

Mr. Buxton replied no, there are quarries presently operating along the Hudson River. Miss McCarthy asked if a study had been done on the herring or if it was an expert's opinion.

Mr. Buxton replied the Proponent has found little in the literature where the effect of noise or blasting on herring has been studied.

Mr. Outhouse noted that the fishermen should be asked about the noise.

Mr. Trask replied that was a good idea.

Mr. Buxton noted one paper, which dealt with the reaction of herring to whale noises. He noted that there is scientific evidence that herring in schools react to the signals that whales emit while feeding.

Mr. Trask asked what effect does the whale noise have on herring.

Mr. Buxton replied they would try to avoid it because they know it is emitted by a predator.

Mr. Buxton noted that it has been said that even low decibel noise affects the hearing of whales. He has read in the literature that whales can emit noise up to 180 dBA and this is far above the pain level for humans.

Miss McCarthy noted that the whales are familiar with these noises.

Mr. Buxton noted the Proponent has found nothing in the literature that says 50-dBA noises adversely affects whales because they emit noises of 180 dBA. He noted that it is a very poorly researched subject and the most definitive information gathered was in Newfoundland where extensive blasting was done for offshore platforms.

Mr. Buxton noted his understanding is that the DFO guidelines were developed from the experience in Newfoundland.

Miss McCarthy noted the blasting for the bridge in PEI and she had heard it had a disastrous effect on the lobster population. She presumes this to be accurate information and asked are we guaranteed that blasting won't affect lobsters.

Mr. Buxton replied there are no guarantees of any kind in life but that the levels set by DFO for blasting are very specific. He noted that they are very small blasts, which are about one tenth of the size of a normal blast in a quarry. The main concern in the inter-tidal zone seems to be the disturbance of mud to affect spawning grounds.

Mr. Buxton noted that there are two limits the Proponent is allowed to blast under. He noted one is adjacent to fish habitat and the other to spawning habitat. The spawning

habitat is more controlled. The blast must be smaller. Presumably the levels set by DFO are from research and studies and the Proponent must and will comply with them.

Ms. Lynyak advised that she must leave the meeting.

Mr. Buxton replied he could meet with Ms. Lynyak in Digby to answer any questions she may have if that would be suitable to her.

Mrs. Outhouse asked if a notice of the meeting date had been posted.

Ms. Nesbitt replied a notice had been posted at the garage in Centerville.

Mrs. MacAlpine noted a notice had also been placed in the office in Digby.

Mr. Trask noted that a notice should be posted in the Little River store.

Mrs. Outhouse stated she was unaware the meetings were open to the public. She asked if regular meetings are held.

Ms. Nesbitt replied that meetings are usually held every third week on a Thursday evening.

Mrs. Denton asked who is in charge of advertising the meeting dates.

Ms. Nesbitt replied that a notice is placed in her store as the next meeting date is usually scheduled at the conclusion of each meeting.

Mrs. Towle asked if there were any arrangements for people's fire protection or water.

Mr. Buxton replied that he had not considered fire protection but if someone has a particular concern he will address it.

Mrs. Towle noted that this is of high priority.

Miss. McCarthy asked what about the explosive material.

Mr. Buxton replied that it is never stored on site.

Miss McCarthy asked if it is brought on site.

Mr. Buxton replied that the explosives are brought in and packed directly into the holes.

Miss McCarthy noted that it is still brought in and that there is fuel oil as well.

Mrs. Towle asked about medicine.

Mr. Buxton asked if she meant for the workers.

Mrs. Towle replied for a catastrophe.

Mr. Buxton replied that the Proponent is required to adhere to all the regulations of the Occupational Health and Safety Act.

Mrs. Towle asked where are they.

Ms. Nesbitt noted a copy of the Occupational Health and Safety Act is available from the NSDOEL.

Mr. Buxton noted that on any job site, there is a requirement for regular safety meetings to be held where any safety issue can be raised and it is a requirement for the employer to deal with them and the worker's safety is highly regulated.

Mrs. Towle stated that there has been a lack of communication.

Mr. Buxton advised that if the questions are asked they will be answered.

Mrs. Towle asked if there is a map of the location of the wells that might be affected.

Miss McCarthy noted Mr. Petrie had told her that a larger map would be available at this meeting indicating where the wells and blasting distances would be shown.

Mr. Buxton noted that the map had been brought to the previous meeting.

Miss McCarthy stated Mr. Petrie told her it would be available tonight.

Ms. Nesbitt asked Miss McCarthy why she had contacted Mr. Petrie about the CLC meetings and wondered why she had not contacted Mr. Buxton or herself, as this information would have been available from them both.

Miss McCarthy replied that Mr. Petrie had called her a few times so she gave him the courtesy of a return call.

Ms. Nesbitt noted that if she had contacted the CLC and advised them that she wanted to review the map it could have been brought to this meeting.

Miss McCarthy noted that she was told it would be at the meeting. She asked if she was supposed go around and say I want to see this bring it to the meeting.

Ms. Nesbitt replied if she was intending to attend a meeting and it was something that she did want to see to call a committee member and they will arrange with Mr. Buxton to make sure that information is here.

Miss McCarthy replied that is fine but she will get her information elsewhere.

Ms. Nesbitt noted no one was trying to keep information from Miss McCarthy.

Miss McCarthy stated that she found it difficult to obtain copies of the minutes and that she had been to Ms. Nesbitt's store several times trying to get copies.

Ms. Nesbitt replied that she had seen Miss McCarthy on one occasion.

Miss McCarthy disagreed with this and did not wish to discuss it further.

Ms. Nesbitt stated again that she had seen Miss McCarthy on one occasion with no prior notice and that she did not have copies available at that time.

Miss McCarthy wanted to point out that it has been difficult to get information.

Miss McCarthy noted that Mrs. Towle wanted to know about her well.

Ms. Nesbitt replied that Miss McCarthy appears to have communicated with everyone but the Committee.

Mr. Buxton noted in regards to wells that the Proponent is in the late stages of doing a hydro geological report and that the results may be available prior to the next meeting. He noted that this would give information as to whether wells in the immediate vicinity may be at risk.

The Proponent is prepared to replace any well damaged by its' activities.

Mr. Trask asked if this would be if they could prove that it was the fault of the quarry.

Mr. Buxton noted what had been said was if the claim were reasonable the Proponent will not hesitate to act. He noted that if somebody came from Brier Island and stated their well has gone dry this would not be reasonable.

Mr. Trask asked who would do the blasting at this quarry.

Mr. Buxton replied that the first blast would probably be conducted by Archibauld's.

Mr. Trask asked where they are from.

Mr. Buxton replied they are located in Halifax. He noted future blasting may be done by other companies.

Mr. Trask asked when is the first blast.

Mr. Buxton replied that this is not known as there are several things to be in place prior to any blasting.

Mr. Trask asked what do you have to get in place.

Mr. Buxton replied the Proponent has to have an approved blasting plan.

Mr. Trask asked if they do not have that yet.

Mr. Buxton replied no, it was submitted one month ago. He noted the Proponent has organized most of the monitoring through Jacques Whitford.

Mr. Trask asked who has to approve the blasting plan.

Mr. Buxton replied DFO and NSDOEL.

Mr. Trask asked if this is Provincial.

Mr. Buxton replied no, Federal and Provincial. Compliance with 1998 Blasting Guidelines for Marine Waters is the main issue. This is the first application on this site and DFO will check this very thoroughly. Subsequently, DFO will know the site and what the Proponent is doing, the check off distances, etc.

Mr. Trask passed around pictures of his house, property and a small lake that borders on the quarry property and he noted that he feels that the noise won't stop at the 800-meter mark.

Ms. Nesbitt asked if the quarry borders his property line.

Mr. Trask indicated the property lines and that he is trying to find this out.

Mr. Denton asked how do you get copies of the minutes.

Ms. Harnish noted that a man had approached her and advised her he could not get copies of the minutes from the Municipal Office.

Mr. Buxton replied the Municipal Office is not required to copy them however; they are available at the office in Digby or from Ms. Nesbitt's store.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted that he understood Miss McCarthy has information available on gravesites on the property.

Miss McCarthy asked Mr. Buxton what information he would like.

Ms. Nesbitt referred to a letter written to The Digby Courier, which mentioned a lot of material she researched and wondered if Miss McCarthy could provide the committee with that information.

Miss McCarthy noted she would be privileged to as she expected the community should have been brought into this from the beginning. She noted she had started this research after reading information by Mr. Barry Moody and she felt that this information was incorrect.

She further noted there are Irish and Loyalist links and that Little River remained under sway of the native people, as the Mi'kmaq people were here before the Loyalists.

Miss McCarthy noted a letter forwarded to The Digby Courier gave the impression that Whites Cove was always meant to be a quarry so she researched this and discovered that in the Hatfield branch it was talked about but that it referred to the whole of Digby county.

Miss McCarthy further researched and discovered Robert Timpany connected with Whites Cove but did not think this was correct. She visited the deeds office and discovered 15 - 16 families that lived in Whites Cove in the 1800's. She noted Little River people know that there are at least 3 houses possibly 4 that came from Whites Cove.

Miss McCarthy noted Jenny Denton's house came from Whites Cove. She noted that this is the oral tradition and the information she has regarding Whites Cove is documented. In her research she found that over the years the property would be divided into smaller pieces and reunited under a single ownership in 2000 and that this is not correct because it is the property that belonged to Sherman Denton, which belonged previously to Tom Denton, which belonged previously to his mother Evelyn.

Miss McCarthy noted she has discovered 70 children who had been born in Whites Cove.

Ms. Nesbitt asked where these children had been born, if there is a map that would show this.

Miss McCarthy noted that it is all overgrown now but she does have photos from Whites Cove in the early 1900's but by that time nearly all of the families had moved from there. She noted his history couldn't be correct and it says that the lots were sold; the amounts paid would indicate that no homes or other substantial buildings had ever been constructed on the properties. She noted that she is quoting from page 4 of this history and a lot of them are upset by this because a whole part of their heritage has gone by.

Miss McCarthy noted that the NS museum curator, Robert Ogilvie, has been quoted “preserving shipwrecks and heritage sites on land from souvenir hunters is important. Divers must obtain a permit to explore these locations. Individuals can be fined \$10,000 and companies up to \$100,000 for disturbing such places. This applies to the off shore oil and gas companies. If you damage something during construction the Museum can issue a stop order. Mr. Ogilvie further stated that enlisting the help of the diving crew and community members to care for these archeological sites on land or sea make them less likely for vandals to disturb them. Many people realize that these are truly non-renewable resources and if we allow them to be lost they are lost for good, we can never get them back.”

Miss McCarthy thinks this applies to Whites Cove as it was a village and it is a heritage site.

Ms. Nesbitt asked if Miss McCarthy was aware that an archeological study has to be done as part of the environmental study.

Miss McCarthy replied yes she is aware of that.

Ms. Nesbitt asked if she was aware of a map that exists that was put together in 1864 by Mr. Church, a surveyor and published by a New York company in 1870.

Miss McCarthy replied that she is aware of that.

Ms. Nesbitt asked how Miss McCarthy determined her findings.

Miss McCarthy noted the map does not show anything along the Bay of Fundy all the way through for Digby Neck. She assumes the Church did not go over to the Bay of Fundy since written documents show settlement.

Ms. Nesbitt noted that Church was a surveyor.

Miss McCarthy asked if he did a survey or just a map, she read that he just did a map.

Ms. Nesbitt replied that he is listed as a surveyor.

Miss McCarthy noted that she did not use his work but that she has done her own research on deeds and that in 1832 Steven Denton deeded to Charles Jones a Whites Cove lot with all livery for £100 and she asked if this takes precedent over the Church map.

Ms. Nesbitt replied that she did not know but would like to see the documentation.

Miss McCarthy does not have copies for the committee. She noted that in 1850 Eliza Jones sold a Whites Cove lot of 220 acres to Samuel Hersey for £100 and she has many of these deeds and the names of people who lived in Whites Cove. She noted they could be gotten off census reports as well.

Miss McCarthy noted Samuel Hersey had nine children. Gail Hersey of Digby has done a family history of her family. People have told her about picking cranberries and going to the graves of children.

Ms. Nesbitt asked where are the graves of the children.

Miss McCarthy asked if she would be allowed to go there.

Mr. Buxton replied that one is not to investigate without a Permit from Nova Scotia Museums.

Miss McCarthy asked if she could show where the graves are.

Mr. Buxton advised that there are fines for operating without a Permit.

Miss McCarthy noted this is how she has done it, from deeds, census reports, and Registry of Births and Deaths. She noted there is an aerial photo of Whites Cove showing that road 442 was an open road right through 1950. She obtained this photo showing that the road always existed because it had been stated that the road had disappeared.

Ms. Nesbitt replied it had been stated that the road had disappeared in undergrowth not that it had disappeared.

Miss McCarthy passed around a photo of Whites Cove with lobster pots, fish house and laundry on the line and noted it is also on the Internet.

Mr. Buxton asked what evidence did Miss McCarthy find of cemeteries on the property.

Miss McCarthy noted a cemetery had been referred to on a deed and the Hersey family have told her some of the names of the children that are buried there.

Mr. Buxton noted that there is no mention of cemeteries on the deed of this property.

Miss McCarthy agreed and noted it is a deed from the 1800's.

Mr. Buxton asked if she meant that it was expunged along the way.

Miss McCarthy replied she did not know. She had set herself up to research this history and this is what she has found.

Mr. Buxton noted that Whites Cove is a much more extensive area than the quarry property.

Miss McCarthy agreed but that this property shown from the photo is the living area...

Mr. Buxton noted that it is known there were houses there and this is not being disputed.

Miss McCarthy replied that it said there were no houses or buildings. She noted that she is not setting herself up as a specialist working for or against the quarry but for the sake of the heritage site and for the truth of the situation.

Mr. Buxton replied that he thought she had documented proof of cemeteries on the property.

Miss McCarthy replied that she is happy to share what she knows but she could not show him the exact place and Mr. Buxton did say she could be fined for digging there. She noted that she was not aware of what Mr. Wattrell found there.

Mr. Buxton replied that Mr. Wattrell did not find anything that he thought had archeological significance but he noted that the studies have not been finished.

Miss McCarthy noted that there is an area of concern for the area of blasting and that this is the actual site.

Mr. Buxton replied that the Proponent knows that the buildings were at the head of the slip and he noted that that area has been quarried for 20 years.

Miss McCarthy disagreed; she asked if the quarry was on the level area.

Mr. Buxton replied that the Proponent is not going to quarry the level area, the blasting is on the hillside, and there is no rock in the level area.

Miss McCarthy asked if they are going to disturb it.

Mr. Buxton noted that it has been disturbed for 50 years. He noted that all the level area has been quarried. The maps show it is a quarry and the material to build Highway 217 came from that site.

Miss McCarthy stated that she had talked to people who worked here in 1940-50 and she was told it was only a gravel pit that was used for the local roads.

Mr. Buxton replied that they used it for Highway 217.

Miss McCarthy agreed.

Mr. Buxton noted that you can see where the level area has been disturbed.

Miss McCarthy noted she is not disputing that.

Mr. Trask noted that he has lived there for 50 years and he can't remember anything coming out of that quarry for Route 217. He noted that it is beach rock and went into the wharf; it is round rock and cannot go on the highway.

Mr. Buxton noted the Proponent was told that a significant amount of material came out of there to build Highway 217.

Miss McCarthy replied this would have been in the 40's or 50's.
It was asked when the archeological studies would be completed.
Mr. Buxton replied they should be completed within six weeks.
It was asked if Mr. Buxton would take advantage of some of the research that had already been done.
Mr. Buxton replied that he will advise Dr. Moody of Miss McCarthy's statements. He noted that he raised the question because he thought there was specific information available with respect to cemeteries on the site.
Miss McCarthy replied that there is, there is mention of it on a deed.
Mr. Buxton asked if Miss McCarthy could provide him a copy of the deed.
Miss McCarthy replied that she had spent many hours and she would not go back to get it.
Mr. Buxton asked if Miss McCarthy had a copy of the Cemetery Act.
Miss McCarthy replied that it has been quoted to her.
Ms. Nesbitt asked if there were any other questions.
Mrs. Frost asked how big is the quarry going to be, will it go all the way up the neck.
Mr. Buxton replied this property is about 370 acres. Without the exclusion zones, where blasting may not take place, it may be 100+ odd acres. He noted that he couldn't say if anyone else intends to quarry on Digby Neck.
Mr. Buxton noted the market for which this quarry is intended is 2 million tons per year and in the area that is available to the Proponent there is approximately 70-80 million tons of rock, about a 40-year supply of rock.
It was asked if this was just from Whites Cove.
Mr. Buxton replied yes.
Mr. Outhouse asked what time of year would they ship the rock.
Mr. Buxton replied that this had been discussed at the CLC meetings and it would be shipped as long as the shipper is prepared to come in. He noted that the Proponent does see some complication with December and May.
Mr. Buxton noted that information had been provided by Mark Jeffrey of the number of people that fish in the area and the Proponent does recognize a potential conflict. The Proponent has said that they are prepared to meet with the lobster fishermen and come to some agreement as to how to handle this. He noted that there might be three periods of 10-12 hours in December when there may be a conflict.
Mr. Outhouse asked if they would use the same shipping lanes.
Mr. Buxton replied yes.
Mr. Outhouse asked if they would use tugboats.
Mr. Buxton replied they do not feel they will need a tugboat.
Mr. Outhouse noted that these ships cut off the traps and that this is a loss of income.
Mr. Buxton replied the Proponent understands this and that a resolution to that problem can be found.
Mr. Outhouse asked if they expect them to move their gear.
Mr. Buxton noted that there are shipping lanes out there already and they may be moved to the east to about four miles offshore and that is for the protection of the right whale.
Mr. Outhouse noted that they are only talking about 4 miles at one point.
Mr. Buxton replied that could be and that he has a chart with the proposed new lanes and he noted the Proponent realizes there may be a conflict.
Mr. Outhouse asked who is going to pay us for loss of income.
Mr. Buxton noted the Proponent is prepared to discuss the issue.

Mr. Outhouse replied he guesses you better discuss it.

Mr. Buxton asked if he was saying it is illegal to bring in a ship.

Mr. Outhouse replied no.

Mr. Buxton noted that he thinks there is a resolution to the issue and that the Proponent is prepared to sit down and discuss the concerns of lobster fishers.

Mr. Buxton noted it was discussed at earlier meetings that there were two months where there would be conflict, in December and May.

Mr. Outhouse noted that the biggest concentration of lobster traps is in January and February.

Mr. Buxton replied that may be but the Proponent may not be shipping then. The Proponent feels there may be a conflict in December and May and they are prepared to sit down and discuss it. He feels they can come to a satisfactory agreement.

Mr. Outhouse asked if they will have the same track for every trip.

Mr. Buxton replied they will come in exactly the same track each time.

Mr. Outhouse asked what if it is blowing 50-60 miles an hour winds.

Mr. Buxton replied he did not think shipping would take place in those conditions.

Mr. Trask asked how much more tide is it going to create off Whites Cove. What if you go off from a 600' rock wall is that going to create more tide?

Mr. Outhouse replied probably.

Mr. Trask asked if that was going to affect the maneuverability to maneuver a ship in there.

Mr. Outhouse replied he didn't know.

Ms. Harnish noted the ship is 625'.

Mrs. Outhouse asked if they had received a permit for the wharf.

Mr. Buxton replied no.

Mr. Trask asked what if you put a 600' rock wall right to the northwest what is the tide going to be out around the end of that rock wall.

Mr. Outhouse replied he had no idea.

Mr. Trask noted that it is going to be a lot of tide there. He noted that he couldn't see a ship of that size without tugs at that much tide.

Mr. Buxton noted they would be advised by the shore captain of CSL. He noted that the wharf is not a solid wall.

Mr. Trask asked what is it going to be.

Mr. Buxton replied he is almost certain it is going to be a broken wall because DFO do not like a solid buffer out to sea because it changes the inter-tidal zone. He noted the only reason it will be going out there is to support the conveyor and a catwalk to get people out. There will be no solid wall at the end. It will be dolphins.

Mr. Outhouse asked if he knows how rough it gets out there.

Mr. Buxton replied the structure that is being designed will reflect local weather conditions.

Mr. Outhouse noted that there was a wharf in Saulnierville that collapsed in its first year.

Mr. Trask asked Ms. Nesbitt if she thought the quarry would have any negative effect on the Little River community.

Ms. Nesbitt replied that Mr. Trask should ask Mr. Buxton that question.

Mr. Trask replied that he was asking Ms. Nesbitt what she thought.

Ms. Nesbitt preferred not to discuss that with him at the meeting.

Mr. Trask again asked Ms. Nesbitt what her opinion is.

Ms. Nesbitt replied with respect to dust and noise, no. As far as visibility from highway 217 they say that it will not be seen from Highway 217.

Mr. Trask agreed on that point.

Ms. Nesbitt noted that she was waiting to hear about the hydro geologist report for water. She noted that from anything she has seen she does not think it will have a negative effect on Little River.

It was stated that Ms. Nesbitt would not hear it but they will hear it. i.e. quarry noise.

Ms. Nesbitt replied it's not in anyone's back yard and there is a buffer zone in between and there is a mountain.

Mr. Trask noted that noise does not stop at a mountain. He asked if she had talked to anyone who lives around a quarry.

Ms. Nesbitt replied that she had talked to several people. She noted that she has tried to gather as much information as possible.

Miss. McCarthy asked if she had phoned British companies.

Ms. Nesbitt replied yes.

Miss McCarthy asked if she had compared the amounts of explosive used and she feels the amounts to be used here are higher than Europe and noted that .5 kg was being used here.

Mr. Buxton replied that .5 is the amount used in a firecracker.

Miss. McCarthy noted 1000 pounds of ammonia nitrate and so much fuel and oil for 100 tons of rock but she has brought it down to scale.

Mr. Buxton replied a typical quarry using a typical delay would be about 1000 pounds per delay. He noted this first blast would be about 88.5 pounds per delay.

Miss. McCarthy asked what effect this will have on the whales.

Mr. Buxton replied that the level of blasting will comply with DFO guidelines.

Miss. McCarthy asked what about out in the Bay.

Mr. Buxton replied that sand dampens the effect of blasting.

Miss. McCarthy replied that it has a resonance effect.

Ms. Nesbitt noted that in a community there has to be diversification. Fish, forestry and tourism create noise and inconvenience, we hear trucks all day.

Mr. Trask replied that you hear a truck for 12 seconds not 24 hours.

Ms. Nesbitt noted there is a decibel maximum and health and safety work issues the Proponent has to adhere to for any of these activities.

Mr. Trask noted there is no comparison of traffic to blasting.

Mr. Buxton replied that noise standards are in place and noted they are required under the terms and conditions of the permit to stay within the decibel levels set.

It was asked who is going to check this.

Mr. Buxton replied that the permit document states they cannot exceed the permit levels set out in the permit and if they do exceed them they can be shut down.

Mr. Outhouse noted this would be after awhile maybe.

Mr. Trask asked if the maximum level is 65 dBA.

Mr. Buxton replied the permit states that noise level cannot exceed 65 dBA from 7.00 am to 7.00 pm, 60 dBA from 7.00 pm to 11.00 pm and 55 dBA from 11.00 pm to 7.00 am.

Mr. Outhouse asked if this was for the quarry.

Mr. Buxton replied this is specifically for the quarry.

Mr. Trask asked how many gen sets will be used to operate the lights.

Mr. Buxton replied they hope to put a power line in to cut down on noise.

It was asked how much dust will there be.

Mr. Buxton replied the limits are set out in the permit document.
It was asked if all quarries have different limits in the permits.
Mr. Buxton replied they are standard with respect to noise.
A comment was made that a man from Middleton who lives near a quarry stated that you will not hang out clothes to dry because of the dust.
Mr. Buxton replied there are particulate emissions limits that cannot be exceeded.
Mr. Trask asked how long it will take to prepare a blast.
Mr. Buxton replied perhaps one week.
Ms. Harnish asked if there is any change allowed in the skyline.
Mr. Buxton replied that with the amount of rock that is there it would take 40-50 years to go to top of mountain.
Mr. Trask asked if they are still willing to test wells.
Mr. Buxton replied if he would like to have his well tested, yes.
Mr. Trask stated he would like to have his well tested.
Ms. Nesbitt asked what would be their greatest fear or worry if a quarry is in operation.
Mr. Trask replied water, dust and noise.
Mrs. Outhouse replied fishing and the boats tearing through the traps.
Mr. Trask replied property value. He asked if the results of the hydro geological study would be available for the next meeting.
Mr. Buxton replied that the hydro geologist cannot complete his work until the geologist completes his study.
Mr. Trask asked if he will be here at a meeting.
Mr. Buxton replied that if the chair requested this it could be arranged.
Mr. Trask asked if there is a loss of water where does that leave them.
Mr. Buxton replied he understands the concerns and that is why they are doing the study.
Miss. McCarthy asked if there would be an opportunity to speak to any of the consultants.
Mr. Buxton replied yes.
Miss. McCarthy asked if these are extensive studies.
Mr. Buxton replied that a permit would not be issued if the studies were not adequate.
Miss. McCarthy noted the timing and that she felt if there was more time she could find the graves.
Mr. Buxton asked if she had read the Cemetery Act and noted that it is very specific. They have hired an archeologist to look into the issue of cemeteries.
Miss McCarthy noted she is concerned with what people say we're not doing.
Mr. Buxton replied that she could come to the meetings and ask questions and get answers.
Miss. McCarthy asked how are you doing this.
Mr. Buxton replied they have hired qualified people to carry out the necessary research.
Mrs. Carty referred to the sign made about ground zero and stated that she was very insulted that someone would refer to this quarry in such a disrespectful way.
Mrs. Angrignon asked if there were any rare plants found on the site.
Mr. Buxton replied the botanist had found one very rare plant along the coastline. He noted that an area will be created to preserve and contain it as ATV's are currently overrunning it. He further noted there were several of a less rare category along the coast but not where the quarry will be located.
Mr. Buxton noted they will create a buffer zone. No rare fauna had been found.
It was asked if a four-toed salamander had been found or an eastern panther.

Mr. Buxton replied neither had been found.

It was agreed that the next meeting would be set for November 21st, 7.00 p.m. at Rossway Fire Hall.

Meeting was adjourned at 9.45 p.m.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. November 21st 2002

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chair
Mr. Brian Cullen, CLC Member
Mr. John Ivens, CLC Member
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mr. David Graham, CLC Member
Mrs. Marian Angrignon
Mr. George Gavel
Mr. Harold Rowe
Mr. Dwayne Theriault
Mrs. Linda Graham
Mr. Lawrence Outhouse
Mr. Mark Dittrick
Mr. Dwayne Hogg, Jacques Whitford
Mr. Dave MacFarlane, Jacques Whitford
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Mark Jeffrey, CLC Member

Mr. Buxton introduced Mr. Hogg and Mr. MacFarlane of Jacques Whitford. He noted they had prepared a preliminary hydro-geological report and would be presenting it tonight.

Mr. MacFarlane indicated several drawings they would be using to illustrate the hydrogeology. He noted they would go through what the study involved, what was done and what their findings are.

Mr. MacFarlane noted they would talk about the available well records, the blast point and the post-quarry hydro geological conditions. He noted that he and Mr. Hogg are both hydro geologists and that hydrogeology deals with water and how it flows through the ground.

Mr. MacFarlane noted the main purpose of the preliminary study (this is called a desktop study) is to do a review of the hydrogeology of the area and provide an opinion on how the quarry might affect the water table, ground water and wells in the area. They looked at available geology and topographical reports and gathered other information.

Mr. MacFarlane noted that the first of three maps indicates where Digby Neck is located, shows the waterfront, the property with the quarry site, the North Mountain, the access road to Hwy #217, and four bore holes. He noted bore holes were drilled to determine the geology of the property.

Mr. Hogg noted they are particularly interested in the water levels as you go over the mountain and he indicated that it is a rare opportunity to have existing holes in the ground. Mr. MacFarlane noted the geology of the area is typical of the whole peninsula. He noted that based on records of the area and the water well logs there is a thin layer of soil over the bedrock ranging from 2 m - 15 m. The bedrock under the site is basically basalt from the North Mountain formation. He further noted that it is several hundred feet thick and it was deposited millions of years ago. There are three massive basalt flows that make up the basalt and within each of these flows there are several minor flows. Between them there are discontinuities where they suspect a lot of the water moves through the bedrock, i.e.: through the zones where different layers lie over top of each other as well as through fractures and faults.

Mr. Hogg indicated the flow of the basalt on the map. He further noted that several wells had been drilled through the basalt for fish plants.

Mr. MacFarlane noted the second drawing is a geological cross section and it illustrates four boreholes as projected onto that section. He noted that the map is an exaggerated view and indicated the mountain, Hwy #217, the Bay of Fundy, St. Mary's Bay, the position of the quarry property and the proposed quarry site with the 800-metre setback. He noted where the quarry could go in the future.

Mr. MacFarlane noted that the water in the rock comes from rain and snowmelt. He noted that 10 – 40% of the moisture goes into the ground and this builds up the ground water table. Mr. MacFarlane noted that the ground water is constantly moving to the low point and they have shown the ground water divide that divides the ground water flow direction across the peninsula. He indicated arrows showing how the water moves through the bedrock and towards the Bay. He noted that within the basalt there are discontinuities (zones) between different basalt flows and there is a lot of water moving along these zones. He further noted that wells have probably penetrated these zones and when a driller drills a well that gets a lot of water this is where most of the water comes from. There are a number of these flows and they are hard to map because they are random and the thickness varies.

Mr. Hogg noted that excess water might seep out of the side of the mountain in streams. It was asked where does the water actually go.

Mr. Hogg replied there is no room in the cracks for the excess water so it comes out the sides.

Mr. MacFarlane noted they were not successful in getting water levels from all four bore holes as some had been blocked with rock. He noted they did obtain a water sample and levels from the deepest hole at the top of the mountain.

Mr. Hogg noted the drawing indicating the boreholes is called a conceptual model.

Mr. MacFarlane noted you can distinctively hear water running in one of the boreholes.

Mr. Hogg noted that the conceptual model illustrates where the water is coming from and where it is going.

Mr. MacFarlane noted that there are three massive basalt flows with discontinuities between. He noted two of the boreholes as interpreted by the geologist intersected discontinuities between flows and these are plotted on the map.

Mr. MacFarlane noted the third drawing is a plan view with details of the ground water flow direction, it does not include topography. He noted the ground water divide and the precipitation flows to each side of the mountain. He indicated the quarry and the ground water that flows towards it.

Mr. Hogg noted that the ground water divide is the point where the water table is the highest and that the water table moves up and down with seasonal changes.

Mr. MacFarlane indicated that this is a summary overview of the ground water flow as they see it based on the information available. He noted that NSDOEL has a database of water well records from registered well drillers. Drillers are required to submit these records to NSDOEL. A review of these records was done in order to determine how water wells were constructed, the depth, and the average yield in the area of Mink Cove and Little River. The 47 records found are a small percentage of the actual number of wells. Wells prior to 1965 were not registered and dug wells are not included in the registry. He further noted the depths of these wells varies from 60' – 900', the fisheries are using the deeper wells.

Mr. MacFarlane noted the average demand is 1/2 – 1 gallon per minute for a typical household.

Mr. Hogg noted that the average use per house is 200 – 250 gallons per day.

Mr. MacFarlane noted that according to the drill logs they found the yield of these recorded wells varies from .2 – 65 gallons per minute with a median yield of 7 gallons per minute.

Mr. MacFarlane noted that in respect to the houses closest to the quarry, they have plotted 19 properties that lie within 1 – 1 1/2 km of the quarry. He noted they are along Hwy #217 and Little River Road and in looking at the 47 records and these 19 properties they found 5 NSDOEL well water records that they were able to match. He further noted that these records are registered according to the original property owner.

Mr. MacFarlane noted of those 5 records the yield is 1 – 10 gallons per minute.

Mr. Hogg noted that for an Environmental Assessment the normal practice is to do a desktop study with the next step being field study, interviews and a well assessment.

Mr. MacFarlane noted that some houses could possibly share wells.

Mr. MacFarlane noted this summarizes what they have done, what they found, the hydrogeology and the well information. He asked if there were any questions.

Mr. Ivens asked if it would be possible to see this on the topographical map.

Mr. Hogg indicated the topographical map they had previously discussed.

Mr. MacFarlane noted on the topographical map that the ground water divide is at the top of the mountain and all of the homes are on the other side of the ground water divide from the quarry.

Mr. Ivens asked if there is a difference in depth depending on how high up you are.

Mr. Hogg replied yes and that the majority of wells are at approximately the same elevation.

Mr. MacFarlane proceeded to explain three possible effects of the quarry and he noted that these would be worse case scenarios. He indicated that the quarry face will cut across the ground water table and what may happen is the water will seep out of the face and the water table will change, it may drop lower and shift in that area. He noted that the water will come out naturally and there will be a lot of seepage, especially in the spring and this will have to be controlled. Overall the water table will start to shift and this will cause the ground water divide to change in direction and move closer to the highway.

Mr. MacFarlane noted it is their opinion that there will be little impact on the wells 800 metres away, within this range it is difficult to say but they may not notice any impact. He noted that some wells are connected to springs, which come from very near by and that flow rate tends to decrease seasonally and these wells will need to be identified.

Mr. MacFarlane noted the second effect of the quarry would be the blasting effect. This is based on the distance of the wells from the quarry. There will be less seismic energy transmitted through the basalt or siltation of wells that are further away. These wells may experience a temporary loss or the quality could drop off but it should be short term and minimal. An option would be to put in a filter system or buy water but they do not see a big effect. He noted that with most studies it is hard to measure the effects on wells that are quite

a distance away. Generally wells producing 1/2 gallon per minute where blasting occurs may increase in yield but if the water flow is adequate no one would notice. There should be no effect on dug wells.

Mr. MacFarlane noted that the basalt is generally massive but that the geological report indicated that the bottom portion of the upper flow may be columnar.

Mr. MacFarlane noted the third effect of the quarry is acid drainage. He noted they do not think this will be a problem because basalt does not typically have a lot of sulfite and this is a significantly important factor for the environment. He further noted that one water sample had been obtained and the quality was very good. He further noted that generally studies done by Nova Scotia Department of Mines and Environment (NSDOEL) indicate ground water from basalt show better quality water throughout the province except for the deeper wells but he did not think there were that many in the area.

Mr. Outhouse noted that there are several deep wells used for the hatchery in Mink Cove; these are not used for drinking water.

Mr. MacFarlane noted two main recommendations for monitoring the wells:

- 1) A field survey should be conducted on the wells near the quarry and should include details of the wells, samples and quality of the well water.
- 2) Monitoring of wells should be established between the quarry site and the nearby houses (3 locations were noted on the maps).

Mr. MacFarlane noted that the quarry should move generally away from the residents and it will always stay on the other side of the ground water divide.

Mr. Hogg noted from the geological report that the upper flow at the site is medium dark and the basalt is virtually un-weathered. The bottom 10 meters of the upper flow is fracturing and there may be columnar joining at the bottom. There are vertical pathways and horizontal fractures that slowly move the water down. He noted that it is difficult for geologists to see these fractures and map them.

Mr. MacFarlane noted the conclusion of their preliminary assessment and asked if there were any other questions.

Ms. Nesbitt asked to what extent would they recommend the field study on the wells.

Mr. MacFarlane replied there are 19 residents close to the quarry that would raise the most concerns and that a monitoring barrier should be provided so that what happens there happens in that area first. He noted that typical readings of these houses should be taken and the well design should be noted. He further noted that it is very rare when well concerns are identified.

Mr. Outhouse asked how do you determine what the water table is in solid rock.

Mr. MacFarlane replied that a level had been identified in the upper borehole but that in this type of basalt formation there may be perched water tables. Evidence of a perched water table was noted in one of the boreholes where water could be heard cascading from an upper level to a lower level.

Mr. Outhouse asked where does the basalt become columnar.

Mr. MacFarlane replied that it appeared that the bottom portion of the upper flow may be columnar. However, Mr. MacFarlane further noted that the basalt dips towards the Bay of Fundy at approximately 5° so that the level of the columnar basalt gets deeper towards the Bay of Fundy.

Mr. Buxton noted that of the 4 boreholes that had been drilled for geological sampling, the lower three had been vandalized and will need to be re-drilled in order to collect more details.

Mr. Outhouse noted his experience with the fish hatchery wells at 80 gallons per minute and said that this water comes from below the basalt and salt leaches into the water from St. Mary's Bay. He noted the hydro-geologist for this work was Bill Shaw from Antigonish.

Mr. Hogg replied that granite runs under the Annapolis Valley at great depth, covered by the Wolfville sandstone formation and the Blomidon formation, which is fractured shale.

Mr. Outhouse asked if the water in Little River comes from the basalt and if so is there not a possible source in or on the other side of mountain.

Mr. MacFarlane replied that some of the recharge would come from the mountain.

Mr. Outhouse asked if it would be difficult to say what would happen.

Mr. MacFarlane replied yes but that on a mega scale they would see little effect while on a smaller scale quarries generally reduce the water table.

Mr. Outhouse asked what if it is columnar basalt.

Mr. MacFarlane replied that if the bottom portion of the upper basalt flow is columnar it would be closer to the surface to the east side and there is still a watershed divide on the mountain.

Mr. Outhouse asked where most of the columnar basalt is.

Mr. Hogg replied along the old road and he noted that the best wells in Little River are on the old road and some of these wells get 60 gallons per minute. He noted that there is a major fault there and that the water there is very good.

Mr. Ivens asked if it is siphoned in.

Mr. Hogg replied that throughout Digby Neck there are a number of mega faults that cause offsets.

Mr. Ivens asked how this was determined.

Mr. Hogg replied that they had used older geology maps dating from 1963.

Ms. Nesbitt asked if the fish plant in Little River is likely to be affected.

Mr. Hogg replied that they would probably not be affected based on distance from the quarry and the fact that the quarry will be moving to the north.

Mrs. Graham noted that it is her understanding that the Proponent will monitor the houses closest to the quarry and if these houses experience problems in the water someone will recommend a pre-blast survey.

Mr. Buxton replied that this is a preliminary report and it is his understanding that the consultants have recommended that the Proponent carry out a pre-blast survey on the wells in order to start at a base point. He noted he is unsure as to whether this will be done before the first small test blast is carried out but if that is the recommendation of the consultants then the Proponent will establish a monitoring regime for the 19 wells that may be more at risk than any other wells. He further noted that over a period of time if a problem is found and if the Proponent caused the problem then the Proponent will mitigate the problem by digging new wells, deeper wells or replace the water source.

Mr. Buxton is glad that Mrs. Graham raised this point because he is aware that a very large amount of opposition to the quarry from this immediate area is because of concerns about water supply, firstly yield and secondly water quality. He noted that he would encourage anyone who is concerned about the water supply to ask questions while the hydro-geologists are here because it is a major concern in the area. He further noted that whatever recommendations are made by the consultants they will be followed by the Proponent.

Mrs. Graham stated that she does not live as close but she has heard other people talking and noted this concern and she is asking if they start losing either the quality or quantity of the water will that problem be addressed immediately or is it going to be something that will not be dealt with until three years from now.

Mr. Buxton replied that the Proponent has made it very clear at several meetings and is prepared to enter into whatever understanding that is required either with the individual home owners or a regulatory agency. A review of the hydro-geological report has not indicated that water quality is an issue because the water is going to go the other way from the quarry.

Mrs. Graham asked if she lived in the area would the Proponent monitor her well.

Mr. Buxton replied yes, it would be in the Proponent's best interest to do so.

Mrs. Graham asked if she would like to have her well monitored would this cost anything.

Mr. Buxton replied no and added that there is no guarantee that any of the 19 residences that are at the highest risk will permit monitoring of their wells.

Mrs. Graham replied that she is saying it would be to her advantage if she were a local resident.

Mr. Buxton replied that is correct. He noted that recently Mr. Fred Trask (closest house to the quarry) had been asked if he would permit monitoring of his property and he replied yes. He further noted whether anyone else will do so is unknown at this time but those who do will have far better evidence should anything occur. Secondly, the Proponent will not do the monitoring of the wells because it could be seen as a conflict of interest and thirdly the Proponent will pay for the monitoring.

Mrs. Graham asked is it going to cost me to have my well monitored.

Mr. Buxton replied no, but if someone from two miles away asked to have their well monitored and the consultants advised that there isn't any possibility the well will be effected then the Proponent would probably not monitor that well. He noted that the wells that are identified as being a potential risk will be monitored and the people involved will get a copy of those records. Mr. Buxton noted that there is some subjectivity in this because your well produces different amounts of water at different times of the year and a problem is only evident when it drops below the capacity that you are using. I.e.: if you are using 7 gallons per minute and the water drops to 5 gallons per minute there is still sufficient water capacity.

Mrs. Graham noted that quality is an issue.

Mr. Buxton agreed and noted that water samples will be taken and compared with the quality of the sample from the year before and if there is no difference then clearly there is no quality problem.

It was asked if there were going to be any problems with the wells would it occur in year 15 – 20 of the project not in the first or second year.

Mr. MacFarlane replied yes, this is why they are suggesting monitoring points in between the houses so that they can start gathering data now to gain much better control over it. He noted that because wells are used at different times and amounts it is hard to get stable water level and they recover at different times of the day.

Mr. Theriault noted that he lives in Little River; he agrees that the water will not cross the mountain or that it will affect the people on the south side.

Mr. MacFarlane noted the first recommendation was to do baseline sampling of all wells as noted on the map and identify wells that could be more susceptible and recommend further monitoring for those wells. He noted that dug wells unless they were quite close to the quarry would not be monitored. He further noted that from the 19 he is not saying they would all be monitored on a regular basis for quality but that they should get a snapshot of the wells now before anything happens.

Mr. Hogg noted that these surveys generally involve the same procedures regardless of whether it's a highway, quarry or pipeline. He noted that a technician will have a questionnaire asking the type of well, depth, driller (may match it to a drill log), if there has been problems with the well, a sample from the tap is analyzed for general chemistry, total

coliform and bacteria. He noted that these parameters allow them to assess the condition of the well and a report would go to the homeowner.

Mr. Outhouse asked how much mineral chemistry of the water would be done. He noted that when mineral chemistry changes this tells you something has happened to the source of your water.

Mr. Hogg replied that the chemistry is referred to as a general chemistry metal scan and this provides all of the parameters and this analysis provides a baseline.

Mr. Buxton noted that the Proponent has taken baseline samples of water from streams coming off the mountain and seawater since May 2002. He noted high levels of coliform present in the bay but not in the streams. This information is available and the CLC has reviewed it.

Mr. Outhouse asked if Mr. Buxton meant the Bay of Fundy.

Mr. Buxton replied yes, the salt water.

Mr. Outhouse asked if everything is basically the same everywhere in the Bay of Fundy.

Mr. Hogg noted that total coliform bacteria is naturally occurring but fecal chloroform can depend on how deep the well is and temperatures.

Mr. Buxton asked if there were any other questions or concerns because this is a very critical issue for residents of the area. He noted that there will be other opportunities to ask questions.

Mr. Outhouse noted if something happens to the water he does not see where drilling a deeper well will have much effect and mitigation is very unlikely to be effective.

Mr. Hogg replied that he thinks Mr. Outhouse is referring to a catastrophic loss of water or salt water intersecting a major water bearing zone. He noted this is not likely to happen but it would be a catastrophic loss and mitigation in that case is typically to provide a deeper water supply.

Mr. Outhouse asked if in fact there is columnar basalt present, how close is it and the long-term effects of continued blasting and possibly opening seams in the columnar basalt that would allow salt water into the wells.

Mr. MacFarlane replied that they are proposing monitoring of wells.

Mr. Hogg replied this would be an early warning.

Mr. Outhouse asked if they were speaking of solid basalt but noted that columnar basalt would be susceptible to shockwaves on the existing seams and they may temporarily find more water in the wells because they opened up the seams. He asked where do you go from the solid basalt to the columnar basalt, is it somewhere in the mountain, where does it end.

Mr. Buxton replied that we know according to the drill log that at 66 metres below the top borehole the columnar basalt was intercepted.

Mr. Hogg replied that it dips deeper as it goes north.

Mr. Outhouse asked if they are saying if you look at the map that sulfite is on top of the columnar basalt and according to the geologist it would be the lower 3rd of the upper flow.

He asked if the mountain is solid then the columnar is probably over St. Mary's Bay underneath. He noted that this is still a concern because chances are that Little River is sitting on columnar basalt and would be susceptible to the shock of the blasting.

Mr. Hogg replied they are looking at a conceptual model and he indicated the columnar basalt area on the south side of Little River and it goes deeper farther north but under the quarry it is 20 – 30 metres below the quarry.

Mr. Outhouse replied the concern is whether it's a real concern or not. He asked will the blasting energy effect the columnar rock and at what distance.

Mr. Buxton replied the level permitted cannot exceed 12.5 millimeters per second peak particle velocity. He noted at 1120 meters from the blast size the Proponent has calculated the peak particle velocity to be 1 millimeter per second and it will clearly be less than that at 1 - 1 ½ km. He further noted at 8% of the permitted maximum peak particle velocity this is minimal and he feels it will have little effect on Little River.

Mr. Outhouse noted that he would like these gentlemen to address this issue.

Mr. Hogg replied that one of their engineers could address this. He asked if the issue is what is the potential displacement in the vicinity of Little River due to the size of the blast at the quarry at 1 millimeter per second and is that or is that not a concern.

Mr. Buxton replied that the Proponent is restricted on the size of blast at this particular site because of the 1998 DFO guidelines and depending upon the distance from fish habitat or spawning grounds and depending upon the bottom of the Bay of Fundy (sand, silt, bare rock) the maximum charge per delay is mandated in the guidelines and those guidelines are in the quarry permit. He noted that a typical quarry blast where there are no restrictions is 1000 pounds per delay and our limit is less than a 100 pounds per delay under the DFO guidelines.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton asked if everyone had a comfort level with these findings apart from the questions asked by Mr. Outhouse.

Ms. Harnish noted that the consultants had provided a good presentation.

Mr. Theriault asked how deep will the quarry go, will it go down to sea level.

Mr. Buxton replied no and that the permit does not permit the Proponent to go below sea level or below the water table at the bottom of the mountain. Any change would require an amendment to the permit. He further noted the Proponent will probably create a slight slope back from the edge towards the face of the quarry to deal with any high unexpected runoff that may come from springs or heavy rainfall and this will give the Proponent a chance to contain it and lead to in a civilized fashion down to the sedimentation pond.

Mr. Buxton noted that this is basically what will happen in the set up.

Mr. Buxton expressed his thanks to Mr. MacFarlane and Mr. Hogg for coming to the meeting.

Ms. Nesbitt asked if there were any questions arising from the minutes of October 24, 2002. It was decided that the minutes of October 24, 2002 required further review by the committee members and any questions would be tabled until the next committee meeting.

Ms. Nesbitt asked if there were any new questions.

It was asked if the government has guidelines in place for the size of blast, how close to wells, or whether it will be sloped at certain angle.

Mr. Buxton responded that because the quarry is adjacent to fish habitat the Proponent must follow the guidelines established by DFO. The permit issued for the 4 HA quarry clearly indicates that blasting must be carried out in accordance with the DFO guidelines and it is assumed that a permit for a larger quarry would also require adherence to the DFO guidelines. Essentially, these guidelines set out the maximum size of the charge per delay based upon the distance of the charge from fish habitat. Another thing that has to be considered is what sort of bottom the water has whether it's solid rock, sand, silt, etc. In order to ensure that other guidelines such as the concussion guideline are met Proponent intends to conduct a small test blast to determine whether all the parameters set out in the terms and conditions of the permit are being adhered to. In terms of the quarry slope there are several considerations. One would be the guidelines set out by Occupational Health and Safety Regulations. Secondly, the ability to rehabilitate the quarry site in a manner acceptable to the Provincial Government would need to be taken into account.

Mrs. Graham asked what is in the Federal guidelines that will ensure that the reconstruction of the site will occur. She noted that it is her understanding that the government does not have anyway to monitor that this is done.

Mr. Buxton responded that the Provincial Government does have a mechanism in place to ensure that site rehabilitation takes place. The process is based upon a rehabilitation plan being approved by the Provincial Government and payment by the Proponent to ensure that the rehabilitation takes place. For example, with respect to the permitted 4 HA quarry the Proponent has paid \$25,000, an initial payment, and is required to submit a detailed rehabilitation plan for the 4 HA site within one year, by April 30, 2003, of the permit being issued. The Provincial Government will examine the rehabilitation plan and if it is approved will assess the value of the remediation and the Proponent must then pay to the government this amount either in the form of cash or bond. If at the end of the quarry operation the Proponent does not remediate the Provincial Government has the money to do so.

Mrs. Graham asked whether for a 4 or for a 400 HA quarry the money was given to the government.

Mr. Buxton responded that either cash or a bond is provided to the government. A question at a previous meeting asked what does the government do with the money. Mr. Buxton noted that he couldn't say but that it is presumably set aside for cleanup. He noted that in the past there probably have been problems where people said they would clean up and didn't or closed a quarry and walked away and the government did not have the money in hand to remediate. Under the present strategy the government has the money in hand so either the Proponent remediates or the government does it with the Proponent's money.

Mr. Theriault noted that he is a sea urchin fisherman and fishes in that area. He asked how much run off or dirty water will come from the quarry because it could effect visibility along the shore. He noted that when they dive along the shore clean water is needed in order to see. Mr. Buxton noted that water containing a high level of particulates is not permitted to run off from the quarry site into the bay. He noted that essentially the closed circuit system will be applied. Further the run off from the entire quarry operation will be directed into a sedimentation pond where the particulates will settle out and only clean water will be permitted to run off into the Bay. From time to time the sediments from the wash pond and the sedimentation pond will be cleaned out and placed in the sediment holding area on the site for eventual sale.

Mr. Buxton further noted that the water discharged to the bay must be monitored weekly and the results of the monitoring forwarded to the NSDOEL.

Mr. Buxton noted about White's Cove that most of the area bottom is bare rock and if any sediment appears in the Bay at that point they will know where it came from.

Mr. Theriault replied that his only concern is with visibility.

Ms. Nesbitt asked if there were any other questions.

It is noted that Mr. Outhouse left the meeting and Mr. Buxton welcomed Mr. Mark Dittrick.

Mr. Dittrick asked for the hydro-geological report.

Mr. Buxton responded that a preliminary report had been produced by Jacques Whitford Associates and that it had just been presented to the committee.

Mr. Dittrick asked if there was a summary of the preceding presentation.

Mr. Buxton responded that there would be a summary of questions and answers attached to the minutes.

Mr. Dittrick noted he had been invited to attend the meeting and did not wish anyone to think he was barging in. He noted that he had been called by Mr. Buxton's office and asked whether he would attend the meeting.

Mr. Buxton noted that he had understood that the Rev. Dickinson had basically said that there was no information getting out with respect to the quarry and that no one was allowed to attend the CLC meetings.

Mr. Dittrick replied that he did not think that was true.

Mr. Buxton replied that that was the information that came to him so he thought it appropriate that both the Rev. Dickinson and Mr. Dittrick were specifically invited to attend this meeting.

Mr. Dittrick asked for the source of the information i.e., what the press release had said.

Mr. Buxton noted it was in a press release that this was a secret process i.e., the CLC committee meetings and that no one was allowed to come. He noted that it was felt that since there was a meeting tonight we would make it clear that everyone was welcome to attend.

Ms. Nesbitt referred to the Daily News article and quoted Rev. Dickinson.

Mr. Dittrick noted that he had glanced at the previous minutes and noted that Miss McArthy had attended the meeting and had asked who represents the company and that she wanted to deal with the company itself. Miss McArthy was told that Mr. Buxton represents the company and that she would have to deal with Mr. Buxton.

Mr. Dittrick noted that he did not think that there was total misinterpretation in the article because if anyone wants to deal with other principals of the company or other individuals involved with the project they are not able to do so. I.e. that Mr. Buxton is the one they have to talk to and that basically they cannot get beyond Mr. Buxton. He further noted that he thinks that the article has been misinterpreted to say that these meetings are closed and secret and no one is allowed to come to the meetings. He personally did not read that into the article.

Mr. Buxton responded that he had heard from a number of sources that no information is being given out and accordingly he thought it appropriate that the Rev. Dickinson and Mr. Dittrick be specifically invited to the next meeting. He thanked Mr. Dittrick for coming.

Ms. Harnish asked if there had been a notice of this meeting posted.

Ms. Nesbitt replied yes, it had been posted at Centreville Garage, Little River Trading Post.

Ms. MacAlpine noted that the notice was posted at the office in Digby.

Mr. Buxton noted that it was asked at the previous meeting if the CLC could meet with the hydro geologist and Mr. Buxton had replied that he would arrange that for tonight's meeting. It was asked where is the rock going to be loaded.

Mr. Buxton replied in White's Cove.

It was asked if there is going to be a permanent wharf there.

Mr. Buxton replied possibly three dolphins with a ship loader going out to the center dolphin.

It was asked if it would be moved or if it will be there year round.

Mr. Buxton replied the dolphins and ship loader will be permanent structures on 36" pipe piles, socket piled into the rock. He noted it will not be a solid finger wharf going out or across, it will be three individual dolphins, the center being 50' by 50' at the top, the other two with 25' by 25' tops. The water flow will be maintained inside these around the cove.

There will be piers out to them to support the conveyor that goes out to the ship loader.

Ms. Nesbitt asked how close is the Proponent to finalizing the design of the terminal.

Mr. Buxton replied the conceptual phase possibly within one week, at which time the Proponent would be making application to Navigable Waters.

It was asked how far out into the bay will this go.

Mr. Buxton replied about 600', plus or minus.

It was asked if this is about 20 fathom of water.

Mr. Buxton replied yes, about 46' is needed at low tide. He noted that the ship draws, depending on how much rock is put on, approximately 42', a safety factor is required, 20' tide and the dolphins need to be high enough out of the water that the ship loader can load the ship which makes the dolphin (pipe pile) approximately 85' off bottom.

Ms. Nesbitt asked if the test blasts have been scheduled.

Mr. Buxton replied no. The area in question would be approximately 60' x 40' in the first outcropping of basalt from the flat quarry floor, approximately 40' up where it is virtually bare basalt at the top with a hole depth of 24' at front (west side) and 29' at the back. The load per delay will be approximately 45kg/100 pounds per hole for approximately 56 holes, a total charge of 5600 pounds. The Proponent is hoping to get the blast off before Christmas but he noted there is no urgency to do this. They would like the information to confirm all the calculations on the blast effects. There is no exact date. He further noted that he had promised at a previous meeting of the CLC that anyone who wanted to attend the blast that they could come and stand at various monitoring stations, everyone will know the time it will be scheduled for.

Mr. Dittrick asked if the exact location is noted on the site plan.

Mr. Buxton replied yes.

Mr. Dittrick asked if he could obtain a copy of that.

Mr. Buxton replied that a copy can be made available to Ms. Nesbitt, the chair.

Mr. Dittrick asked if he could obtain a copy of that.

Ms. Nesbitt replied yes.

Mr. Buxton replied that the blast will take place within the 4-hectare site.

Mr. Dittrick asked if this would be within the new or the old boundary.

Mr. Buxton asked if Mr. Dittrick is referring to the 4 HA quarry.

Mr. Dittrick replied yes, and asked is there a new boundary.

Mr. Buxton replied no.

Mr. Dittrick asked if there is another boundary.

Mr. Buxton asked for the 4 HA quarry.

Mr. Dittrick replied yes and asked how far away from the house sites it is.

Mr. Buxton replied that he had just given the plan to the hydro-geologist and he can't say at this time.

Mr. Dittrick noted that he has seen 2 sites for the same basic location with different boundaries.

Mr. Buxton replied that there may have been very minor modifications of the boundaries but the registered plan is available from NSDOEL and indicates when the final plan for the 4 HA quarry was registered.

Mr. Dittrick replied that he has seen a different plan than the original as far as the boundaries are concerned.

Mr. Buxton replied that there is only one plan that has been registered with the NSDOEL.

Mr. Dittrick asked where would the other plan have come from.

Mr. Buxton replied he is unsure of what plan Mr. Dittrick is speaking of. He noted that in the permit there is a requirement to establish by legal survey the boundaries of the 4 HA site. He further noted that this was done.

Mr. Dittrick asked if there is a copy of that plan.

Mr. Buxton replied he had just given the plan to the Jacques Whitford representatives. He noted that it has been presented to the CLC.

Mr. Dittrick asked if Mr. Buxton has a copy of the original and the slightly revised plan and can he obtain a copy of both of them.

Mr. Buxton noted the modification from the original may be approximately 10' and that there is only one plan registered.

Mr. Dittrick asked what is the general shape of that.

Mr. Buxton replied it is generally a rectangle shape and he referred to the large-scale map.

Mr. Dittrick asked what does the square represent.

Mr. Buxton replied that this is a concrete pad.

Ms. Nesbitt asked if there were any other questions.

Ms. Harnish asked if the minutes were being posted on the web.

Ms. Sanford replied that she had provided copies of the minutes to the Municipality of Digby for their website.

Mr. Ivens noted that only the approved minutes are being posted.

Mr. Dittrick noted that Barry Moody had done the cultural study. He noted his surprise to find that Mr. Moody had a relationship with Mr. Buxton.

Mr. Buxton replied that Mr. Dittrick may be surprised to learn of this relationship but he and Dr. Moody had been partners in Delta Four, they had consulted in matters regarding Annapolis Royal, Upper Clements Theme Park and on two personal projects. He further noted that Dr. Moody is a personal friend and that this is no secret.

Mr. Dittrick replied this is okay.

Ms. Nesbitt asked if Mr. Rowe had any questions.

Mr. Rowe replied that he is an observer at the meeting but that he is curious about the questions being raised by Mr. Dittrick pertaining to the site boundary differences and the questions in regards to the integrity of Mr. Buxton. He noted that this is an open meeting.

Mr. Dittrick replied that he is not questioning Mr. Buxton's integrity.

Mr. Rowe replied this is what he has observed.

Mr. Dittrick replied that he thought people were unhappy and uncomfortable with his presence.

Mr. Buxton noted that these meetings are so that questions may be asked and issues arising may be dealt with at the next meeting.

Ms. Nesbitt asked at what stage is the economic study.

Mr. Buxton replied over the next few days they will establish the cost of the ship loader and terminal and this will complete the background information necessary to complete the study.

Mr. Dittrick asked who is doing the environmental study.

Mr. Buxton replied there are 15 sections to the environmental assessment. Geologist, John Lisek, Pennsylvania; Archeologist, Charles Watrall; Cultural, Dr. Barry Moody; Aboriginal, Confederation of Mainland Mi'kmaq; Botanical, Ruth Hewell, George Alliston; Marine Ecology, Mike Brylinsky; Marine Mammals, Dalhousie University, etc.

Mr. Dittrick asked who is handling the information regarding marine mammals.

Mr. Buxton replied that David Kern is responsible for this aspect.

Mr. Dittrick asked if he could speak with Mr. Kern regarding this.

Mr. Buxton replied yes.

Mr. Dittrick asked if Mr. Buxton would provide a list of the consultants involved.

Mr. Buxton noted this information is available in previous minutes.

Mr. Dittrick asked if he could get a list without going through the minutes.

Mr. Buxton replied that Mr. Dittrick would need to request this information from the chair.

Mr. Dittrick asked if the office in Digby could provide this information.

Mr. Buxton noted Global Quarry Inc. is a private corporation and that the information can be provided through the Community Liaison Committee.

Ms. Nesbitt noted that information provided at the CLC meetings is based on fact; the committee asks questions and obtains answers to questions asked. She noted that she did not understand why there would be a problem reviewing the minutes for the requested information.

Mr. Dittrick replied that he had not reviewed all of the minutes.

Mr. Buxton noted the Proponent has provided the CLC with information provided by the consultants. He noted that the raw documents cannot be given to the government as is. The raw data is only a third of the process dealing with impact and mitigation. He further noted that every element is looked at for short/long term and positive/negative impacts.

Mr. Buxton noted that the environmental assessment process is under his direction and he will sign the Registration of Undertaking. He noted that there are a lot of people involved and the best people have been hired.

Mr. Dittrick asked if the Environmental Assessment application is for the larger quarry.

Mr. Buxton replied that is correct and noted that it is not a requirement for a 4 hectare quarry. He noted the Environmental Assessment is part of the process of filing for the Registration of Undertaking and the information that is included is prepared by the Proponent and will be rejected by NSDOEL if they are not satisfied with it.

Ms. Nesbitt asked if there were any other questions.

Mr. Rowe suggested people should look through the minutes.

Ms. Nesbitt noted that professionals are providing the information.

Mr. Dittrick replied that he does not have a list and would like a list of the various consultants.

Mr. Ivens replied they are noted in the minutes.

Ms. Harnish asked who Mr. Dittrick is.

Mr. Dittrick replied he is the Atlantic director of Sierra Canada.

Ms. Nesbitt asked if Mr. Dittrick would have any information that would assist the CLC to make a more balanced appraisal.

Mr. Dittrick replied feel free to formally ask.

Ms. Nesbitt advised that she will ask for a list of the consultants engaged.

Mr. Buxton replied it will be attached to minutes.

Mrs. Graham noted that she heard discussion of an old cemetery on the site and asked where that information came from, when was it discovered. She noted that approximately 10 years ago she did an inventory of cemeteries and did not come across any cemetery in White's Cove.

Mr. Buxton replied to the best of his knowledge the Proponent heard 5 months ago that there was possibly a cemetery on site. He noted after some investigation it was concluded there was not a cemetery located on the property but people have maintained that graves are on site. Miss McArthy has stated that she has evidence and we have asked her to provide us a copy but we have not received that.

Mr. Buxton noted that there is a procedure to follow on land if graves are uncovered, the coroner is called and a report is made.

Ms. Nesbitt asked Mrs. Graham in what capacity did she perform the cemetery inventory.

Mrs. Graham replied a grant had been given to areas to locate cemeteries, gather information from stones and plot what the churches had on file. She noted that this was done for the museum.

Mr. Buxton asked Mrs. Graham if she found any cemeteries in White's Cove.

Mrs. Graham replied no and that Archer Turnbull asked if there were any hidden on the Neck but no one could tell her any information. She went through the library microfiche of church

burials and found one that was located in Joggin Bridge. She further noted she does not recall any in White's Cove and she had inquired in the community but no one knew where it was and some had never heard of White's Cove.

Mr. Buxton replied that there has been no evidence of graves or a cemetery found on site. It was asked why there would be when there was a community cemetery available.

Mr. Dittrick asked if it is the procedure at this point to do more archeological study on site.

Mr. Buxton replied that the archeological study has not been completed.

Mr. Dittrick asked where the study stands.

Mr. Buxton replied it is 50 – 60% complete.

Mr. Dittrick asked what the first 60% entailed and the last 40%.

Mr. Buxton replied the first part of the cultural survey is to do a reconnaissance and the second part is a class C archeological survey. He noted that they have responded to individual questions from the CLC in regards to a cemetery on site as per newspaper claims.

Mr. Dittrick asked if they are looking to test blast before the permit for the wharf is received.

Mr. Buxton replied they are not tied together.

Mr. Dittrick asked when does the Canadian Environmental Assessment kick in.

Mr. Buxton replied possibly a week from receipt of the application.

Mr. Dittrick noted when you make an application they will require an assessment because you're blasting on site and he asked how long will this take. He asked do you intend to blast before Christmas.

Mr. Buxton replied that this has nothing to do with the wharf.

Mr. Dittrick asked do you intend to blast before the Canadian Environmental Assessment.

Mr. Buxton replied yes.

Mr. Dittrick asked before the archeological study is completed.

Mr. Buxton replied yes.

Mr. Dittrick asked how much of an archeological study has been done on site.

Mr. Buxton replied that a preliminary archaeological reconnaissance and a preliminary cultural report had been completed and that further extensive archaeological work was currently underway.

Mr. Dittrick asked if there will be blasting in that vicinity. I.e. of the cellar holes.

Mr. Buxton replied no.

Mr. Dittrick asked where will blasting take place in respect to the cellar holes.

Mr. Buxton replied 200 – 300 meters.

Mr. Dittrick asked if there is an overlap view available.

Mr. Buxton replied not at this stage.

Mr. Dittrick asked could they be made available.

Mr. Buxton replied it will be the same scale, digitized on the same base drawing.

Mr. Dittrick asked if a digitized form is available can it be superimposed over the cellar holes and blasting area.

Mr. Buxton replied no it cannot be overlapped.

Mr. Dittrick asked why it cannot be overlapped.

Mr. Buxton replied that it is bare rock in that area and there is no relevance.

Mr. Dittrick asked does the plan show where the cellar holes are on the map.

Mr. Buxton replied they are not plotted on the map at this time

Mr. Dittrick replied he is confused about this.

Mr. Buxton replied it is easier to see in the field.

Mr. Dittrick asked if it hasn't been put to paper yet.

Mr. Buxton replied it is not yet on paper. Mr. Watrell's report having not been received.

Mr. Dittrick asked if Mr. Watrell has it. He noted that it is relative to blasting but nothing is available yet.

Mr. Buxton asked available from whom.

Mr. Dittrick replied anyone who is interested.

Mr. Buxton replied if the CLC asked for the information it will be provided. He noted the Proponent has a 4 HA permit, the CLC was set up to monitor the 4 HA quarry and it was made clear at that first meeting that people were far more interested in the larger quarry. He further noted that he would answer questions for the larger quarry.

Mr. Dittrick replied that people say there are graves on the 4 HA site; the archeological study has not been completed besides looking at the ground and church registers to rule out a cemetery. He noted that individuals are concerned with the 4 HA quarry.

Mr. Buxton replied he will make the information available.

Mr. Dittrick noted there are people who are concerned.

Mr. Buxton replied that he heard the implication.

Mr. Dittrick noted that there is anecdotal evidence that people are buried there.

Ms. Nesbitt noted that Miss McArthy had presented a photograph at a previous meeting and represented this as factual information, as being laundry and in White's Cove. She noted there are concerns about this. See page 11 - October 24, 2002 minutes.

Mr. Dittrick replied he is aware that the hanging items are buoys and not laundry. He noted that people are concerned with any work being done on site as it has the potential to do damage.

Mr. Dittrick asked if Dr. Moody has determined there was ever a community with permanent residents in White's Cove.

Mr. Buxton replied there were certainly residents on the side of the hill close to White's Cove Road and it was supposedly occupied as farms.

It was stated there was sheep on the land.

Mr. Buxton noted that he has heard that there was a community there but there is no evidence.

Mr. Dittrick replied that Mr. Buxton or Dr. Moody do not have any evidence. He asked who else has looked at this and come to the conclusion that there was no village.

Mr. Buxton replied that the archeologist has done a preliminary reconnaissance; he has looked at deeds, maps and carried out fundamental research. He further noted that the site of the proposed test blast is basically bare rock and that there is no possibility that graves could be located in that area. He further noted that he has been led to believe that at the head of the wharf this is the area of a previous pit where apparently large quantities of material were taken out in the 1940 – 50's for the construction of Hwy #217 and it certainly appears that this area has been largely worked over by heavy equipment.

Mr. Buxton noted that Miss McArthy had advised the committee that she had found specific evidence of graves. Miss McArthy was asked if she would present the evidence to the committee but she responded that she did not have the time to go back and get it.

Mr. Dittrick asked if she said this, is it in the minutes.

Refer to page 13 – October 24, 2002 minutes "Miss McCarthy replied that she had spent many hours and she would not go back to get it."

Mr. Buxton noted if anyone knows where graves are it would make a difference, no one has said this and there is no evidence of graves there. He noted that there is anecdotal evidence of fish shacks but none of anyone living there.

Mr. Dittrick asked if it is their conclusion that no one lived there, that there was no village.

Mr. Buxton replied no, Miss McArthy provided us with evidence of farms but they were not in White's Cove they were on the hillside.

Mr. Dittrick noted that Mr. Buxton said on the hillside and asked on which side of the road.

Mr. Buxton replied from the top down to White's Cove.

Mr. Dittrick asked on the higher area.

Mr. Buxton replied yes.

Mr. Dittrick asked if this is approaching where the blasting would be and noted it would be nice to see a map in order to see where blasting will take place.

Mr. Buxton replied he has no problem making it available.

Mr. Dittrick asked in what time frame.

Mr. Buxton replied perhaps 3 weeks.

Mr. Dittrick asked before the pre-blast.

Mr. Buxton replied possibly.

Mr. Dittrick asked what good is this.

Mr. Buxton replied he doesn't have concerns about damage. He noted it is bare rock, a tiny area.

Mr. Theriault noted he will ask his neighbor about a village in White's Cove.

Mr. Dittrick replied it would be nice to settle the issue of community, no community before the pre-blast.

Mr. Buxton replied there is no evidence to date of a community and each time he has asked for evidence to be shown there is none. He noted there has been nothing in 5 months except for people saying there was a community sometime around 1910.

Mr. Dittrick asked what about before 1910.

Mr. Buxton replied he has been told 1910.

Ms. Nesbitt replied there is Mr. Church's map of 1864.

Mr. Buxton replied there is nothing in White's Cove according to that map.

Mr. Dittrick noted that there are homes in Little River that were once located in White's Cove.

Mr. Buxton agreed that people have said this but Mr. Church's map shows nothing, there is a gap between 1864 and 1910. He noted that people say there was a village but they have seen only blank maps.

Ms. Harnish noted that Mr. E. Hall had a small farm, he went back to the original deed but no one could identify any homes. She noted that Stuart Carty's father in Mink Cove spoke of farms but he didn't know where they were.

Mr. Buxton replied presumably post grant, 1878, possibly somewhere up the hill. Mr. Hall thought higher up hill.

Mr. Graham noted that they put sheep on the land because it was grown up.

Ms. MacAlpine noted that residents have family trees and she wondered why it seems so difficult to come up with some evidence of a village in White's Cove.

Mr. Theriault noted that his grandfather claimed boats fished out of White's Cove but no one lived there.

Ms. MacAlpine noted that if someone lived in Meteghan evidence is passed down but in White's Cove in this point there seems to be no evidence.

Mr. Ivens noted that we are not here to debate the issue and if there is proof bring it to the meeting. He noted if you can find information against the company he would like to know so they can review it.

Ms. Nesbitt provided pictures of fish houses in White's Cove for review and asked if there were any other questions.

Mr. Ivens noted we can try to contact people to come to meeting if they have proof of burials.
Mr. Theriault replied he could talk to his relative, he might come.
Mr. Buxton indicated he would be welcome.
Mr. Ivens noted the CLC is not set up for debate, we ask questions.
Mr. Theriault noted his grandfather has told him stories but not that anyone lived there.
Mr. Buxton replied if there is evidence it would be nice to see it at a meeting.
Mr. Dittrick noted that he recalled in the minutes a port facility would be in St. Mary's Bay.
Ms. Sanford noted that this had been amended at the meeting of October 24, 2002. It was amended to read the Bay of Fundy.
Mr. Buxton noted there are no plans to quarry in St. Mary's Bay.
Mr. Theriault noted that a rock quarry would not do as much damage as fish draggers.
Mr. Rowe wonders if the Sierra Club knows that.
Ms. Nesbitt asked Mr. Dittrick why he wants to see this quarry stopped.
Mr. Dittrick replied there is no evidence of more jobs or that eco-tourism might benefit, ballast water from the 45-ton ship causes problems with invasive species and how will they deal with this.
Mr. Ivens asked if there isn't a Canadian company shipping out of the Bay already.
Mr. Buxton replied Bayside.
It was asked if gypsum boats were blamed for the oyster dying off.
Mr. Dittrick noted the ship's impact on the right whale and talk of shifting the lanes to protect the right whales and 53% of collisions occur from ship impact. He noted adding 50-panamax ships does change the likelihood that they will be hit. There are lots of environmental concerns, such as the 24-hour noise level. He further noted if there is any hydro-geological information he would like it to be passed along.
Mr. Buxton replied that extensive environmental assessment is being carried out.
Mr. Dittrick replied he has seen lots of studies done and is glad to see that Jacques Whitford is not doing all of the studies.
Mr. Buxton asked Mr. Dittrick what his technical degree is.
Mr. Dittrick replied he has worked with technical information for 30 years.
Mr. Buxton asked if he has had formal training.
Mr. Dittrick replied no.
Mr. Ivens asked what job losses Mr. Dittrick referred to.
Mr. Dittrick replied the tourist industry.
Mr. Ivens noted he is of the opinion that tourists have ruined the area.
Mr. Dittrick noted he feels the quarry will add to that.
Mr. Ivens noted he does not believe it will.
Mr. Dittrick asked if the quarry will operate 24 hours.
Mr. Buxton replied no, 6 am – 10 pm.
Mr. Dittrick asked what will the annual quantity be.
Mr. Buxton replied 2 million ton per year.
Mr. Dittrick asked if there is water draw down, monitor wells, if it does you'll pack up, go away.
Mr. Buxton replied the committee sees this as one of the major issues.
Mr. Dittrick asked if he could see a copy of this.
Mr. Buxton replied it is in minutes.
Ms. Nesbitt asked what jobs he is referring to in eco-tourism.
Mr. Dittrick replied fish plants.
Mr. Ivens replied they are provided by draggers. He noted that most plants don't process.

Ms. Nesbitt noted that the quarry won't be visible from Hwy #217. For diversification we look to fishing, forestry, tourism and they all make noise. She noted the quarry is behind the mountain and will be monitored for noise and dust. She further noted Mr. Buxton has spoken about all of this and she asked Mr. Dittrick what is his biggest concern.

Ms. Nesbitt noted for us jobs are badly needed in this area, this is sustainable 30 – 35 years work. She noted that she wants to understand Mr. Dittrick's viewpoint. Tourism has to be looked at and these studies should come to the committee.

It was noted that most of the opposition comes from the people who have money from raping the resources and those who want to turn Digby Neck into a retirement community.

Mrs. Angrignon noted she is concerned about the lack of young people in Digby Neck.

It was noted that those people who have themselves looked after financially are not worried about the jobs.

Mrs. Angrignon noted that we need more young people.

Mr. Ivens noted that tourism and eco-tourism jobs pay minimum wages.

Mr. Graham noted he had heard a comment that the quarry is not putting money in his pocket because the quarry is paying higher money.

Ms. Nesbitt replied jobs are needed and she asked if Mr. Graham had any experience working in a quarry.

Mr. Graham replied yes, but nothing compared to what he's heard this quarry will be. He noted they are not as noisy or as much dust in the air, they pay the best wages. He stated they are a nice place to work.

Mr. Ivens asked if there were any other questions.

Mr. Rowe replied he is just here for information and he noted that he hears things that are not based on facts. He heard at the other committee meetings that they have an expert who is going to help them stop the quarry, there has been no information from the other side and they have their mindset. He noted he hasn't made up his mind for or against the quarry but he wants to hear information, to find out as much as he can because he doesn't believe in manufacturing information to stop it. He further noted that it is wrong to keep the opposition meetings closed, that's the reason he is here and objects to Mr. Dittrick coming in mid-meeting and asking for things covered in the minutes, if he wants all this information he should study the minutes. This is an open meeting (public) and the other meetings are closed.

Ms. Nesbitt replied it is important to have all the information available.

Mr. Rowe noted that the Proponent has the right to blast and asked if it's bare rock how can graves be in bare rock. He noted we've seen the cellar holes and the minutes are available.

Mr. Ivens noted that when any questions have been asked of the Proponent, Mr. Buxton and Ms. Nesbitt have tried to get answers for the next meeting.

Mr. Theriault noted that comments about ground zero had been made and others had asked them to put signs on their lawns. He is looking for honesty in the information and a quarry is not 1/10th as bad as a fish dragger.

Ms. Nesbitt asked if there were any other questions.

Meeting adjourned at 10:30 pm.

Next meeting date and time in January at Rossway Community Center to be advised.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. January 9th, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chair
Mr. John Ivens, CLC Member
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mr. David Graham, CLC Member
Mrs. Marian Angrignon
Mr. George Gavel
Mr. Harold Rowe
Mr. Dwayne Theriault
Mrs. Linda Graham
Mr. Steven Theriault
Mr. Jamie Gavel
Mr. Shawn Andrews
Mr. Ebert Balser
Mr. Joey Balser
Ms. Wanda VanTassel
Mr. Leroy Morrell
Mr. Steve Morrell
Mr. Richard Treleaven
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Mark Jeffrey, CLC Member, Mr. Brian Cullen, CLC Member

Ms. Nesbitt noted that the agenda for this meeting is open and that anyone is welcome to address any questions or concerns they may have at this time.

The minutes of October 24th, 2002 were approved with the amendment that comments pertaining to the bond, the Proponent and Clayton Concrete were attributed to Miss McCarthy on page 2 of the October 24th, 2002 minutes. These comments were made by Mrs. Lynyak and not by Miss McCarthy as stated.

Ms. Harnish motioned that the minutes of November 21st, 2002 be approved as distributed.

Ms. Nesbitt asked Mr. Buxton at what stage in the proceedings is the Proponent.

Mr. Buxton replied that the process is continuing and an application has been mailed under the Navigable Waters Protection Act. He noted that this will likely trigger a Canadian Environmental Assessment (CEA). He further noted that there is a possibility that the Proponent will file a joint application, a Provincial and a Federal application for the Environmental Assessment process instead of a Provincial process for the land base quarry

and a Federal process for the marine terminal. It is hoped that within 45 – 60 days the Proponent will know all of the terms of the CEA. It is anticipated that much of the material that has been covered is sufficient but whatever has not been covered will be covered and the document package will be put together.

Mr. Buxton noted that if this direction is taken it will mean a slightly different process. He noted instead of looking at the procedure for the Provincial Environmental Assessment Act and the procedure for the Federal Act there will be a combination of the two and the CLC will be made aware of what this process is. He noted as a whole this is where the project stands.

Mr. Buxton noted that the Socio Economic Study has not been completed at this stage and as mentioned at the last meeting he referred to being at the back end of the census material from Statistics Canada. The new material has not yet been released for 2002 and will likely not be available until June or July of 2003. The other studies are either complete or being completed in regards to the land base quarry.

Mr. Buxton noted that Federally speaking the Proponent has a good idea of what is needed but until the Federal-scoping document is received they cannot be sure or proceed much further.

Mr. Buxton circulated 2 preliminary drawings that indicated the scale/scope of the marine terminal and the loading facility as seen at this time by the Proponent. He noted that many details have not been finalized as yet and at this stage these details are not needed.

Mr. Buxton noted the loader is a quadrant loader, the ship will pull along side and the loader will move in a circular manner to fill the holds. He further noted that the new loading facility being built in Hantsport is planning to load in 4 hours at approximately 9 – 10 thousand tons per hour. This port is dependent on the tides in that area.

Mr. Ivens asked if this will fall under the same DFO guidelines.

Mr. Buxton replied yes. He noted there are a number of ways to trigger a CEA or a study by the environmental assessment branch to determine if you are required to do a full environmental assessment. I.e. if explosives are stored on site, erect a tele-communications tower, or build a wharf, these will trigger a CEA and they will advise you what elements they expect you to cover.

Mr. Ivens asked when they do an assessment will they come to the Proponent to see what information has been covered.

Mr. Buxton replied the Proponent files a project description which sets out everything the Proponent is going to do. This description will also set out what the Proponent thinks are some of the issues of interest to various government departments. Fisheries, etc. It will indicate that we intend to deal with those issues. The joint process is not as straight forward as that so essentially the Federal and Provincial governments will produce a document that sets out issues they feel needs to be covered and all the points addressed. The Proponent is aware of a lot of these issues and if those items haven't been covered they will be.

Mr. Ivens asked if each province, if the Federal government has a checklist they will follow.

Mr. Buxton replied yes, it will get circulated to all the departments that might be concerned. Fisheries Habitat, Environment Canada, Natural Resources. Federal and Provincial would be notified and asked what their concerns are and what would they like to see addressed in the scoping document.

Ms. Nesbitt asked if this goes the way the Proponent wants how soon does Mr. Buxton see this project getting underway, when would hiring and construction of the marine terminal begin.

Mr. Buxton replied that is a hard question to answer. He noted that if you look at the Provincial process with no marine terminal involved in this project the Proponent would probably be in a position to file a Registration of Undertaking document by mid-February. He further noted that the various government departments have a specified number of days to comment and respond. This is a very formalized process and the Federal government does not have this kind of process in place, the Federal process is not detailed in the same way nor is it specifically time lined.

Mr. Buxton supposed that if a joint document was completed by June the approval procedures through both the Federal and Provincial governments would be longer than just the Provincial government, possibly 6 months. In terms of construction of a marine terminal this would probably not commence in the winter months, possibly in the spring of 2004. The quarry itself can be done during the construction of the marine terminal.

Ms. Nesbitt asked if there were any other questions.

Ms. VanTassel noted that she is here to listen and observe and eventually ask questions.

Mr. Buxton invited her to ask her questions. He noted that a lot of material has been covered in the last 5 or 6 meetings but he will repeat any information.

Ms. VanTassel asked if the Proponent is planning to expand the area where they are located or will they acquire other land further up the Neck or will they remain in the one area.

Mr. Buxton replied that the company has a lease on a 370-acre lot. He noted within that area a 10-acre site is already permitted but that there are large areas of the 370 acres, which at the moment cannot be blasted because you cannot blast within 800 meters of any existing foundations. He noted that they can quarry but not blast in these areas. He further noted that within the 370 acres it is estimated that there is a 30 – 40 year supply and the company intends to ship 2 million tons per year of crushed rock to the Eastern seaboard of the United States.

Mr. Buxton noted that if the Proponent can acquire buffer areas they will do so. He noted they have not looked at other areas outside of the Whites Cove area nor do they intend to look. He noted that their demand is for about 2 million tons per year to be used in their own operation.

Mr. Buxton noted that there is nothing preventing any entrepreneur from acquiring land on the Neck on either side of the mountain and applying for a 10-acre permit. He noted that it is a relatively straight-forward process, there is no public consultation involved, it takes 60 – 90 days to get a permit, the permit application fee is small and the smaller quarries could be visible. He further noted that there is nothing to prevent that, but the reality is that there is no demand for the product.

Mr. Buxton noted that there is a small demand for crushed rock for sewage treatment beds, driveways, etc.

Mr. Buxton noted that the real issue is what are you going to do with the rock because the cost to truck it is too high, it is not competitive. He noted unless you can ship it no one will produce it.

Mr. Buxton noted generally a marine terminal is approximately \$15 million and that no one will build a facility of that scale and scope to ship out one ship per year. He noted that this is the control and for those people that say there could be quarries all the way up the Neck, technically they are right if they are talking about 10 acre quarries. The question should be asked what are you going to do with the product. Perhaps it is cheap to get a permit for a quarry but it is not cheap to set up a crushing operation with all the equipment necessary. If you are going to produce crushed rock you better have somewhere to sell it fairly quickly.

Mr. Ivens asked what is the cost of the land based equipment and machinery. I.e. The crusher.

Mr. Buxton estimates \$4 – 5 million for the mobile equipment and \$4 – 5 million for the crushing equipment.

Mr. Ivens asked would this be a \$20 million operation.

Mr. Buxton replied \$25 million plus. He noted that a mobile loader alone would be close to \$1 million and the operation cannot operate with just one loader because a breakdown would shut down the entire operation.

Mrs. Graham asked if the company is looking at or have they already bought other parcels of land on Digby Neck.

Mr. Buxton replied if the question is has the Proponent bought the answer is no. If she is asking if land to provide a buffer became available the answer would be yes. He noted that this is not to expand in a North-South direction but to provide buffer strips.

Mrs. Graham noted the Proponent is in Whites Cove and asked if there was land in Centreville, Gulliver's Cove and a piece in Broad Cove being bought.

Mr. Buxton replied no, they would be pieces or parcels immediately adjacent to the quarry. He noted that other people may buy but the Proponent's demand is for 2 million ton of crushed rock per year for their operation and this can be satisfied at Whites Cove.

Ms. Nesbitt asked if the Proponent would purchase buffers prior to the Federal and Provincial approvals.

Mr. Buxton replied if they became available yes.

It was asked if this is a full operation how many people will be employed.

Mr. Buxton replied the present business plan for the operation states they will employ 31 people in two shifts. The first shift will include 17 people; the second shift will include 14 people.

Ms. Nesbitt asked if this will include employees for the wash water and sedimentation pond areas. She is aware that it does not include the staff in Digby office.

Mr. Buxton replied no it does not include the office staff but for ongoing work yes. He noted for example if a major clean out of the sedimentation pond was done it is probable they would hire a local contractor to do this. He noted the staff he is referring to are people who would be continuously on the payroll of Global Quarry Products. He further noted that local contractors would be hired for the construction of the quarry site, drainage ditches, environmental controls, etc.

Mr. Buxton replied yes when asked "will the people who will be taken on be full time year round basis as full time employees." There may be others hired through other contractors to do specific items of work, such as drilling and blasting. He noted that they will hire a professional organization such as DynoNova to drill and blast and they will not appear on the Global Quarry Products payroll.

Ms. Nesbitt asked of the 31 people hired will they look first in Digby County and will you train them for job specific work.

Mr. Buxton replied yes and noted as per the applications on file there should be no problem staffing the quarry. He noted that a few key people may be required, as a crusher operator cannot be trained in two weeks. He further noted that the only person that will be hired from outside is the official quarry manager, Mr. John Wall.

Mr. Buxton noted that there is no reason to go outside the immediate area. For machine operators, tradesmen, electricians this should not be a problem, for senior crusher operators they may or may not be able to hire locally. He noted that they could possibly hire someone and have a local trained to take over.

Mr. Graham noted that a man from Weymouth may apply for the crusher position.

Mr. Buxton referred Ms. VanTassel to the property map as shown by Ms. Harnish for the areas in the south that the Proponent would always be precluded from blasting in.

Mr. Buxton asked if there were any other concerns.

Ms. VanTassel asked if the 31 people employed will be year round as she had heard it would be seasonal work.

Mr. Buxton replied that during the coldest weather of the year they may shut down for 2 – 3 weeks and during this time perform the maintenance work. Otherwise it will be full production. He noted that the size of the equipment is based on the shipping contracts and a regular process of reasonable production. He noted that he is not aware of what the weather of 2005 will be and that more damage to the equipment could result from –20 weather than production. That aside it will be a full time operation and generally, construction people do not take vacations in the summer months.

It was asked what type of crushers would be used.

Mr. Buxton replied from a preliminary perspective but if he is interested a meeting can be arranged with Mr. Wall to discuss this aspect. Mr. Wall will be selecting the crushers.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted that he does not mind if questions are repeated.

Mrs. Graham asked if any proof of the cemeteries had been provided by Miss McCarthy or any other individuals.

Mr. Buxton replied that nothing had been submitted to the Proponent. He noted that they have asked for this documentation and the archeologist has completed his fieldwork but not his report. He further noted that nothing has been submitted to the NS Museum as they have requested the information as well.

Mr. Buxton noted that the issue is a technical legal issue and a social historic issue. When you buy land in Nova Scotia and the deed does not show a cemetery then paraphrasing the Cemetery Act there is none. He noted that this is not to say there are no graves on the property but if there are graves found there is a procedure to follow. You contact the coroner's office and follow the process set out in the Cemetery Act.

Mr. Buxton noted that they will respond if anything is found but he is puzzled as to why if there are existing cemeteries in Little River, Centreville, Sandy Cove, etc. why people would be buried in Whites Cove.

Ms. Harnish noted that she has been on a lot of property with graves.

It was asked are they marked as cemeteries.

Ms. Harnish replied no.

Ms. Nesbitt asked what is the average soil depth in Whites Cove.

Mrs. Carty noted that Miss McCarthy stated that she had found gravestones on the property.

Mr. Buxton replied that he had not heard that.

Mr. Buxton noted that adjacent to Whites Cove there is a level area of 3 – 4 acres which is marked on the map as a quarry. It is understood that material from here was removed during the 40 – 50's and the level ground has all been disturbed. He further noted that if there had been a grave in that area it isn't there now as it has all been disturbed. As you go up the escarpment the grade is 45 - 50° and where there is a level area the soil is approximately 6" thick, there are no graves there because you can see the basalt outcrop. There may be areas immediately adjacent to Whites Cove Road towards the bottom where there might be 4 – 5' of soil but much is virtually bare. He further noted that there were fish shacks there but as to a village, we have no evidence of that.

Mrs. Angrignon replied that the area is too exposed.

Mr. Graham asked if the land would have been divided or one parcel.
Mr. Buxton replied there is evidence of parcels, possibly farms (sheep) on those areas.
It was asked if these were separately parceled lands back then.
Mr. Buxton believes there were and a review of the map shows a parcel by the old gravel pit.
Mr. Graham noted from the deeds they had viewed people didn't have little parcels here or there, they had 200-acre lots.
Mr. Buxton agreed that these were long strips that would have gone from the road to the shore; they were Loyalist strips of land.
Mrs. Angignon asked where is the top of the mountain.
Mr. Buxton referred to the map and indicated this for her and the various strips.
Mr. Buxton asked if anyone had heard of a village or dwellings in that area.
Mr. Theriault (?) replied he had been there when he was 10 years old (55 years ago) and there was nothing there at that time.
Mrs. Carty noted that her father-in-law who is 92 years has stated that no one actually lived there.
Mr. Buxton asked where is the story of the village coming from.
It was noted the wharf is being built and that a 600' ship will be tied there. It was asked how will this be maintained with north west gales half of the winter. How are you going to build a solid structure?
Mr. Buxton replied that there are concerns about this and that they hope to have the ship come in, load very quickly and leave. He noted the ship will not be there for 3 – 5 days.
It was asked if it is blowing a gale he won't come in.
Mr. Buxton replied he won't come in and if there is a very bad weather forecast he won't even leave New Jersey. He noted that the weather forecasts are sufficiently accurate to predict sailings. He further noted that they would need one week of clear sailing to come up, load and return.
It was asked if they will stock pile until the weather is good to come in.
Mr. Buxton replied yes. He noted that the details of the dolphins are not completely established, a rough cost and design has been done based on 7-meter waves. It may need to be designed for 9 meters. He further noted that wave energy studies are expensive and that it is not just the reach across the Bay of Fundy that must be considered but also the reach across the Atlantic where swells can magnify and reach across the Bay of Fundy. They may need to revise the design for this; they may need larger pipe piles than estimated now. In terms of increasing the cost it may increase it by 10%.
Mr. Buxton replied that his understanding is that captains of ocean going vessels are experienced mariners and they don't come in unless it is safe. If the ship is not completely loaded and the captain gets a bad forecast or the waves come up they will leave with ½ a load.
Ms. Nesbitt noted that if the peak production will occur in the summer we don't have those kinds of conditions very often in the summer.
Mr. Buxton replied this is true to some extent, but he noted that land in NY and NJ is very expensive and you cannot stockpile rock there. Within limits there will need to be a fairly regular supply of rock throughout the year. During bad weather the production of concrete goes down so demand will decrease but once spring arrives the demand will increase so it will be necessary to have a stockpile ready and be alert on getting ships in position to ship at that time.
Ms. Harnish asked if there is any word on when the test blast will take place.

Mr. Buxton replied the Proponent is not interested in doing it at this time of year, as the environmental controls cannot be put into place with high snow levels. It will probably take place in the spring, as there is no urgency at this time. He noted that the CLC will be invited to attend the blast.

Mr. Buxton noted the new faces at the meeting and asked if there were any new questions.

Ms. Nesbitt asked if there were any questions.

It was asked if all of the adjoining landowners are against the quarry.

Mr. Buxton replied that he can't answer that but he would guess the majority are opposed to it. He noted that some have made it clear that they are opposed and some have attended meetings and asked questions. He further noted one of their principle concerns is water supply and quality.

Mr. Buxton noted that at the last meeting the hydro geologist had attended and presented their findings. He noted that essentially they see no problem with the issue of quality of water, as the water in the quarry will always flow from an east-west direction. Since the wells are on the east side there is no water from the quarry site that will get over to Little River Road. In terms of quantity, there may be 19 wells we ought to be concerned about but at this stage it is unsure whether they are drilled, dug, spring or shared wells and there would only be a concern if it were a drilled well. Dug wells into the glacial till would not be affected by blasting. What is needed to do is to do a pre-blast survey of those wells providing people will permit so that we can find out the quality and quantity of water they are presently drawing. We will drill monitoring wells higher on the mountain so we can monitor over a long period of time and see whether we are drawing the water down on the east side of the water shed. If it goes down then ultimately in 10 years time there could be a problem and we can do something about it by deepening wells, drilling new wells, etc. In terms of distance away, 1 km, Little River or other communities it is not believed that there will be an effect on water quantity or quality. The average quantity of a drilled well in that area is about 8 gallons per minute and an average household requires ½ gallon per minute. If it dropped from 8 to 7 you wouldn't notice the difference. A problem would be noticed if you dropped to ½ per minute or below. Because there will be monitoring wells we will know in advance if there is a problem and because of the pre-blast survey having been done it will be very clear that the operation of the quarry caused the problems with the wells and we will have total liability and we will have to drill new wells which we are prepared to do.

Mr. Buxton noted that water was one of the principal concerns of people that had attended the meetings and if you look at it on a question of scale a drilled well is \$5 – 8000 depending on how deep and if 10 wells were affected over 40 years, that is \$80,000. Our investment would be \$25 – 30 million. A well can be drilled in 2 days.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted that apart from Mr. and Mrs. Graham whether there was anyone here from the tourism business as this was another concern raised. He noted that it has been stated that the quarry will “devastate the tourism industry on Digby Neck and the Islands”. If anyone has any commentary on that he would be pleased to hear it recognizing that you can't see the quarry from Highway #217 so if you drive down you would never know it was there.

Mrs. Angrignon replied that the quarry might become an attraction.

Mr. Graham noted that they paid \$5 to go look at an abandoned mine out west.

Mrs. Carty noted that a news article printed in the United States from a couple that had visited Digby and they talked about the sign they encountered on Hwy #217 calling the quarry ground zero and it was noted that they were highly insulted by the sign.

Mrs. Angrignon asked if ground zero is a definition of ongoing construction.

Mr. Buxton replied it originates from Hiroshima and refers to the calculations of damage, injury and death associated with the dropping of an atomic bomb so it has become associated with the center of impact of a disaster, hence the Twin Towers was given the same designation.

Ms. Nesbitt replied she had also heard comments in her store.

Mrs. Carty asked if the sign is still up.

It was noted that Mark Dittrick received permission to paint the signs in Digby referring to bomb loads.

Mr. Buxton urged people to ask questions at these meetings with respect to any information they hear. He noted that the Proponent is trying to put out accurate information and that a newsletter will be distributed with accurate information that can be checked either through the Provincial, Federal government or other sources. He noted that it is easy for people to make loose statements but the Proponent cannot and it has been difficult to defend and take a position before the necessary studies have been done.

With respect to the sign at Digby it was noted that 55,000 lb blasts had been suggested where 7 – 10,000 lb will be typical.

It was noted that their number was a bit off.

Mrs. Carty asked if the newsletter will be going out to everyone in the general area.

Mr. Buxton replied it will go to everyone on Digby Neck but if she has advice on whether it should go to the Weymouth side then we would be happy to hear it.

Ms. Harnish noted that she had heard opposition to the quarry from Weymouth.

It was asked if the minutes were posted to the Municipal website.

Mr. Buxton replied that the approved minutes are posted there.

Mrs. Carty wondered whether the opposition will read the minutes or the newsletter. She noted the trash she gets in her mailbox from the opposition. She noted that the lies they tell and the stories are so foolish, are they going to listen to the truth.

Ms. VanTassel replied that is why people come to the meetings to hear everybody, to decide for themselves.

It was noted that the problem is that people that are not coming to the meetings and are writing that stuff on the walls don't know the facts.

It was noted that they are not backing their information up.

Mrs. Angrignon asked if she will receive a copy of the newsletter because she receives her mail in a mailbox in Digby.

Mr. Buxton replied that the newsletter will go into the mailboxes in Digby.

Mr. Ivens noted that the biggest fear he has heard is you can't let a company come in here because you can't trust them. An American company is even worse and he asks what part can't you trust but it is just said you can't trust big business.

It was noted that perhaps they are not using enough of the government's money.

Mr. Buxton replied that big businesses have had a lot to answer for in recent years. Corporate accounting problems and other issues and there is something in that and he would counter this by saying that the buyer of this material, the company with the most major interest is a family owned business, there are no shareholders, the business was established 50 plus years ago and they have a very high reputation, which is easy to determine for yourself.

Ms. Nesbitt replied that she had called the EPA and obtained information on Clayton Concrete. She discovered that they make 400 types of products and have won many awards. She noted that their company website is very interesting with a great deal of information.

Mr. Buxton noted that anyone can check it out themselves and he noted that the information may be considered tainted if he puts it forward.

Ms. Harnish asked what is the website address.

It was noted that a search for Clayton Concrete would provide that for her.

It was asked did they get much hassle with regards to shipping and the Right Whales.

Mr. Buxton replied that this is a significant issue.

It was noted that they are changing the shipping lanes.

Mr. Buxton replied that he is aware that the document had been signed but that this does not affect the Proponent because the shipping lanes shift after you pass Whites Cove. He noted that the lane change will probably not affect the Proponent and that the ship will come in the same way. He referred to the statement that there will be a reduction of ship/whale impact and believes this may be so, it may help. He further noted that the number of ships they would operate in a year would be approximately 40 –50 ships and this is a small percentage of the total ships in the Bay of Fundy. He noted if you add major vessels to fishing boat and ferry traffic over a period of time, a plot is totally covered with ship movements according to the satellite charts. We need to be cognizant of that fact.

Mr. Buxton noted that with respect to blasting, there will be observers onshore with high-powered glasses to make sure that there are no seal, whale, or dolphin within a wide zone before any blasting goes off.

It was noted that the seals in the Bay will probably come right up onshore.

Mr. Buxton replied that one of the concerns received from DFO is what if anything are you going to do with the seal colony at Whale Cove which is approximately 3 miles away. They are not sure how to answer that question because the vibration rate from a 100-pound blast at 1120 meters would be less than 1-meter per second vibration rate. At 3 miles away it would be zero. He further noted that the Proponent will have to address those questions for DFO in addition to marine mammals specifically and pelagic fish and also whether blasting affects the lobster ½ mile out. The issue of noise with respect to marine mammals has been raised and will have to be addressed.

Mr. Buxton noted that it is said that whales can be upset by noise but the literature is obscure because whales emit sounds in excess of 180 dBA, enough to severely damage human eardrums. How do we address that if we are emitting 50 – 65 dBA?

It was asked if this would only be on site not 3 – 4 miles out where a whale would be, not underwater.

Mr. Buxton replied that is correct, but it is going to be an issue. He noted that people have asked the committee will the noise affect the herring. I.e. when a ship comes in and when you first start loading the rock it is dropped into an empty hold, the noise will be transmitted through the water is that noise going to disturb the herring.

It was asked if they would be loading at night.

Mr. Buxton replied they could be loading the ship at night.

It was noted that herring only come in during the night.

Mr. Buxton noted that this is the sort of issue that the Proponent will have to address under the CEA and for some of these issues there is little or nothing in the literature in order to answer these sorts of questions.

Mr. Buxton noted that it has been asked does blast vibration or noise affect clams.

Mr. Ivens noted that some people are concerned about this.

Mr. Buxton replied it may be a legitimate question but how do we establish that. With lobsters they may need to maintain a lobster cage and examine them periodically and make sure that there are no effects from our activities onshore. A cage of pelagic fish could be kept as well in order to monitor the effects over a period of time. He further noted that because there is no literature these are the kinds of things that the Proponent may have to do.

It was asked how much noise there is while driving a weir on the bottom of the Bay.

Mr. Buxton noted that the office in Digby is open, has accessible parking and that anyone is welcome to drop in and ask questions. If he is not available questions may be left with Ms. MacAlpine. He noted if there is a specific item anyone would like discussed at the meetings it would be better to advise ahead of time and the information on any topic, acceptable to the Chair and the Committee can be presented. He further noted the CLC is not a cheering society for the quarry and there may be members who do not support the quarry but they are a group who have indicated they are prepared to get accurate information out to the public, to get questions from the public and have them answered. People can come to the meetings and are encouraged to do so. If a question is asked the answers will be provided.

Ms. MacAlpine noted that there are job applications available at the office.

Mr. Buxton noted that the question had been asked about whether the quarry could be staffed from the local area and he advised that they are taking applications now although it will be a considerable time before this gets going.

Ms. Nesbitt asked if there were any other questions.

Mr. Treleaven asked when the Environmental Study is done what types of risk assessment technology will you be using and presenting.

Mr. Buxton replied different ones for different elements of the assessment. He noted that you can't establish one for the whole thing because the level of certainty is different from each investigation.

Mr. Treleaven asked if you have a level of certainty for each element then you have a combined risk assessment.

Mr. Buxton replied with each aspect we will make an assessment whether there is a positive, negative, or neutral effect. For example, esthetics, because you can't see it from Hwy #217 then the effect is neutral because you can't see it, it has no effect. But from the Bay of Fundy the effect is negative because you can see a quarry. You look at the duration of the effect, is it a short, medium, or long term effect. You look at the scope, is it a local, regional, national or international effect so that each one of the elements will be defined in that way. Each element will be dealt with that way and if there is a negative impact how do we mitigate that. In the short term we can't mitigate the esthetics but in the long term it can be mitigated because we have to rehabilitate it.

Mr. Treleaven noted that he was more concerned towards the risk element. For example, lobsters coming to shore and what is the risk of that happening. If it does happen what will you do to mitigate that.

Mr. Buxton replied that we will be asked questions on which there is no information available worldwide and we have already been asked those questions. How do we deal with those? Certainly by a comprehensive worldwide literature search to see if there is an effect. If there is no literature and there is no evidence anywhere in the world that that has ever been a problem or that there has ever been damage then in our view the risk is low. It could be the case that we might carry out a monitoring operation of some kind to put that issue to rest. These are some of the issues, the questions that have been asked and this leads into how far does the level of concern go.

Mr. Treleaven realizes that these are judgment calls and recognizes the difficulty of this.

Mr. Buxton replied that you will be able to see the results of the study, the impacts, the level of mitigation that is required and the risk of these things happening. He noted that there is a lot of information available regarding blasting and blasting underwater which was done by the Canadian and US Navy in connection with trials for their armaments and there is a vast

amount of information available from when the major offshore oil platforms were constructed off Newfoundland as there was blasting on land and in the water. Mr. Treleaven asked what is the probability of ballast water polluting and what happens if it does.

Mr. Buxton replied that that is one of the issues they will be dealing with.

Mr. Treleaven replied that he is hoping that this issue will be dealt with.

Mr. Buxton replied that Mr. Treleaven will probably find that the CEA process is a far-reaching process, they don't miss much and it will have to be very thorough in order for it to get through the process. He noted that if people have particular issues they can bring them to the meetings and we will share the feedback.

Ms. Nesbitt asked if there were any other questions.

Ms. Nesbitt asked when the newsletter will be sent out.

Mr. Buxton replied that the newsletter had gone to the printer today so it should be sent out Monday or Tuesday of next week. The newsletter will be a series of newsletters with information and facts called the Whites Cove Newsletter and the first one will advise who is the Proponent, telephone numbers, CLC members, what the project is, the level of permitting. There will be perhaps 6 – 7 newsletters dealing with issues and relaying accurate information.

Ms. MacAlpine noted the first letter is an introduction fact sheet.

Mr. Buxton replied it introduces the project.

It was asked if they will be available at the Municipal office.

Mr. Buxton replied it will be mailed to mail boxes on the Neck and Digby and possibly Weymouth.

Ms. MacAlpine noted it will be available in the Digby office.

Mr. Buxton noted copies will be forwarded to the Chair.

Ms. Nesbitt asked if Mr. Buxton would provide a copy of the preliminary terminal design to the CLC.

Mr. Buxton replied that the CLC members can view it but because it is a preliminary drawing he is reluctant to distribute it. He noted the intent is to trigger a CEA. He noted other preliminary information that has been submitted and has been attacked but if CLC members wish to look at it copies will be available in the office because it is an unfinished design.

Ms. Nesbitt asked if there were any other questions.

Meeting adjourned at 8:50 pm.

Next meeting date is January 30th, 2003 at 7:00 pm at Rossway Community Center.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. January 30th, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chair
Mr. John Ivens, CLC Member
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mrs. Marian Angrignon
Mr. George Gavel
Mr. Harvey Peters
Mr. Roy Stubbs
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Mark Jeffrey, CLC Member, Mr. Brian Cullen, CLC Member, and Mr. David Graham, CLC Member

Ms. Nesbitt noted that the minutes of January 9, 2003 would require review and she asked if there were any other comments or concerns regarding these minutes. She noted that these minutes will be approved at the next committee meeting in order to allow for any changes. Amendment 1 - page 8. It was noted that FDA should read "EPA."

Ms. Nesbitt noted that any changes could be forwarded to Ms. Sanford.

Ms. Nesbitt noted that she had no comments at this time. She noted that there are some rumours circulating and that Mr. Buxton could possibly address them over the course of the evening.

Ms. Nesbitt asked Mr. Buxton where things stand, how they are progressing.

Mr. Buxton replied that there has not been a great deal of change from the last meeting. He noted that a project description, which defines the project from both the Federal and Provincial perspective, has been drafted and will likely be submitted on January 31, 2003. He further noted that the procedure from this submission is that the Federal officials mostly through DFO, their Environmental Assessment Branch but also from Environment Canada and various other agencies, Provincial government through Environment & Labour and Natural Resources and any other interested agency between them will draft a scoping document, which will set out all of the areas which they think need to be covered in an Environmental Assessment process under a joint submission. The Proponent believes that a lot of this work is done and that by the time the scoping document is received that 90% of this will be completed. The scoping document can then be used as a checklist and it will be reviewed to ensure that all the ground is covered for the various elements. A draft (joint submission) will probably be filed and the Proponent will then wait for comments from the

Federal and Provincial government and all of the other agencies. The Proponent will then file a final submission and the review by the Federal/Provincial agencies may take 4 – 5 months before the necessary approvals are issued.

Mr. Buxton noted that he had advised the committee at the previous meeting that it would be later in the year before the permits were in place and by this time it would be too late in the year to begin construction. He noted that when these permits are in place the Proponent would need to do a detailed design of the marine terminal which will entail two months work and the contractors will also need to be lined up for an early start in 2004.

Mr. Buxton noted that this is the timing as seen at this point.

Mr. Ivens referred to where the boat would dock and asked if this structure is called dolphins.

Mr. Buxton replied yes they are dolphins.

Mr. Ivens asked if this structure had to be built before the quarry.

Mr. Buxton replied at the same time.

Mr. Ivens asked if this was not an unordinary type of structure.

Mr. Buxton replied that there is a structure in Sydney, which is on or adjacent to the Sysco Property, and it is virtually identical to the proposed design. He noted that that structure has three dolphins and a large loader used for loading coal and was built about 9 years ago. He further noted that there are others in Newfoundland and that there is one, which is virtually identical in British Columbia with a quadrant loader.

Mr. Ivens noted that he was curious about this and that he wondered if this was not something that would need to be studied for a year to see if it would work or not.

Mr. Buxton replied no. He noted that the advantage with steel piles and pile caps is that it is not a solid structure so less of the seafloor is disturbed and it also enables the currents to flow through. He further noted that a big blocking wall would not be put out into the water that would prevent flow along the shore, the water flows through the piles.

Mr. Ivens noted that he had seen wharfs blown apart by the waves coming up from underneath, from the hydraulic pressure.

Mr. Buxton noted that the preliminary drawings are based on 36" steel piles which would be angled leading into the waves with a pile cap on top. He noted that there will be a big concrete pile cap possibly 50' x 50' and the smaller ones perhaps 35' x 35' and a mooring buoy on each side. He further noted that with a quadrant loader the ship does not need to move along the wharf in order to be loaded, it would come in, tie up and stay in one place. The loader swings and loads each of the holds.

Mr. Peters asked if this would be similar to Hantsport.

Mr. Buxton replied yes but the Hantsport one has two conveyors, which load 8 – 9000 tons per hour. He noted that the Proponent does not need to do this in Whites Cove as they are not as restricted by the tides as they are in Hantsport.

Mr. Buxton noted that they would probably load 5000 tons per hour.

Mr. Peters asked Mr. Buxton if he knows if Mark Lowe has anything to do with this quarry.

Mr. Buxton replied that Mr. Lowe is an entrepreneur, a local Nova Scotian, who introduced this area, this piece of land to other people who formed Nova Stone. He noted that he is unaware of what his interest is but it may be a residual interest.

Mr. Buxton noted that in order for a project of this magnitude to work you need a very secure market, as the total capital costs will approach \$30 million. He noted that the Municipality, the Provincial and Federal governments have not been approached and will not be approached for funding either in tax deferrals or capital funding.

Mr. Peters asked where the money is coming from.

Mr. Buxton replied that he would continue with his answer. He noted that in order for anyone to put up money of this magnitude you have to have a great certainty of the market and that one of the participants is the largest producer of concrete in New Jersey, Clayton Concrete. Mr. Buxton noted that Clayton Concrete requires 2 million tons of crushed rock per year for their own operations. He noted that the approximately \$30 million will come from Clayton Concrete.

Mr. Buxton asked the question does Mr. Peters think that any local entrepreneur has \$30 million to spend on this facility.

Mr. Peters replied he does not believe so.

Mr. Buxton noted that an individual entrepreneur can earn finders fees, royalties or can be bought out. He noted that entrepreneurs wildcat most mines, quarries or oil wells with no money, that they find a source of rock, ore and oil and they stake it. He further noted they then try to find a major company to develop it and they may sell their interest in it or take a royalty.

Mr. Buxton suggested that local people who are involved are of that sort as this is a very large capital intensive project.

Mr. Buxton noted that this project needs a company that has vertically integrated their operation and that is what Clayton Concrete is doing. He noted they produce the concrete, they have sand and run their own sand pits but they do not have what they consider a secure source of good quality rock, which they can control, and they want to do this.

Mr. Peters asked what about the noise level when they crush the rock 24 hours per day.

Mr. Buxton replied that it has not been stated they would be crushing rock 24 hours per day.

Mr. Peters asked about what about 12 hours per day.

Mr. Buxton replied that they will possibly crush from 6:00 am until 10:00 pm and that there are sound levels, which cannot be exceeded stipulated in the terms and conditions of the quarry permit. He noted that during daylight hours the noise level at the property line cannot exceed 65 dBA and in the evening they cannot exceed 60 dBA.

Mr. Peters stated that he lived 4 ½ miles from a quarry and that he could hear the crushing from that quarry.

Mr. Buxton replied that regardless of the noise that one has heard the stipulations are clear and if they are exceeded the Proponent is in violation of the permit. He noted that the property line is probably 500 meters from the nearest house and all of the operation will be on the west side of the mountain which will provide sound attenuation. He further noted that you lose approximately 1 dBA per 30 meters due to ground vegetation, which acts as a sound attenuator.

Mr. Buxton noted that the noise levels will be monitored and if the noise levels are exceeded and not mitigated the operation will be shut down. He noted that it is not a loud intrusive noise and it will be controlled. He further noted that the permit limits it and it will be measured by the Proponent and by the NSDOEL.

Mr. Buxton noted that if the NSDOEL asks the Proponent to they will have to measure the sound levels at other locations as well the property lines. He noted that it is all stated in the permit that the Proponent is required to do this.

Mr. Stubbs noted that he is not for or against the quarry and that Ms. MacAlpine had invited him to attend the meeting as he is trying to understand what this is. He noted that from what he has read of the newsletter it looks really prosperous for the area.

Mr. Stubbs asked if this operation goes into effect and it works for 50 years what happens to where the water was.

Mr. Buxton asked if Mr. Stubbs was asking about the marine terminal.

Mr. Stubbs replied the water and where the rock has been taken out, what happens to the water at that point in time. He asked is it just going to be left.

Mr. Buxton asked if he meant the land itself.

Mr. Stubbs replied yes, is it going to be cleaned up.

Mr. Buxton quoted from the permit that is already in place and will undoubtedly extend into the larger permit. He noted that there is a permit issued for a 4 HA site and that even before a proper and complete rehabilitation plan is in place the Proponent is required to give either in the form of cash or bond \$6250.00 per hectare (\$25,000). The Proponent gave a certified cheque in the amount of \$25,000 to the Provincial government. He further noted that within one year of the issuance of the permit (April 30, 2002) the Proponent must provide a fully detailed rehabilitation plan of the 4 HA site. The government will assess this plan and advise of any modifications needed and they will determine a dollar amount required to complete the rehabilitation. The Proponent will pay any additional funds required by cash or bond to cover that amount. If in 30 – 50 years the quarry terminates either the Proponent does the work as set out in the plan or the government has the cash in hand and will hire someone to do it.

Mr. Buxton noted that the same thing would happen with the extended quarry, which might cover over time 80 – 90 acres. The government will again look at a rehabilitation plan and determine the cost of the rehabilitation of the site and the Proponent will pay the money up front.

Mr. Buxton noted that it has been pointed out by Ms. Nesbitt and others that there have been cases in the past where companies were required under their permit to rehabilitate the site when they gave up their permit or abandoned the operation but the government didn't get cash up front and when the company pulled out there was no money to rehabilitate and the taxpayer was left holding the bag. He noted that now the full cost of the rehabilitation has to be put up in cash or bond, which the government holds. The Proponent has a choice: they can either rehabilitate or the government will do so with the money paid by the Proponent.

Mr. Stubbs replied that he doesn't personally trust the government and that he would like the company to make a commitment to clean up when they leave.

Mr. Buxton replied that the Proponent is obligated to do that.

Mr. Stubbs noted that the government puts the money into one big pot and they don't share it properly.

Mr. Buxton noted that the question was asked does the money go into a segregated trust along with other funds for the Black Bull Mine and the Marble Quarry, etc. He noted that someone from the government such as the MLA might be able to answer that question. He further noted that the taxpayer is not theoretically on the hook because the cost of the rehabilitation has been paid to the Province before the work is done.

Mr. Stubbs noted that he had heard that this operation may go all the way to Morden and he asked if that is true.

Mr. Buxton replied that this was an issue that was raised at the last meeting and he noted that it had been said locally "what is to stop people from opening quarries all the way up the Neck to East Ferry and down to Blomidon." He noted that if you are talking about a 4 HA quarry where the permitting process is a fairly simple process that may cost \$5 – 10,000 to get a 4 HA quarry permitted, theoretically this could happen. He further noted that if there were 50 quarries between East Ferry and Blomidon the question to ask is "where will they sell the rock," as there is no demand in the local market that cannot already be filled from existing quarries in the area.

Mr. Buxton noted that if you are talking about a larger operation such as this operation you would have to look at the certainty of markets in order to spend \$30,000,000 in capital funding.

Mr. Buxton noted that the advantage of a quarry on the North Mountain is that it is basalt rock, which is a very hard trap rock that is good for concrete, and it is a very good paving rock because it maintains its sharp edges longer than granite does. He noted that it does have a down side in that its specific gravity is higher than the specific gravity of granite. There is a 3 – 4% disadvantage in using basalt over granite because it is heavier and you are selling it by the cubic yard but it is a desirable rock.

Mr. Buxton noted that there are dozens of other places in Nova Scotia and perhaps hundreds in the Maritimes where there is a good supply of rock.

Mr. Buxton noted that the issue was raised at another meeting and people said why don't the Americans quarry in their own country. It has been said that the environmental rules and regulations are so stringent in the US that it is impossible to open a quarry so they have to come to Canada to quarry rock. He noted that this is not the reality and that there is probably more rock in the New York state than the Maritimes put together.

Mr. Buxton noted that the problem is moving aggregate and the cost associated with moving it. He noted that to move an aggregate in the US is perhaps \$0.15 a ton-mile. Assuming that a quarry is in Poughkepssee and you sell rock in New York City 80 miles up river it would cost about \$12 per ton to move it by road and with bridge tolls it could be \$15 per ton. He further noted that that rock can be shipped from Nova Scotia for \$4 per ton and that is why there is interest in rock from Newfoundland, Quebec, New Brunswick and Nova Scotia.

Mr. Buxton noted that at the present time there is rock being shipped from Nova Scotia, New Brunswick, and Newfoundland but not PEI because PEI imports rock. He noted that there is a constant movement of rock by ship at the present time.

Mr. Stubbs asked is that Port Hawksbury where there is crushed rock.

Mr. Buxton replied yes, Auld's Cove ships rock as far down as the Carolinas.

Mr. Stubbs asked if they would develop this site like Port Hawksbury.

Mr. Buxton replied that is a good question. He noted that comments had been made that a quarry in Whites Cove would destroy the tourism industry on Digby Neck but one of the reasons that this site is desirable is that it cannot be seen from Hwy #217. He further noted that there will be no trucks on the road apart from a flush of employee traffic arriving at the quarry site in the morning. He further noted that Auld's Cove has been operating for many years and the face of the quarry is right there, you can see it, the coal yards are there, the ships are there and you cannot go to Cape Breton without seeing it. Mr. Buxton noted that he has never heard that anybody has said that Auld's Cove detracts from the tourism industry in the province of Nova Scotia or Cape Breton.

Mr. Buxton noted that unless you rent a boat to go out into the Bay of Fundy you will not see the quarry. He noted the Proponent has stipulated that on this site they will continuously rehabilitate. The Proponent will not wait until the end to do this.

Ms. Harnish asked how long has it been quarried at Auld's Cove.

Mr. Buxton replied since the mid – 50's.

Mr. Stubbs noted that he had moved to the area recently and that he has visited on a yearly basis for some years. He noted that the area has not been developing other than people move here but the area is lacking a way of recovering from fishing and other things that they have been deprived of in his opinion.

Mr. Gavel noted that he has lived here all his life and all there has ever been is the fishing and now that's gone. He noted that they kicked out the elastic and the tire company out of Digby and every time they try to get something started they kick it out.

Ms. Nesbitt noted that Mr. Stubbs's point is well taken. She noted that a diversified economy is a strong economy.

Mr. Stubbs agreed with Ms. Nesbitt but he has heard a lot against the quarry and he is not taking sides, he is trying to understand why they are against it and why people don't really want industry here. He noted that Annapolis has had various opportunity to grow and they don't capitalize on it.

Mr. Peters noted the government are the biggest crooks.

Mr. Stubbs noted that they won't clean it up.

Mr. Peter noted a news article on government officials.

Ms. Nesbitt noted that we not here to debate government, we are here to discuss the quarry.

Ms. Harnish referred to the minutes of the meeting from when the environment representative attended and he stated that the funds would be segregated funds.

Ms. Nesbitt agreed that she believed that Mr. Petrie did state this.

Mr. Ivens noted that in the long run if you look at this quarry and it creates 31 jobs over 40 years this could possibly mean 60 mortgages, 60 houses.

Mr. Stubbs replied that people could say it might be reducing other mortgages.

Mr. Stubbs noted that areas should join and support each other; this is what makes a community grow.

Mr. Peters asked what ship will haul the rock, who owns the ship.

Mr. Buxton replied that he cannot say precisely who but they have spoken with Canadian Steamship Lines, they do have the type of ship that is required.

Mr. Peters asked is it a Canadian flag ship with Canadian crews.

Mr. Buxton replied yes, they are a Canadian registered ship. He noted that a typical vessel would be somewhat like the CSL Spirit which is a Panamax size vessel, 625' and can carry 55,000 ton but they won't load it to that capacity because it can't get into the New York or New Jersey harbours.

Mr. Peters noted that he had heard Paul Martin owns this ship.

Mr. Buxton replied that this has been said and he noted that at one time Mr. Martin was chairman of the Canadian Steamship Lines. He noted that he may own shares, which are held in trust.

Mr. Peters noted that for gypsum they had a signed contract that they would not hire anyone but Canadian crews but 25 years ago through crooked deals this was signed away and they didn't have to hire Canadians. He noted that this kind of thing should never have been allowed.

Mr. Buxton replied that he is not familiar enough with shipping laws to comment on this. He noted that there is an act in the US that prevents ships with foreign crews traveling from port to port in the US. He further noted that the best we can do is hire a Canadian Company to do the job.

Mr. Peters asked what are the crews on them, are they mostly Canadians.

Mr. Ivens replied they are mostly Canadians.

Mr. Peters noted that this would be more jobs in Canada.

Mr. Buxton replied that he can't say what the make up of the crews are.

Mr. Ivens replied that we are looking at too big of a picture.

Mr. Stubbs asked if the ships are double hulled.

Mr. Buxton replied yes.

Mr. Stubbs asked what happens if the ship sinks, does the ore go back into the ocean, is it harmful to the environment.

Mr. Ivens replied that there would be no toxic chemicals in the rocks.

Ms. Nesbitt noted that in terms of ship travel in the Bay of Fundy this represents a very small portion. She noted that there are now 600 ships arriving in Saint John, 100 ships to Hantsport and approximately 1000 ferry crossings. She further noted that the Proponent is talking about 40 – 50 ships per year with revised shipping lanes and that this represents a very small portion.

Ms. Nesbitt noted that as far as the cargo, rock being hazardous, it's probably one of the least offensive. She noted that the other would have to do with ship design.

Mr. Peters asked what about the whales getting in the way, is that too bad?

Ms. Nesbitt noted that this is a small percentage of the traffic and they are changing the shipping lanes to accommodate the whales.

Ms. Harnish noted that she had received a telephone call from a gentleman who asked her about the quarry at the causeway and he was told that when they are loading the ship that this creates a lot of dust. She noted that the committee had discussed in the earlier meetings that the stone will be washed but she did not think we had discussed the stone being put into the ship or if this would create a dust problem.

Mr. Buxton replied very little because it is washed.

Mr. Ivens asked if it wouldn't be dropping far enough to break as it dropped.

Mr. Peters asked if it will be crushed and washed at same time.

Mr. Buxton replied that if a ship was loading in very dry weather with a good wind blowing there may be some dust flowing from it but probably very little of it would get in the water because it would probably drop on the ship itself and drift into another hold. He noted that these things are controllable in a small operation. A spray bar can be installed over the conveyor and the loading tunnel.

Mr. Stubbs asked the committee members and guests who is for the quarry and who is against it.

Mr. Ivens stated that he wasn't for it in the beginning but everything he has heard about the company, he sees pluses for the community.

Mr. Peters asked where Mr. Ivens is from.

Mr. Ivens replied he is from the Tiverton.

Ms. Nesbitt noted that she does not understand why fishing, tourism, forestry and the quarry operation can't co-exist, she can't see any reason for it not to. She noted that she thinks this is good employment.

Mr. Stubbs replied that they have the fishing and they don't want to give it up.

Ms. Nesbitt replied from what we have heard she doesn't believe anyone will have to give anything up.

Mr. Stubbs replied that is what they think.

Ms. Nesbitt agreed.

Mr. Gavel replied that a lot of people who have signs up don't even know what the quarry is.

Mr. Stubbs noted that he can't understand why are they not here to argue the point.

Mr. Ivens replied then they would be informed.

Mrs. Angrignon noted that 2 of the strongest opponents are going to have a cottage at the quarry site according to an article in the Chronicle Herald January 28, 2003.

Ms. Harnish noted that a lot of people think that the committee is for the quarry and they won't come to the meetings.

Mr. Ivens noted a gentleman that grows blueberries doesn't want the quarry because he doesn't want dust on his blueberries.

Ms. Nesbitt noted that when you talk to people that live where there is a quarry they don't seem to report those kind of negative experiences. She noted that they seem to talk about what it has brought to the community, the employment and stability in the area. She further noted that most of the people that were approached to sit on the committee didn't have an opinion in the beginning because all they had heard were rumours. They chose to find out for themselves and to develop their own opinions.

Ms. Nesbitt noted that there are people on the committee that are undecided or not in favor of it but everyone has their own view point and we come here to get information and our purpose is to bring it back to the community.

Mr. Buxton noted that Clayton Concrete has contributed significantly to NJ communities.

Ms. Harnish noted that Mr. Wall had stated they had been known to donate a percentage of the sale of their products for recreational opportunities.

Ms. Nesbitt noted Michelin and that we should think long and hard before we turn away the next opportunity.

Mr. Stubbs replied that some businesses are rejected because of noise or the environment but the wages go up and the area goes up and they don't want it to go up.

Ms. Nesbitt asked how many unsolicited job applications had been received.

Ms. MacAlpine replied 28.

Mr. Stubbs noted that he has heard a lot of pluses, a lot of positive things.

Ms. Angrignon provided a copy of the news article from the Chronicle Herald of January 28, 2003 "Cottage builders opposed to quarry project".

Ms. Nesbitt asked how does the acquisition of that property affect the quarry.

Ms. Harnish provided the map of the quarry site and the property location was indicated to the committee and guests.

Discussion of the 50 x 50 lot took place here.

Mr. Buxton noted that the approximate location of the 50' x 50' parcel of land is shown on the drawing and the owner of the property had tried to purchase it but were unsuccessful. Two local people have acquired a warranty deed to the property and they have applied for a permit to put a holding tank on the property and they have received a permission from the NSDOEL to do so.

Mr. Buxton noted that there are no grounds for the NSDOEL to refuse to grant permission for a holding tank on the property.

It was asked what about the size of the lot.

Mr. Buxton replied that the size of the lot and the fact that there is no access to the lot and a pump out truck cannot get to the lot may prevent a building permit being issued.

Mr. Ivens asked about the current status.

Mr. Buxton replied that all he can say is that the owners of the property have applied for a permit to install a holding tank and he was advised by the NSDOEL that a permit has been issued.

Ms. Nesbitt noted that her understanding of the rules in this province is that a holding tank permit can be issued in the interim before it is permanent.

Mr. Buxton replied no.

Mr. Peters asked how big is the land.

Mr. Buxton replied 50' x 50'.

Mr. Gavel asked what would the holding tank be for.

Mr. Buxton replied that he believes it to be for sewage and that they have made application for a building permit to build a cottage on the property. He noted that as of today there has been no building permit issued.

Ms. Nesbitt asked how is access gained.

Mr. Buxton replied there is no access to the property.

Mr. Ivens noted they would have to airlift the holding tank and he asked if they have water.

Mr. Buxton replied that they do not have water and they would have to travel about 100' onto the quarry property to get to it. He noted that there are questions of 911 access to the property, inaccessible road, and no electricity.

Mrs. Angrignon asked if the old provincial road goes that far.

Mr. Buxton replied there is a gap between the end of Whites Cove Road and the property.

Mr. Peters asked wasn't there buildings or a village in Whites Cove at one time.

Mr. Buxton replied there is no evidence of a village in Whites Cove.

Mr. Peters asked if there was in the 1800's.

Mr. Buxton replied there is no evidence.

Mr. Peters asked what about the laundry shown in the picture.

It was noted that this was not laundry but buoys.

Ms. Nesbitt noted that it was presented as clothing hanging on a clothesline.

Mr. Peters asked about burials in Whites Cove.

Ms. Nesbitt replied they have not found any evidence of burials. She noted that a lot of that area has already been quarried and if there were any burials they would no longer be there.

Ms. Nesbitt noted that if there was nothing further to add the meeting would be adjourned.

Mr. Buxton noted if the next meeting could be delayed until the end of February the scoping document might be available from the Federal/Provincial partnership.

Mr. Buxton noted that if anyone has any questions they are welcome to stop in at the Digby office and ask their questions.

Ms. Harnish noted that it had been mentioned to her that the telephone number on the newsletter should be a committee member and not the quarry office.

Mr. Buxton will make note of this for the next newsletter.

Ms. Nesbitt asked if there were any other questions.

Meeting adjourned at 9:05 pm.

Next meeting date is March 12th, 2003 at 7:00 pm at Rossway Community Center.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. March 12, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chair
Mr. John Ivens, CLC Member
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mr. Mark Jeffrey, CLC Member
Mr. David Graham, CLC Member
Mrs. Marian Angrignon
Mr. George Gavel
Mr. Harvey Peters
Mrs. Linda Graham
Mr. Danny Mills
Mickey Cranidge
Mr. Ross Morrell
Mrs. Wanda VanTassell
Mr. Calvin VanTassell
Mr. Lloyd Haynes
Mrs. Dorothy Haynes
Mr. Eugene Stanton
Mr. Brian Cunningham
Ms. Marilyn Stanton
Mr. Gene Wilkins
Ms. Hilda Graham
Ms. Joy Ryan
Mr. Robert Petrie, NSDOEL
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Brian Cullen, CLC Member

Ms. Nesbitt welcomed Mr. Robert Petrie to the meeting and noted that he is here to answer any questions in regards to the proposed development at Whites Cove.

Ms. Nesbitt noted that the minutes of January 30, 2003 would be reviewed at a later time so that committee members who would be arriving late could participate in the approval of the minutes.

Ms. Nesbitt asked if anyone had any questions of Mr. Petrie.

Mr. Petrie noted that there were a lot of new faces and he requested that the committee members identify themselves for his benefit.

Ms. Nesbitt noted that questions had been brought to her attention in regards to the development with respect to a piece of property that had been purchased by local residents. She noted that Ms. Harnish had questions concerning legal land size and permitting. She also noted many questions had been asked regarding the holding tank permit that had been issued. Mr. Petrie noted that in early 2003 NSDOEL received an application from two local people to install a holding tank on a small parcel at Whites Cove. He noted that it was an interesting development for everyone involved and NSDOEL looked at it very carefully in that it is an interesting scenario because of the setting of this parcel and due to the small size.

Mr. Petrie noted to put it in context with on-site sewage regulations, holding tanks can only be used in very specific circumstances. He noted that they are basically a last resort and that NSDOEL does receive applications from people who want to install them. He further noted they are rejected if they are able to put a conventional treatment system on the property. He noted that holding tanks are a last resort, which is stated in the regulations for under sized lots.

Mr. Petrie noted that NSDOEL is obligated to treat any party fairly regardless of whether the application is for a holding tank or a quarry. Applications are reviewed and considered based on the information given and the technical criteria. He noted that the application is evaluated on this.

Mr. Petrie noted that the holding tank application met the technical requirements and was issued an approval. He noted that under normal circumstances this is the first step in getting a building permit. He further noted that for an application like that the NSDOEL does not dig deeply as to whether they have access rights to the property, the question of where the road begins and ends, or whether this property is isolated within a large property or whether or not it can be accessed by Whites Cove Road. When NSDOEL reviews an on-site sewage application they are not there to arbitrate the other factors, if sewage can be safely handled, disposed of according to the technical guidelines then the application is approved.

Mr. Peters asked is a holding tank a septic tank.

Mr. Petrie replied it is basically a septic tank with no outlet that has to be pumped out when it gets full. He noted they are equipped with high level alarms and the owner has to sign a contract with a licensed pumper so that NSDOEL has some assurance that it is going to be pumped out.

It was asked how do you get an application for a holding tank.

Mr. Petrie replied they are available from any NSDOEL office or from some municipal offices.

It was asked if this piece of land butts up against the quarry property.

Mr. Petrie replied that his understanding is that it is adjacent to the land if not within the land.

Mr. Peters asked if the holding tank is for the quarry.

Mr. Petrie replied no.

It was noted that the piece of property owned is 50' x 50' and is apparently within the Whites Cove property. They have applied for a permit to put a holding tank on that property.

It was asked if the property owners intend to build a cottage.

It was stated it is unsure of the property owner's intent.

It was asked if you have a 50' x 50' piece of land with a holding tank on it can you put a building there. It was further asked doesn't the land have to be a certain size and can you get a building permit for that small piece of land with the septic tank on it.

Mr. Petrie noted that it would be better to ask a building inspector that question as they look at a number of things including access, road and driveway connections, emergency service when granting permits.

It was asked if they would put the tank in first then build a house.

Mr. Petrie replied that would be up to the property owners.

It was noted that maybe this could be for recreational use such as a camper.

Ms. MacAlpine asked how does the tank get emptied.

Mr. Petrie replied that normally a pumper truck empties a holding tank.

Ms. MacAlpine asked how does a pumper truck get into an area where there is no access.

Mr. Petrie replied that is the responsibility of the landowner and if the pumping truck can't get down to it the conditions of the holding tank approval are not met and the approval becomes null and void. The approval is contingent upon whether the holding tank can be pumped out.

Mr. Graham asked how do you get in there to put the tank in.

Mr. Petrie replied that the NSDOEL does not investigate whether the landowner has legal rights to the property. It is up to the landowner to ensure they have legal rights to get to the land. He noted that NSDOEL looks at the environmental aspects of the issue.

Mrs. Angrignon asked is the holding tank above or below ground.

Mr. Petrie replied they are normally below ground. He noted that if you have a small piece of land with a small cottage or campsite with a holding tank on it and there was no driveway, a problem with DOT and getting access to the land they are issues that have to be resolved and there are channels to resolve these issues. He further noted that NSDOEL keeps its review to the environmental issues; they do not do legal searches regarding the history of the property or any legal problems for access to the property.

It was noted by a guest that it is known why the holding tank is going to be put there.

Mr. Petrie replied NSDOEL couldn't look into people's motives; it's not their job.

It was noted that this never took place until it was known that a quarry would be put there.

It was asked why the quarry didn't purchase the land.

Mr. Buxton replied that the landowner would not sell the land to them.

It was noted that presumably that landowner would have the same motivation as the people that purchased the land.

Mr. Buxton replied that it is uncertain of how the parcel arrived there or where precisely the parcel is. He noted that it is a floating parcel shown as a 50' x 50' lot.

It was noted that if it can't be found out where the lot this is a strange state of affairs in 2002 as there should be ways to find out from deeds.

Mr. Buxton replied that many of the old deeds particularly on the Neck are described as a piece of property bounded by Jane Doe, etc and if you don't know where that property is you don't know where this piece is. He noted that it is shown on deeds as a 50' x 50' parcel but it is not determined precisely where it is. Their offers to purchase it were refused and it was sold to another party.

Ms. Nesbitt asked if there is no certainty of where this parcel of land is how could NSDOEL issue a permit.

Mr. Petrie replied they received the application accompanied by a legal description. He noted that any permit that is issued by NSDOEL is contingent on the fact that you have the legal right to do what you are asking to do on that property. He further noted that NSDOEL does ask for a minimum submission of documentation to verify the rights of ownership of the parcel. However, they do not investigate the history of the deed and the property because it would take months to process the applications.

Mr. Petrie noted that in order not to be trespassing or breaking some other point of civil law when you go to develop your property it is incumbent upon the landowner to know it is their property.

Mrs. Angrignon asked if the purchasers had their own surveyors because it would have to be surveyed to purchase it.

Mr. Petrie replied only when you subdivide, when you create a new piece of property.

Mr. Buxton replied to a question asked and he noted that the minimum size of the lot is determined by the separation distances that are required for the installation of a holding tank. He noted there is a downstream distance that is nine meters and it can't be within three meters of the property line. There is a distance between the cottage footings and a septic/holding tank and for cottages within the Municipality of Digby there is a separation distance between the property line and the building. He noted that if those requirements are satisfied even if you end up with a 6' wide building you satisfy the NSDOEL but the building inspector is another issue.

Ms. Nesbitt asked assuming that a building permit can be granted on this piece of land what would the steps be for the NSDOEL with respect to any future development for the quarry.

Mr. Petrie replied that in the past there have been some instances where a separation distance would be required for a facility whether it is a quarry or not and after the quarry has been established a structure has been put up within the zone. There have been cases where the quarry is still permitted to proceed because the development wasn't there when the quarry was permitted. He noted that with this situation and when it occurred a fair bit of checking was done. He further noted that with respect to encroachment, for lack of a better word, NSDOEL had never seen anything of this degree. They had seen people want to build near the boundary of a quarry but not within the quarry area.

Mr. Petrie noted they will have to deal with it but they are not at that point yet. He noted that the guidelines discuss whether a structural dwelling exists and there is none at the moment but if and when that happens it will be addressed.

It was asked if this property is within the 4 HA quarry or the 380 acres.

Mr. Buxton replied it is not within the 4 HA quarry.

It was asked if the four corners were stabilized.

Mr. Buxton replied of the 4 HA quarry, yes.

It was asked if it was within that area.

Mr. Buxton replied it is not within that area.

It was asked if NSDOEL has an application for a larger quarry.

Mr. Petrie replied no, legally they are still dealing with the context of a smaller quarry.

It was asked if this property is outside the quarry.

Mr. Petrie replied yes it is outside the boundary of the quarry; it is within what we call the 800-meter zone. Typically dwelling owners within 800 meters have to give consent before a permit is issued to develop a quarry but in this case the quarry permit was issued before there was any thought of a dwelling being there.

Mr. Graham asked if Mr. Petrie is saying a dwelling could be put on a 50' x 50' piece of land.

Mr. Petrie replied that there are some very practical problems associated with that but it could be structure of some sort. Whether a dwelling is built there or not is something that a local building inspector will have to deal with.

Mr. Ivens noted that he felt the biggest problems would be with hydro and water. If you have a holding tank you have alarms on it so you have to have hydro coming in to it.

Mr. Petrie replied the holding tank and sewage approval is one fraction of what you need to achieve in order to develop or build on a parcel of land. He noted that people find innovative ways of achieving things and NSDOEL does not look at an application and say it is a loony

idea but engineering wise it could be done. He further noted that if it can be done safely to meet the technical guidelines they issue the approval.

Mrs. Angrignon asked if they require a blasting permit before they dig a hole to put the tank in.

Mr. Petrie replied no, not from the NSDOEL. He noted that any blasting has to be done by trained, qualified people and it has to be done safely but from an environmental point of view blasting only requires permission from NSDOEL when it is done as part of a quarry. There is nothing in their regulations that say you need a permit for blasting; the regulations state you need a permit for a quarry. He further noted that there are techniques for blasting safely such as for a sewer line in front of someone's house.

Mr. Ivens noted that they would just need a licensed contractor.

Mr. Buxton asked if they would not have to comply with the DFO guidelines for blasting in or near fish habitat.

Mr. Petrie replied to his knowledge he does not see how they would be exempted from that DFO guideline but DFO could answer that for certain. He noted that he is not aware of whether those guidelines make any distinction between the purpose of the blasting.

Ms. Nesbitt asked if there were any other questions for Mr. Petrie.

It was asked how big is the holding tank.

Mr. Petrie replied 600 or 1000 gallons.

Mr. Buxton noted it would be a minimum of 1000 gallons under the guidelines.

Mr. Petrie noted it is surprising how quickly they fill up and that many people see holding tanks as a solution to their problems but that is not the case.

Mrs. Angrignon asked if they have to have a water supply could they have it on a 50' x 50' lot.

Mr. Buxton replied that you couldn't have a water supply/tank on the property because you would be contravening the NSDOEL regulations with respect to the separation between a septic system and a well.

It was noted that this is not a septic system.

Mr. Buxton replied that it is.

It was noted that it is not the same that it is not emptying.

Mr. Buxton replied it is a septic system and the closest it can be is 15.2 meters (50') between a drilled well and a septic tank. He noted it is clear that you can't put a well on the property.

It was noted that it is a matter of bringing in water.

It was asked if there is a deed to this property and if it is a quitclaim deed.

Mr. Buxton replied there is a warranted deed.

Ms. Harnish asked has it been serviced.

Ms. Nesbitt asked have they pinpointed the location.

Ms. Harnish replied not that she is aware of.

Mr. Peters noted that most deeds state for example 5 acres more or less and asked if it would go along that piece of land more or less.

Mr. Petrie replied more or less doesn't hurt when you are talking about 5 acres but that is not the case with 50'.

Mr. Peters asked could they go farther than the 50' if their deed states more or less.

Mr. Petrie replied that would be a question for a real estate lawyer.

Ms. Harnish replied or a surveyor.

Mr. Petrie noted if one adjacent landowner felt that the other adjacent landowner was trespassing or they weren't on what was legally theirs then that may be challenged by one of the parties.

Ms. Harnish asked if there had been a building permit issued.

Mr. Buxton replied no and that the issue is what is a cottage or house. He noted that the blasting separation or setback requirements in the permit refer to a structure but further defines them i.e.; school, church, or a municipal sewage works, that might be effected by blasting. He noted that cottage is specified. He further noted that it is really a question of whether a cottage can be built on that lot and no one is disputing that one can put up a 6' x 6' shed but is that a cottage and if it's not a cottage then it doesn't affect the blasting on the site. It is a matter for the building inspector to determine whether that constitutes a cottage under the National Building Code as all buildings in Digby County have to be constructed in accordance with this code. A dwelling has to have certain features in order for it to be a dwelling. Otherwise, it is a shed of some sort.

It was asked if it was just a shed would that affect the blasting rights of the quarry.

Mr. Buxton replied we do not believe that to be the case.

Ms. Nesbitt asked if there were any other questions or any other issues concerning the NSDOEL.

It was asked if NSDOEL is responsible for just land, not land and sea.

Mr. Petrie replied they have jurisdiction in the Province of Nova Scotia and look after land-based sources of pollution.

Questions were put forward in writing with regards to the water table. *See Appendix 1-March 12, 2003 Water Table Questions.*

Ms. Nesbitt asked Mr. Buxton if he would like to respond to these questions.

Mr. Buxton replied the written questions would be taken under advisement and there will be written answers. He noted that from his recollection of the November 21, 2002 meeting and the copy of the hydro-geological report it was not clearly defined as to how quickly the divide would move to the east. It was stated in that report that monitoring wells would be drilled on the east side of the divide to regularly determine precisely where the water table is and how it is being affected by operations on the other side. He further noted that it is not the blasting that will change the water table but the rock being removed will change the location of the divide and the water table on the east side.

Mr. Buxton noted that predictions could be made but the reality is that monitoring tests wells will be the only way to determine what in fact happens 20 – 40 years down the road. He noted that he will deal with that specific question and get a specific answer. He further noted they will have monitoring wells and NSDOEL would have concerns if water tables are being dramatically affected. He noted it is quite typical for well capacity to increase in basalt after blasting and there are a number of examples of this in the Province of Nova Scotia.

Ms. Nesbitt noted that it has been Mr. Buxton's policy if he receives a question in writing that he will respond to it in written form.

Mr. Buxton asked the questioner if this was acceptable.

The questioner replied this was fine.

Ms. Nesbitt noted that Mr. Buxton attended the February 13th Board of Trade meeting and the committee had been asked if he would explain some of the figures used in an article written by Mr. Mullen in the Digby Courier and the minutes of the Board of Trade meeting. She asked if he could explain how these figures were determined with respect to the tax base increase.

Mr. Buxton replied this is one of the dangers of responding to a question as it was put forward at the Board of Trade meeting. He noted that he was specifically asked to comment on what may be the financial benefits of a quarry to the area before completing a socio-economic study. In terms of tax base everyone hopes their tax assessment will be as low as possible and anyone is able to appeal their assessment.

Mr. Buxton noted that what they have said is that they believe that the capital cost of this development will be in the range of \$25 – 35 million but the actual costs cannot be determined until they have quotes from contractors. He noted that assets that become a part of the property itself, assets that cannot be moved off of the property, become assessable and taxable. He further noted that the value of the conveyor tunnels, development work, environmental systems, ship loader, dolphins and mooring buoys, etc. may be estimated to be \$25 million plus.

Mr. Buxton noted that the Province of Nova Scotia does the assessments not the Municipality. He noted that if someone spent \$25 million in capital assessable value on that site and it were assessed at \$25 million, the Municipal tax rates for commercial properties per \$100 can be assessed and if it is \$1.50 you can calculate a total tax bill from this.

Mr. Buxton noted that this is where the process stands and it cannot be determined further until the project is built and the Provincial assessors come in and give an assessment notice. At that point the tax bill will be known. Whatever is assessed put, as capital investment at the present tax rate in the Municipality will define the taxes that could accrue to the Municipality and they are substantial.

Mr. Buxton noted this is the danger of being asked that question two years in advance. The Province of Nova Scotia, which will assess it subject to an appeal, will answer that question and secondly by the Municipality which sets the commercial tax rates. He noted whatever the rate it will be a very substantial amount of money and if the quarry is in operation for forty years it will be very substantial percentage of the commercial taxes raised in the Municipality of Digby.

Ms. Nesbitt noted that in the article it stated there is no guarantee the 31 jobs will go to local people and she asked Mr. Buxton to reconfirm that the Proponent is still committed to hiring people locally.

Mr. Buxton replied absolutely and in fact they have approximately 40 applications. He noted they will need for at least a couple of years a very experienced quarry manager who will be brought in to set up the entire operation and run it for at least a year and at the same time training someone to take over that position. He further noted that if there is someone local that they think has the capacity to operate the entire project then they will be trained to do so.

Ms. Nesbitt noted in an article written by Jeff Sunderland in the Digby Courier it quoted that the wages of this quarry would be slightly less than at other quarries.

Mr. Buxton replied that is correct.

Ms. Nesbitt replied that she is not in agreement with this and she believes that if they are hiring people they should be hired at the same rate.

Mr. Buxton replied that is Nova Scotia and he noted that Statistics Canada uses national rates and if you compare rates in Nova Scotia with rates in British Columbia, Alberta or Ontario there is a very substantial difference. He further noted within the province of Nova Scotia they will be paid significantly higher. The rates will be 10 – 15% higher than at least one quarry in Nova Scotia he is aware of.

Ms. Nesbitt asked about the quote.

Mr. Buxton replied that it is out of context. He noted that they have to go with Stats Canada information and commenting without his notes of the meeting available he noted that the average rate with benefits/vacation, etc. will probably be \$19 per hour. It was noted that this is better than cutting fish or shocking scalloping.

Mr. Buxton noted this will range from perhaps a bookkeeper on site and laborers to carry out ongoing environmental work at \$12 – 14 per hour to an electrician at \$20 per hour. He noted the rates circulated previously are considered reasonable and they are in excess of another quarry in Nova Scotia. In British Columbia, a crusher operator is probably paid \$30 per hour. Ms. Nesbitt noted when those comments are made in the paper it their job to ask questions.

Mr. Buxton replied absolutely but the problem is everything tends to get taken out of context. It was asked if Mr. Buxton could define locally, is he talking Digby area or Nova Scotia.

Mr. Buxton replied we have said very clearly that we will hire in a radius based on Whites Cove and to the Islands and progressively out from that point. Local would include Digby, Barton, Brighton and perhaps Weymouth and if they can't get the experienced qualified people within that range then perhaps to Annapolis Royal, Bridgetown, Middleton, etc. He noted a geographic search of applications has not been done but they have received applications from Digby, Barton, and the Neck area and with the exception of one they can staff the quarry locally, which might perhaps mean as far as Annapolis Royal and Weymouth. His definition of a local is someone who has a house here but may be working away in New Brunswick or Ontario.

It was asked if there will be any unionized jobs.

Mr. Buxton replied the Proponent will not start a union.

Mr. Peters asked about job guarantee, could it be seasonal.

Mr. Buxton replied that if the quarry was operating now it would have been shut down in mid-January because of the weather but there would be a maintenance period of 2 – 3 weeks. He noted that you cannot run equipment in –30-degree weather because it would destroy the equipment. He further noted that this is a very poor winter and this is unpredictable.

Mr. Buxton noted that he had said previously that the client requires 2 million tons of rock per year and that requires crushing for at least 10 months of the year.

It was asked if it will be in operation 24 hours.

Mr. Buxton replied no, there will be no night shift. He noted this material is destined to go primarily into concrete. He further noted that the cold spell has gone as far as New York and New Jersey and when there is a cold spell construction activity drops so the demand for concrete drops in those areas.

Mr. Buxton noted land in New York and New Jersey is expensive/valuable and you cannot put a stockpile on it because the cost is prohibitive. He noted the rock has to come off the ship and be moved out of the port area very quickly and that is why there is this requirement for a continuous flow of aggregate material. He further noted it is not a question of whether they can shut down for July, August and September. The whole purpose of opening a quarry here is for security of supply to a concrete supplier that already uses 2 million tons of crushed aggregate per year. We're not searching for markets; the market is already there and 100% of the crushed rock will be bought from the day it is produced.

It was asked if Mr. Buxton would be willing to guarantee that there would never be a night shift.

Mr. Buxton noted that Mr. Petrie could address that issue because he will write the permit.

Mr. Petrie replied if a larger project is registered it has to go through the environmental assessment process one of the things that would be looked at is hours of operation,

disturbance and noise and if it needed to be restrictive those types of restrictions are possible. This will be based on the assessment and what comes out of that.

Mr. Buxton noted that there are different decibel levels, which one can operate at during different periods. They are 65 dBA in full daytime operation, 60 dBA in evening operation and 55 dBA at night as measured at the property line. For example, 55 dBA at the property line would be his voice level at about 1-½ feet away from a person. He noted from where quarrying operations will take place the nearest house is at least 3 – 400 meters over the mountain.

Mr. Peters asked if crushing hard rock and using the conveyor is very noisy.

Mr. Buxton replied the levels are set and they will be monitored by NSDOEL.

Mr. Peters noted that his friend lives 11 miles away from where the crushers are set up with 24 hour crushing in Manitoba, he could hear the crushing and stated that he would not want to live as close as 4 miles.

Mr. Buxton replied that he can't say what 11 miles means in that instance but the limits are set by the NSDOEL, they will require monitoring at the property line and they can simply advise them that monitoring at other points is required. The limits set under the permit are limits and if we don't adhere to them they have the authority to shut the operation down. He noted that there seems to be a theory if you get a permit and there is a set of regulations, then everybody goes away and Mr. Petrie, the NSDOEL doesn't come around again. They will respond to a complaint.

It was asked if Mr. Petrie is the person to call if there are problems with it because her sister who is two miles from a quarry up the Neck last summer during blasting they could hear it and her home was being shaken. She asked if this is a bit much.

Mr. Buxton replied that there are different levels for blasting and that you will hear a blast lasting 1/10th of a second. He noted a concussion level of 128 dBA at the property line cannot be exceeded and a blast will be heard in Little River and Mink Cove perhaps every two weeks. He further noted that they are discussing the continuous operating noise of the quarry, the crushers, ship loaders and machinery noise.

Mr. Petrie replied the answer to her question is yes, if the quarry is too noisy and they were consistently going over the limits she would call the NSDOEL and they would check it out and if the monitoring of the numbers back up the complaint then the quarry would have to fix it or it would have to stop operating.

It was asked if that would be the same for the dust.

Mr. Petrie replied noise, dust and ground vibrations are regulated under a NSDOEL permit so you would call NSDOEL to follow up on this.

It was asked how far away should a person feel the a vibration of things shaken in your house.

Mr. Petrie replied what they would have to do is put a seismograph in the ground at the nearest structure and monitor when that blast goes off. He noted that before they blast the blaster designs the facing, the amount of explosive and sets up the blast so they will not exceed the vibration limits. He further noted that if they do exceed it that will trigger an investigation by NSDOEL and they could be charged or shut down.

It was noted that NSDOEL must have received a lot of calls.

Mr. Petrie asked if that was from the summer before.

It was answered yes.

Mr. Petrie replied yes.

Mr. Buxton noted that this is the difference that members of the committee and people who have come regularly to the meetings have picked up on. He noted that there is a huge

difference when blasting adjacent to fisheries habitat. He noted for example if you are in the middle of Nova Scotia and there are no cottages or habitations within 5 miles with a big rock face you might use 1000 pounds of blasting powder per delay and shoot off 2 – 300 delays at a time to get 50,000 tons of rock. He further noted when you start to deal with the guidelines for blasting adjacent to fisheries habitat or spawning habitat the level that we think will meet the criteria of DFO is less than 100 pounds per delay. That would be about for 175 meters from fish habitat where the first blast is targeted and the distance will increase with each blast. This is about 1/10th of a typical quarry load because we are adjacent to fisheries water. The scientists that designed the first blast believe that the vibration from this blast will be about 100th of the limit which is permitted in that permit and when a test blast goes off there will be seismographs situated and they will tell exactly what it is in those areas.

It was noted that there are different types of blasting and it was asked will this blasting just shatter the bedrock and that it is not blasting that will blow everything up.

Mr. Buxton replied if you look at the DFO regulations they are concerned about fly rock in case it gets in the water and we can't let the fly rock get into the water. He noted that it will probably go up 30 – 40 feet. He further noted that blasting is a very technical science and if it is done badly you end up with 70 – 80 ton boulders that you can't work with. Dynonobel, a large international blasting company has been hired to perform the blasting. They have labs and make their own explosives and they have designed the blasts for us.

Ms. Nesbitt asked if there were any other questions.

It was noted that they intend to quarry for possibly 40 years and asked how can they do it in that small area and will they get bigger.

Mr. Buxton replied that the parcel of land is 380 acres.

It was asked if those 380 acres will last for 40 years.

Mr. Buxton replied yes there is a lot of rock. He noted the question had been asked what is to stop this company or other companies from opening quarries up and down the Neck. He further noted that for a 4 HA quarry the amount of rock from this would be small and a Proponent could never afford to build a marine terminal. From this you may get 50,000 tons per year that would have to be sold locally and there are quarries operating now that are satisfying that market because the internal demand in Nova Scotia is very small. He noted that rock is a very low cost commodity until you put it on a truck and because of trucking costs it becomes a high cost commodity, which would create the need to identify a market within a 25-mile radius. If you are talking about a 100 HA quarry producing 2 million tons per year you need to ask where the market is. There is a market in South Carolina or Florida but you would need someone with a direct interest that needs to import 2 million tons of rock and has \$30 million cash.

Mr. Buxton posed the question can there be 10 quarries? He noted that you would need to ask where is the rock going to be sold. He noted that the company that is buying this rock is the biggest supplier of concrete in New Jersey and they require 2 million tons per year. He further noted that there is a high demand in New York and there are a lot of quarries there. He noted that some rock is shipped to New York from New Brunswick, Auld's Cove and Newfoundland. He noted that there may be a demand for one other quarry somewhere but there will not be 15 – 25 quarries of basalt up the Neck or on the North Mountain because there is no market for it.

Mr. Buxton noted that when the rock lands in the United States it becomes very expensive to truck it. He noted that it has been said that the only reason the rock is being shipped from Nova Scotia to New York is because the environmental laws in United States are so strict

they can't open a quarry. He further noted that this is not true as there are lots of quarries in the United States.

It was asked if this rock is not what they want.

Mr. Buxton replied yes it is, it is good rock, and there is no problem with the rock. He noted the problem is that in the US trucking is at \$0.15 per ton-mile. So to truck it for 50 miles is \$7.50. He further noted that it can be shipped from Nova Scotia for \$3.50. It is a matter of economics.

A guest noted that an offer had been made to purchase her property and she was wondering if they were planning to come all the way up the Neck with the quarry.

Mr. Buxton replied in order to operate a quarry of this size (400-500 acres), it would need to be very close to water and to open a quarry at that site would be \$30 million and they better have a market for the rock.

It was asked is it maybe just speculation.

Mr. Buxton replied water front land could be subdivided for cottages for the European, United States and Western Canadian markets. He noted that Ms. Harnish would be able to answer that.

Ms. Harnish noted that a gentleman from New York had inquired about waterfront land for the purpose of investment.

Mr. Peters asked what shape is the quarry going to be in when they leave.

Mr. Buxton replied that the Proponent is required under the permit to propose a preliminary rehabilitation plan for the site and must pay a fee of \$6250.00 per acres (\$25,000) in cash, certified cheque or bond to the Minister, to the Provincial government. He noted that fee has been paid and within one year of the issuance of the 4 HA permit (April 30, 2003) the Proponent is required to submit a more detailed rehabilitation plan to be assessed by the Province of Nova Scotia. The Proponent would be required to pay any additional money based on their assessment for the 4 HA permit. He further noted that for the larger permit he presumes that the same thing will happen. The Proponent will be required to produce a detailed rehabilitation plan with an attached price tag and the funds will be required up front so that when they leave the Province of Nova Scotia has the funds available to rehabilitate the site if the Proponent does not. This is to prevent what has happened in the past when it was stated a company would rehabilitate the site and for whatever reason it was not rehabilitated and the taxpayer was left to pay the bill.

Mr. Petrie noted the amount of money the Proponent has to pay to the Province is higher than what it would actually cost to rehabilitate the disturbed area. This is an incentive to rehabilitate the area as they move along to the next. He noted that it is normal to rehabilitate progressively.

Mr. Buxton noted that the Proponent has made a commitment and will make the statement that they will progressively rehabilitate in order to create a minimum amount of open area at any one time because although it is not visible from Hwy #217 it is visible from the water.

Mr. Ivens asked if the rehabilitation has to be done to the Province's standards not the company's standards.

Mr. Buxton replied that is correct.

Mr. Petrie replied the Proponent will forward a proposal for rehabilitation and NSDOEL will review it and determine whether it is acceptable or requires any changes.

Mr. Buxton noted that this and other parcels of land are viewed in short terms but 30 – 40 years from now major developers will consider this piece of land to be extremely valuable because it will be rehabilitated to encourage high quality waterfront type development. He noted as an example the dredged sandpits in New Jersey while in operation are an eyesore

but once completed they become valuable parcels of land because they have sand beaches, deep water, and natural lakes and are being sold as very upscale waterfront developments with small lots selling for \$200,000. He further noted that there is some economic virtue in making this an attractive piece of land because although 380 acres of waterfront is a valuable proposition now, in 40 years it will be an extremely valuable proposition. This company will not walk away from 380 acres of a prime waterfront property.

It was asked how much has to be built for the marine terminal and do the boats work parallel to the land.

Mr. Buxton replied yes.

It was asked if there would be armour rock type of fill.

Mr. Buxton replied no, it would be pipe piles, possibly 36", and 3 piles per dolphin with 3 dolphins.

It was asked what is a dolphin.

Mr. Buxton replied it is a big concrete cap on top of pipe piles that the boat will come up against and there will be 2 mooring buoys. In addition there will be a series of pipe pile legs coming into shore that the conveyor system will go out on. The ship will come in; tie up and the quadrant loader will revolve and fill the holds of the ship. It will load approximately 5000 ton per hour and leave in about 8 hours.

It was asked if the lobster would be staying in that area or would they tend to move.

Mr. Buxton replied the immediate area is not a lobster ground. He noted that this information was discussed at an earlier meeting. He further noted that as you go out from the shoreline there is an inter-tidal zone with boulders, rockweed, periwinkles and crabs, etc. Once you pass the inter-tidal zone it is bare rock out to beyond where the marine terminal will be and over to the south there is a small area of boulders and to the west there is sand build up as shown by side-scan sonar.

Mr. Ivens noted that for lobster it also has to do with the time of year and the water table.

It was asked how long will the terminal be.

Mr. Buxton replied there is nothing going out from the land except the pylons, which will take the ship loader. It will be three discreet dolphins set out into the water because DFO doesn't like the inshore environment to be markedly changed and if you put a solid causeway and a 'T' that would change all the currents in the area. This might change where the currents will go which is why they will be using a pipe pile system so that the currents flow amongst the pipe piles.

It was stated it had been stated they would be putting a 700' wharf there.

Mr. Buxton replied that the drawings had been viewed at previous meetings and there is no intention of putting a wharf there. The ships have a large draft and in order to construct a wharf with that kind of draft and the tidal range in the area, it would need to be a monstrous structure.

It was asked how many piers there would be.

Mr. Buxton replied there will be 3, possibly one large 50' x 50' center and two smaller 25' x 30', similar to the structure in Cape Breton.

It was noted that the operation at the Causeway in Cape Breton has not bothered anything there.

Mr. Buxton replied it is believed to be the case.

Mr. Ivens replied there isn't any problem there.

Mrs. Graham asked when the preliminary drawings of what the quarry site will look like when it is rehabilitated are available. Will they be published.

Mr. Buxton replied it will be published when the final application goes in. It will likely be a joint application, Federal and Provincial, it will go up on the website and there will be access to the drawings and text of the submission. The drawings have been digitized and prior to that submission the CLC can meet and review the drawings for the proposed submission.

Ms. Nesbitt asked if there were any other questions.

It was asked if the company is prepared to compensate any small businesses in the area such as dulse gatherers for any loss of livelihood.

Mr. Buxton replied dulse could possibly be affected by contaminating the water over a long period of time for example by crusher dust pluming into the water. This might effect periwinkles, clams, crabs, seaweed, dulse, etc. There is however, a requirement for the Proponent to monitor the water as it comes out of the septic pond once a week. The results go to the NSDOEL for scrutiny and contamination of the water will not be permitted. He noted that Wanda VanTassell called and asked about access to periwinkles over what is essentially private land he replied the Proponent would be pleased to build an access for people using the beach to gather periwinkles, dulse, etc. He further noted that there would have to be discussion with the Proponent as to precisely where the access goes because the Proponent intends to have conservations zones along that coastal area for the rare plants that were found in the area and that are currently being damaged. Between those zones the Proponent will build an access for periwinkle harvesting. For dulse we can't give access because boats are used to come in to pick the dulse.

Wanda noted that she had asked about ATV's and that Mr. Buxton had stated there would be restrictions on ATV's and she noted that she herself and others make their living along that area and up towards Digby and Smiths Cove.

Mr. Buxton replied there will be a restriction on unrestricted ATV access because it would be dangerous and areas have now been identified for preservation but as long as people stay to the trails we will build a road to the beach they will not go into any of the conservation zones and damage the rare plants. The Proponent is prepared to meet with these people with maps and design a trail to the beach off the road or we will build a road to get to the beach.

Wanda asked if he is talking about one section of the beach because they make different stops as they follow the coastline around. Does that mean you will build a road to the beach and they can't go beyond that point.

Mr. Buxton replied no, you can go along the beach line as long as you stay on the trail on the property because of the preservation zones. He noted once they set up zones and advise NSDOEL that there is a rare plant and it requires protection we have to protect it from other people as well.

It was asked are you willing to put in a road with a trail along it.

Mr. Buxton replied that there will be a road to the beach whether it is the Whites Cove Road or a newly built road to get you down to the beach at points where you traditionally periwinkle or harvest dulse. He noted that they may not be able to go where they have gone before because of the rare plant preservation areas but there are gaps and they will be able to go between the gaps.

It was asked how they will find out where these gaps, the plants are.

Mr. Buxton replied they will hold a meeting with the gatherers and pickers and show them where the preservation zones are and they can tell the Proponent where they harvest and the best compromise will be made to get them down to the beach wherever they need to go.

Mr. Peters asked about ballast water coming out of the ship.

Mr. Buxton noted this important issue had been raised previously and that the Coast Guard very closely regulates it. He noted they have regulations as to what you can do with this water and where you can do it.

Mr. Peters asked if they go up a river to discharge this cargo.

Mr. Buxton replied no, somewhere like Perth Amboy.

Mr. Peters noted his concern about the stuff that comes up with these ships.

Mr. Buxton replied the discharge of ballast water is regulated by the Coast Guard.

Mr. Jeffrey asked where do you discharge the ballast water.

Mr. Buxton replied most of the ballast water will be discharged on the spot as the vessel is loaded and some can be discharged further out. He noted that you can't discharge all of the ballast because the vessel would become unstable. He further noted that whenever it comes in empty it will be carrying ballast.

Mr. Peters noted that in Hantsport flounder can't be caught there now and it is claimed this is because of the dumping of ballast water.

Mr. Gavel replied that there is still a lot of flounder caught there.

Mr. Buxton replied it is essentially Gulf of Maine water, it's a double-hulled vessel and it is taken on as ballast, which is necessary for stability.

It was asked if it goes back into the ocean.

Mr. Buxton replied that is correct.

It was noted that it is deemed worthy of the Bay of Fundy and it is not contaminated water.

Mr. Buxton replied the Coast Guard regulates that. The issue of organisms has been raised and if the committee would like further discussion on that then it could be arranged that someone from Canada Coast attend a meeting so that questions could be asked.

Mr. Ivens noted that he had heard before you get to a certain area the ballast is purged when new ballast is taken on. He noted that maybe some of the boats coming into the Bay of Fundy they have to recycle the ballast.

Mr. Buxton replied that may be but it is highly regulated. He noted they will be shipping through a third party and that shipper will be required to comply with all of the regulations of the Canadian Coast Guard.

Mr. Jeffrey asked if some water would be taken on in New Jersey.

Mr. Buxton replied yes.

Mr. Jeffrey noted that is near Long Island Sound.

Mr. Buxton replied that much of the gravel will be discharged near Perth Amboy.

Mr. Jeffrey noted they have a bad lobster disease there and that this may be pumped into the Bay of Fundy.

Mr. Buxton replied that they could ask the Coast Guard how they deal with the gypsum boats as they are obviously dealing with that situation. He noted that the oil tankers coming into Saint John would also be loading crude and refined products in New York and New Jersey. He noted that this is obviously being dealt with.

Mr. Jeffrey noted that it is a concern.

Mr. Buxton replied that he is quite prepared to request that someone from the Coast Guard to attend a meeting to answer these types of questions.

Ms. Nesbitt replied that this would be an interesting idea.

It was noted that it doesn't have to be an organism that is a disease; it could be one that is perfectly fine in the environment it comes from but when it comes here and kills things that are very important to our waters. That is a problem.

It was noted that it is hoped that it is regulated better than in the Annapolis Basin when the turbines were delivered because of the clams that had been killed.

Ms. Nesbitt replied it would be a good thing to get the Coast Guard to come to a meeting.

Ms. Nesbitt asked if there were any other questions.

It was noted that a guest grew up in the area of a quarry and her house received cracks in the walls and foundation from the blasting and even though they were 1 mile away. She noted they could hear grinding until two sub-divisions were built which absorbed some of the noise, which was a major problem.

It was noted by another guest that it is hoped the quarry will go through, as they want their young people to have jobs and not have to move away to find work. He noted that we need the quarry.

Wanda VanTassell replied that is fine as long as it doesn't hurt other people.

Mr. Buxton replied that you can't do anything in a vacuum today but that is why we have regulations, the NSDOEL, the DFO to make sure that when you do one thing you don't damage something else.

It was that noted that even though her house was damaged sub-divisions were built presumably because it brought jobs there.

Her reply was that this was a local company, small quarry who worked with the people because they lived in the area but here you are talking about a huge company and from what she has read the second largest in the world who has no sense of our history.

It was asked are they not willing to work with this community.

Her reply is that you are talking about a quarry that is much, much larger.

Mr. Petrie noted to put it into perspective when something goes to the environmental process they are not just looking at the air or water quality. It is evaluated in broad terms and one of the key perspectives is can this industry occur without compromising the ability of the community around it to make their own living. He noted that you can't build a quarry or undertake any industry without changing something without having some kind of an impact. The key is to manage those impacts and make sure they are managed so as not to affect the ability to fish for lobster or to enjoy their home and the onus is on the company and if they can't do it that's it.

Mr. Buxton noted a correction for the record. The Clayton's are not the second biggest concrete company in the world but they are probably within the top 100. He noted that they are the largest concrete supplier in New Jersey.

Ms. Nesbitt asked if there were any other questions.

Meeting adjourned at 9:15 pm.

Next meeting date is April 9th, 2003 at 7:00 pm at Rossway Community Center.

RE: CLC Minutes of November 21, 02. On page 3, 2/3s down the page, "Mr. MacFarlane noted on the topographical map that the ground water divide is at the top of the mountain and all of the homes are on the other side of the ground water divide from the quarry." 8 lines further down the page after indicating that the quarry will cut across the ground water table MacFarlane states "Overall the water table will start to shift and this will cause the ground water divide to change in direction and move closer to the highway."

Questions for the next CLC meeting on the water table,

1. At the 11/21/02 meeting Mr. MacFarlane indicated that the water table divide will move "closer to the highway", how fast will this happen?
2. Is it likely to start with the first blast?
3. How close to 217 will the ground water divide move?
4. How many homes are likely to be affected by the ground water divide moving east?

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. April 9, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chair
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mr. David Graham, CLC Member
Mr. Brian Cullen, CLC Member
Mrs. Marian Angrignon
Mr. George Gavel
Ms. Genie Wilkins
Mrs. Linda Graham
Mr. Eugene Stanton
Ms. Marilyn Stanton
Mr. Keith Banks
Mr. Christopher Gavel
Ms. Melinda Gavel
Mr. Leroy Morrell
Mr. Terry Farnsworth
Mr. Stephen Morrell
Ms. Mary Scott
Ms. Danielle Marchand, CBC
Mr. John Wall, Quarry Manager
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. John Ivens, CLC Member; Mr. Mark Jeffrey

Ms. Nesbitt welcomed everyone to the meeting and noted that the first order of business would be to approve the minutes of January 30, 2003. She asked if there were any changes, additions or deletions required. The committee approved the minutes of January 30, 2003 as they had been presented. She also noted that the minutes of March 12, 2003 were presented for review and that they would be approved as presented.

Ms. Nesbitt asked Mr. Buxton if he could provide a progress report to the committee and guests.

Mr. Buxton noted that at the last meeting the committee had presented questions in regards to ballast water and it was suggested that someone from the Coast Guard attend a meeting and review regulations that are in place for ballast water. He noted that it is in fact not the Coast Guard who is responsible for control of ballast water but that it is Transport Canada – Marine Safety Division in Ottawa. He further noted that at the present time there are no Regulations

in place dealing with ballast water. However, there is a publication entitled Guidelines for the Control of Ballast Water Discharge From Ships to Waters Under Canadian Jurisdiction, which is dated September 1, 2000, amended June 8, 2001.

Mr. Buxton noted that Annex 5 – Ballast Water Procedures For Vessels Proceeding to Ports on the East Coast of Canada is an extremely brief report. He noted that Annex 5 of the guidelines is currently under discussion for review and the proposed revision is more extensive. This revision is dated January 9, 2003 and a copy was provided to the chair.

Mr. Buxton noted that anyone who is interested in this document may obtain a copy from the chair. It can also be viewed at <http://www.tc.gc.ca/MarineSafety/Tp/Tp13617/Tp13617e.htm>

Mr. Buxton noted that Transport Canada is making an effort to determine regulations however there are other organizations involved. The International Marine Organization, which was involved with the change to move the shipping lanes in the Bay of Fundy, is involved with this effort. He noted that he has been led to believe from the chairman of the committee Tom Morris that the first regulations will be for the Lakes and the Gulf of St. Lawrence followed by Eastern Canada. He further noted that with regards to Eastern Canada the IMO is very concerned with this revision and it is not known when these regulations will be put into place.

Mr. Buxton proceeded to read the current guidelines of June 8, 2001 (Annex 5). He noted that this document has been provided to the chair and will be available to the CLC members. (see minutes – April 9, 2003 Appendix 1.) He noted that the document does refer to the exchange of ballast water zones.

Mr. Buxton noted that written questions had been put forth at the previous meeting with respect to the water table and he noted that these questions had been answered with a written response and that copies of the answers were provided to the questioner and to the committee members.

Mr. Buxton noted that there had been a request for a copy of the documents that had been submitted with respect to the Navigatable Waters Protection Act and registered at the Registry Office in Weymouth. A copy of this document has been provided to the chair and the CLC members. He noted that the application describes the chart location of the project itself, shows the relationship to the parcel of land at Whites Cove/Whites Point where the marine terminal will be, and a plan and cross section of the facility, which is being designed. He further noted that the marine chart showing the location of Whites Point/Whites Cove in relationship to the Bay of Fundy and the shipping lanes is also included. These documents may be viewed from a committee member or at Wilson's-On-the-Neck, the Municipal Office or at the Global Quarry office in Digby.

Mr. Buxton noted that there was also a request from the chair for a copy of the project description. He noted that this is the document that was submitted to the Canadian Environment Assessment Agency on March 10, 2003 and it details the intent of the Proponent in respect to the quarry and the marine terminal. He noted that it describes the project structures, project activities, resource material requirements, site information, environmental features, land use, use of the waterway, and there are a number of drawings attached. He further noted that this project description has been accepted and a copy has been made available to the chair and to the CLC members. Anyone wishing to view it can do so from a committee member or at Wilson's-On-the-Neck, the Municipal Office or at the Global Quarry office in Digby.

Mr. Buxton noted that in terms of the Environmental Assessment process as a whole it will be a joint process between the Provincial & Federal governments. He noted that on March 31, 2003 the Federal and Provincial governments and their interested agencies met to discuss

the process by which the assessment will take place. He further noted that the Federal Government, Canadian Environmental Assessment Agency has sent out a coordination request to all interested agencies. i.e. Transport Canada, DFO, Environment Canada, Federal Dept. of Natural Resources, etc. These agencies will respond by April 10, 2003 and they will indicate whether or not they wish to be a responsible authority under the Environmental Assessment process.

Mr. Buxton noted that it appears that the main agencies that will be a part of the process will be NSDOEL, DFO and possibly Environment Canada. He noted that the Federal and Provincial governments will draft a Memorandum of Understanding between the two levels of government and this will set out the process and who will be responsible for the process. It will be signed by the Ministers making it an agreement between the Federal and Provincial governments on how the environmental process will be carried out.

Mr. Buxton noted that concurrent with the preparation of the Memorandum of Understanding the Federal and Provincial agencies will meet and produce a Scoping Document. The Scoping Document will set out the scope of the EA, which will need to be carried out. He noted that the Scoping Document will be made public and public input will be solicited. Any interested party will have 30 days to provide input. A final Scoping Document will be presented and it will set out all of the issues that will need to be covered under the EA process. The Proponent will thus have a checklist to ensure that all of the items have been covered. The Proponent will then prepare a Comprehensive Study Report, which will be presented to the lead agency.

Mr. Buxton noted that this is where the process stands at this point. He noted that it is the intent of the Proponent to commence opening of the 4 HA quarry next week in order to do some preparation work such as open the settling pond, drainage channels and environmental control structures will be put in place, the area of the rock where the first blast will take place will be cleared and readied for drilling and blasting.

Ms. Nesbitt noted that from what she has heard she would like for the committee to have explored further the issue of ballast water and she is at this time requesting that a marine biologist be invited to attend a future meeting. She noted that they must have information on how water circulates, how lobsters travel, and the possibility of contamination from bilge/water.

Ms. Nesbitt referred to an article that appeared in the Providence Sunday Journal dated February 16, 2003, which referred to the demise of the lobster fishery of Rhode Island, which was possibly due to bacterial infection. She paraphrased from the article, "the problem with the shell disease spreading to Rhode Island waters, a possible bacterial infection blackens and pits the shells of infected lobsters and that it has stricken as much as 30% of the lobsters in Rhode Island." She noted that at present the lobster fishery is the single most important industry to Digby Neck and the Islands and the committee has to explore this very forcefully to make sure that this problem does not occur here.

Mr. Buxton replied that he will attempt to have someone from DFO attend a meeting.

Mr. Buxton read further from the January 9, 2003 proposed amendments of the guidelines of Annex 5, Section 1.3 in regards to the invasion of non-indigenous species which may disturb marine entities, etc. Section 1.3 states "...that the procedures recommended in this annex are intended to protect the integrity in all waters in the Atlantic Canadian region. Several high-risk areas and activities have been identified by research conducted to date. The release of ballast water originating from the south-eastern United States..." He noted that there seems to be much more concern about the southeastern United States than the area in Penobscot

Bay or off of New York/New Jersey. He further noted that it has been recognized and a lot of work has been done on Annex V.

Ms. Nesbitt asked if the ships going to Hantsport and New Jersey are traveling the same route.

Mr. Buxton replied yes they will use the same shipping lane. He noted that it is his and Mr. John Wall, the quarry managers' understanding that those ships discharge approximately 30 miles from where the rock aggregate would be discharged. He noted that essentially they discharge and take on ballast water in the same waters and then proceed to Hantsport. He noted that it is his understanding that there are about 110 vessels doing that each year. The rock that comes from the Bayside terminal, which currently goes to New York, would follow the same pattern. He further noted that there is probably some variation with the ships coming out of Baltimore to Sydney because they may be carrying coal which is imported from the north-eastern US so ballast would not be the same issue because they are bringing a full load which would not require ballast.

Ms. Nesbitt asked if these ships had affected fishing in the Hantsport area.

Mr. Buxton replied that the Proponent has not found this to be the case. He noted that the concern is there but there are in excess of 1000 ships coming into Nova Scotia ports from Portland, New York, Baltimore, etc. He noted that there is a tremendous amount of transfer that occurs. He further noted according to the guidelines there are zones for ballast water exchange and presumably ships are conducting ballast water exchange properly. He also noted that there is more work to do in this area.

Mr. Buxton noted that presumably new regulations will **require** the exchange of ballast water. He noted that while this is of concern to people here it is a matter of Federal jurisdiction and the Proponent will not be operating vessels. The Proponent will hire vessels that are properly licensed to carry goods from US and Canada and as such they will engage a senior responsible shipping company. He noted that it is presumed and assumed that they will follow the guidelines and regulations that are in place. He further noted that the Proponent has little control over the ballast water exchange and looking at the extent of shipping presently in the Bay of Fundy another 50 vessels/trips will add a less than 1% increase in vessels coming into the Bay of Fundy.

Ms. Nesbitt asked if there were any other questions.

Ms. Wilkins asked if Mr. Buxton could clarify in regards to the exchange and discharge of ballast water that will take place if he had stated this will occur 30 kilometers or 30 miles off shore.

Mr. Buxton replied he had not stated a number.

Mr. Buxton noted that there are zones, which are set aside as referred to in section 8.0. He read section 8 and section 9 in response to this question. (see minutes – April 9, 2003 Appendix 2.)

Ms. Wilkins replied that this is not the answer to the question that she had asked and that she was interested in verification of whether the exchange and discharge would occur at 30 kilometers or 30 miles.

Ms. Sanford referred back to Mr. Buxton's comments and noted that the reference to 30 miles was stated in reference to Ms. Nesbitt's question of other ships that were traveling back and forth to Hantsport.

Mr. Buxton noted that it has to be in one of the ballast discharge zones or an alternative ballast discharge zone.

Ms. Nesbitt asked if there were any other questions.

Mr. Farnsworth asked how are the regulations monitored or policed.

Mr. Buxton replied that they are not regulations but guidelines monitored by Transport Canada Marine Safety Division.

Mr. Farnsworth asked what is the process for the monitoring.

Mr. Buxton again referred to the Transport Canada Marine Safety guidelines and noted that the process is noted for reporting, verification of information, ballast water exchange zones, alternative ballast water exchange zones, ballast water sample collection, etc. and that anyone interested should read these guidelines if they have any questions.

Mr. Farnsworth asked how are the guidelines enforced or is it just done on an individual basis as to where you are going to release or exchange the ballast water. He noted that he feels we live in a society with a corrupt system where there are loopholes so that someone such as himself has to have download costs of self policing because we are not only concerned about our waters and our environment as much a whole ecosystem. He further noted that more people are getting involved with that ecosystem and that we want more people involved with the decision making process, we want more people involved with what is currently taking place and with the depletion of our stocks.

Mr. Farnsworth noted that DFO stated in the 1996 license policy book that you cannot legally sell, barter or request licenses or quotas. He noted that what is corrupt about this is that people buy and sell licenses and quotas and we have seen many demonstrations where it has been asked who is policing these off shore quotas when they were being fished here. He further noted that no one did until the community got involved.

Mr. Farnsworth asked who is going to make sure these fundamental guidelines are carried out. He noted that the community is involved in a very big way in other movements and that we care about where we live and how we harvest fish and he does not believe that DFO did this for us. He noted that we have made a stand as an alternative to the destruction we have been seeing and this is why people are concerned about the environment. We are no longer on the other side, we are starting to get involved and he would like to see the community have a joint movement where we take part in the decision making process to decide what comes into our waters. He further noted that the Board of Directors for the Marine Resource Center wants more integrated involvement before DFO makes their decision behind closed doors because this matter has gone beyond exploring fish.

Mr. Farnsworth noted that he has been involved since 1996 and this is why he is bringing up the concern of how is this going to be monitored and who is going to make sure that this is not going to be rammed through. He asked who is going to be policing to make sure that more toxins are not going to be delivered to our waters and that more environmental damage is not going to be done to our communities and our fisheries.

Mr. Buxton noted that he is pleased that Mr. Farnsworth has attended this meeting representing the Marine Resource Center. He noted that they had asked the executive director of the Marine Resource Center to be a member of the CLC so that we could have had input from July 2002. He further noted that the executive director had originally agreed to sit on the committee but later declined to sit because of intense pressure from his board of directors, which had stated that he was not permitted to attend these meetings.

Mr. Buxton noted that the CLC would have been delighted to have input from this group and that these are the sorts of issues that should have been brought to the table last July when there was a clear invitation to have them on board.

Mr. Buxton replied that Mr. Farnsworth's questions should be largely directed to the regulatory agencies involved as the Proponent has no more standing with the Federal government than does a private individual. He noted that he cannot tell Mr. Farnsworth that any agency will police or regulate this or that concern. He further noted that if you have these

specific concerns they should be addressed as the revisions to those guidelines are being discussed now.

Mr. Buxton noted that presumably they have a copy of these guidelines at the Marine Resource Center and if you have problems with Annex V and the revisions to Annex V he would suggest that they contact Transport Canada Marine Safety Division immediately and note your concerns. He noted that the Proponent is addressing this issue and they are finding out this background material. He further noted that he does not recall anyone objecting to the 110 ships going into Hantsport loading ballast water at precisely the same location that the Proponent's contract shipper will be loading ballast water. He noted that these ships have been shipping for approximately 50 years.

Mr. Farnsworth added to this by saying that regrettably our community has had their head in the sand for quite some time in not realizing the issues concerning the Bay of Fundy. He noted that the Upper Bay is discussing an Upper Bay project in which they want environmental assessments, more control in their community in terms of the environmental impacts, they want to know what is going on in their waters. He noted that there are now questions that need research such as why are fish and lobster coming inshore. He further noted that there are already environmental impacts but we haven't had any signs of research but they now want to get this properly looked after the same as disposing of oil, garbage and other pollutants in the community.

Mr. Farnsworth noted that he is not just speaking as a member of the board of directors for the Marine Resource Center he is also speaking as Vice President of Bay of Fundy Inshoremen and a member of council that plays a role in management and addressing the community needs. He noted we are working with First Nations and he believes that everything we have seen from government and policy and the practice of politicians has been corrupt and this so-called transparent cause has become unworthy to a lot of us and that is why we are becoming more involved. He further noted that the next assessment that the Marine Resource Center wants done is water testing in the salt water and in the fresh water flowing into the oceans. We want to take more role in what comes and goes, we don't want to know about the damages after the facts.

Mr. Farnsworth noted that we are getting more involved and that this is quite overwhelming for a community as it comes down to legitimate concerns. He noted that he does not just speak for the Marine Resource Center, he speaks for a whole community.

Mr. Buxton replied that he does not disagree that they are not legitimate concerns as he thinks they are. He noted that if ballast water can be safely exchanged in a safe area he feels that Mr. Farnsworth needs to put some pressure on Transport Canada Marine Safety Division to ensure that ballast water is exchanged out at sea in safe areas as it describes it in the guidelines.

Mr. Farnsworth noted that something this big is just one of the many questions, just one of the impacts that people are concerned about. He noted that he is not for or against the quarry but as long as there are any fears or doubts he will have to say that he does not agree. There should be a process without DFO. He further noted that if DFO is going to manage this the way they have managed our fisheries then God help us all.

Mr. Buxton replied that this is a political comment and he is unable to respond to it. He noted that the Marine Resource Center had a part to play in this and that they could have provided the CLC with good information. He noted that we are trying to provide that information to the CLC and we have provided every piece of information that we have been requested to provide. He further noted that perhaps he should go back to his board of directors and suggest that maybe you have a role to play in this process.

Mr. Buxton noted that the Proponent had asked your Executive Director to sit on the CLC and bring these concerns to the table.

Mr. Farnsworth asked what is the process because as he understands it you will be starting on this project next week.

Mr. Buxton replied the Proponent is not talking about shipping next week and this is the problem with coming in almost a year after the process of consultation started because it makes it difficult to respond to at this stage. The Proponent does have a permit to operate a 4 HA quarry and we are not going to build a marine terminal and ship rock from a 4 HA quarry. We need to go through a full Canadian Environmental Assessment process, a joint process, which is very thorough and very expensive in order to get the permit to do that. He noted that this is what has been discussed at these meetings since July 2002 and all the issues that the committee members and members of the public have asked have been dealt with and the answers to their questions have been provided to them. He further noted that the Marine Resource Centre, which is purported to be the experts on these sorts of issues in the Bay of Fundy, chose not to participate.

Mr. Buxton noted that he would be delighted if Mr. Farnsworth would go back to his board and say that these are issues that are being discussed at the CLC and that they should be involved in because they concern us and the group at the Marine Resource Center. He noted that we would be delighted to see your Executive Director, your Chair or yourself continue to come to these meetings and give us your views and opinions. He further noted that he can't get into the political process because we do not make the regulations or the rules, we have to abide by them and that is what we will do and what our shippers will have to do as there are severe penalties if we do not.

Mr. Farnsworth noted that it is not clear what the mandate of this board is or what they want to do in terms of the quarry. He noted that there are other committees that have met with people from all over the world about our concerns about this rock quarry. He further noted that he understood that this board was to collect information that is neither for nor against the quarry. To his surprise as soon as he started asking questions about this board he was told off and he believes there is something else going on here that does not add up.

Mr. Farnsworth noted that he did not come to interrupt the meeting or offend anyone. He noted that he had heard all he wants to hear and thanked the committee for allowing him to speak.

Mr. Farnsworth left the meeting at this point.

It was asked where are all these concerned citizens, and he noted that he had brought this point up before, when there was a sunken boat, a scallop dragger, laying in the Digby harbour for 2 months at the wharf with oil spewing out of it everywhere, where were these concerned citizens then.

Mrs. Carty replied the same place as they are tonight, not here.

It was noted that if you go into Digby and walk down the wharf you can see that everyone of those boats are pumping bilge out and that everyone of those boats that are pumping bilge are pumping oil out into the water and this is where our concerns should start. He noted that this gentleman comes in and voices his opinion and then walks out the door, he doesn't want to hear anything else except what he already has his mind made up for.

Mr. Buxton replied that in fairness he does have a point. He noted that Mr. Farnsworth raised a point that was previously raised by the CLC and we are trying to get information for the CLC. He noted that we presented the guidelines tonight and he noted that these could have

been presented last August by the Marine Resource Center but perhaps they don't have them. He further noted that we will attempt to gather further scientific representation so to be fair he did raise an issue that is on the mind of the members of the committee.

Mr. Buxton noted that he wished the Marine Resource Center had chosen to be a part of the process from the beginning. He noted that the Marine Resource Center were clearly invited to be a part of the process and we had hoped they would have been an informed contributor to the process, but they chose not to be.

Ms. Nesbitt noted another issue and wondered if Mr. Buxton could address this. She noted the newspapers have been writing about silt drift and silt run off and that she is aware that there are sediment pond plans in place. She noted that this quarry has been compared to the quarry in Canso and asked how does it differ from Canso. She asked if silt will be a problem and if it is a problem is there a plan to contain it.

Mr. Buxton replied he had read the articles and he noted that the Proponent had made some preliminary inquiries and they are not aware of any extensive problems at Canso nor have they been made aware of any problems. He noted if there are problems they have yet to determine what these problems are or the extent of the problems from Auld's Cove. He further noted that sufficient silt is being dumped in the water there to bury lobsters traps in 2 feet of silt it was stated that in an extended area around Auld's Cove and the newspaper article mentioned a 10 mile by 15 mile area in the Bay of Fundy which could be similarly effected.

Mr. Buxton noted that he believes a subsequent article in the Digby Courier written by a doctor states that in order to bury lobster traps in that area it would take 523 million tons of silt. He noted that this quarry will produce about 80 million tons of rock in 40 years. He further noted that the doctor stated that the wastage in the silt product, total silt and other fines is 7% by weight.

Mr. Wall noted that this is a reasonable figure for total fines generated and not wasted.

Mr. Buxton noted that the total amount generated on the site would be 7%, which would be 5.6 million tons. He noted that if all of the fines generated were indiscriminately dumped in the Bay of Fundy it would be 5.6 million tons over 40 years, not 523 million tons.

Mr. Buxton noted that some of the fines are a valuable by-product and are collected and are marketable. He noted that some of the very fine fines, the clay size particle fines, have less value and in the wash process where rock is washed, they will be in the water and that is why water has to go into wash ponds. He further noted that the water is circulated in the wash ponds and the fine material settles out, the water is then used again to continue the washing process. All of the water inside of the quarry site is directed into settling/sedimentation ponds, the water is circulated through those ponds and over time the silt settles to bottom.

Mr. Buxton noted the Proponent is required to test any water coming out of those settling ponds on a weekly basis and the level of silt, the level of particulate matter, is restricted by the quarry permit. He noted that a great deal of effort is expended in the construction of the quarry to contain those waters to ensure that no silt gets into the Bay of Fundy. He further noted that it is a legitimate concern to raise but if we discharge silt into the Bay of Fundy we are in very serious trouble under our permit. The Proponent would be in contravention of its permit and it is up to the regulatory bodies to take appropriate steps.

Mr. Buxton noted that he had been to East Ferry and noticed plumes of silt pouring out into Petite Passage from the work that is going on there and that he has photographs showing these plumes of silt going into the water. He noted that he hasn't heard anyone say anything

about this and that if people are concerned about these issues why hasn't anyone said anything about the silt that is being dumped in Petite Passage where there are lobsters being held in cages in the water. He further noted that there are regulations and standards in place that we must maintain and he suggested if people have serious issues about silt being dumped into the water they should drive to East Ferry.

Mr. Buxton noted that this Tiverton project is not our project and we have no interest in it but it is interesting to note that we seem to be responsible for offenses that have yet to be committed. He noted that where the same offenses are actually being committed nobody seems to care.

Ms. Harnish replied that no one is aware of it that she hadn't even heard about it.

It was noted that a gentleman had been down to look at the construction going on and that his point is why when all of these other things are going on around us are people not concerned about the smaller stuff first. He noted that the water is being polluted all the time right here in Digby and people ignore what is going on around them and he doesn't understand why this gentlemen didn't stay and listen and take it all in.

Mrs. Carty asked the chair if anyone knew whom Mr. Farnsworth had approached with his questions regarding the CLC.

Ms. Nesbitt replied that a discussion had taken place between her and Mr. Farnsworth. She noted that he was asking questions and telling her things so she invited him to attend a meeting to find out about the committee and that he could ask any questions that he wanted to and the answers would be provided and if they were not provided to his satisfaction then the committee would obtain the answers. She further noted that he made a comment about the CLC and she asked him how could he say what it was all about until he attended a meeting.

It was noted that Mr. Farnsworth stated he was neither for or against the quarry yet he has a "Stop the Quarry" sign in his front yard.

Ms. Nesbitt replied that it is good to find out information before you make an informed decision.

Mrs. Carty asked if he was told off.

Ms. Nesbitt replied that she had invited Mr. Farnsworth to come to a meeting and that if he felt that to be the case he had misunderstood her invitation.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted the questions that had been presented at the previous meeting in regards to ground water had been answered in written form and asked if this was acceptable.

It was noted that the answers would be forwarded to the questioner.

Ms. Harnish asked if work is being started next week on the 10 acres will there be any blasting.

Mr. Buxton replied the CLC will be advised of when the blast will take place as they have previously been invited to attend the blast. He noted that the initial blast will enable them to monitor results and they will be able to use those results in future submissions. He further noted that the blast will occur possibly around the end of May.

Mr. Wall noted that they are blasting in Tiverton if anyone is interested.

Ms. Harnish asked if this is the same type of blast.

Mr. Wall replied it is reasonably similar.

Ms. Nesbitt asked if there were any other questions.

Mrs. Carty asked if someone would come to the next meeting from DFO.

Mr. Buxton noted that he will try to find out who could attend but he had thought it was the Coast Guard that was in charge of ballast water. He noted that his Coast Guard contact

advised him that it is Transport Canada's Marine Safety Division that is responsible for this and that the chairman of the sub committee, which is dealing with this issue, for Transport Canada had provided the Guidelines noted above. He further noted that he should be able to find someone in Atlantic Canada that could make a presentation or provide written data.

Ms. Nesbitt asked if this would be in regards to bilge water and pathogens.

Mr. Buxton replied yes, someone who understands the issues and who can provide the proper answers.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted that other issues should be lined up in case no one could attend the next meeting. He noted that they could be mentioned now or they could call the chair prior to the next meeting.

Ms. Nesbitt noted corrections for the next issue of the newsletter. The spelling of Judith Carty was incorrect and anyone wishing to add to the agenda could contact any committee member.

Mr. Buxton replied the next newsletter will be revised accordingly and asked if there were any other comments regarding the newsletters.

It was asked where they are being mailed.

Ms. MacApline replied they are being sent to RR 2, 3, and 4, Digby.

Mr. Buxton asked if the newsletters were useful.

Ms. Harnish replied yes.

Ms. Nesbitt replied that she has not heard any negative comments.

Mr. Buxton noted that the Proponent would continue to issue them.

It was asked if there were any extra copies of the newsletter.

Ms. MacApline replied yes and provided copies to the questioner.

Ms. Nesbitt asked if there were any other questions.

Ms. Nesbitt noted the next meeting would be scheduled for three weeks from tonight.

Ms. Angrignon asked if some of the work at the quarry would be done by then.

Mr. Buxton replied yes, they will have started by then.

Ms. Nesbitt thanked members and guests for attending and adjourned the meeting at 8:45 pm.

Next meeting date is April 30, 2003 at 7:00 pm at Rossway Community Center.

Annex V

Ballast Water Procedures for Vessels Proceeding to Ports on the East Coast of Canada

1.0 Reporting

1.1 Reporting requirements under section 7 shall be fulfilled in accordance with the implementation of these guidelines.

1.2 Ballast Water Reporting Forms shall be sent by facsimile to Transport Canada Marine Safety.

Facsimile (902) 426-6657
Phone (902) 426-7725
E-mail: balabam@tc.gc.ca

1.3 Ballast water exchange and/ or ballast water management information provided will be verified on board the vessels, on a random basis.

2.0 Alternative Ballast Water Exchange Zones (ABWEZ)

2.1 The delineation of suitable alternative ballast water exchange zones and the determination of possible exemptions is subject to scientific studies and consultation with the appropriate scientific authorities. Locations for ABWEZ are being investigated and may be included in the Annex V at a future date. In the meantime vessels are encouraged to comply with these guidelines as far as it is safe and practicable.

3.0 Ballast water samples collection

3.1 The master of any vessel is asked to give a researcher collecting ballast water samples all reasonable assistance to enable the sampler to collect relevant ballast water samples and gather information in connection with the ballast water management program. Information obtained during this process will be used in order to provide the scientific basis for the future development and implementation of Annex V.

<http://www.tc.gc.ca/MarineSafety/Tp/Tp13617/Tp13617e.htm>

8.0 Discharge of Ballast Water

8.1 Subject to the appropriate regional ballast water annex as outlined in section 12, ballast water taken on in areas outside waters under Canadian jurisdiction should not be discharged in waters under Canadian jurisdiction, unless one of the ballast water management options specified in section 9 has been successfully performed.

8.2 In exceptional circumstances where the procedures in 8.1 can not be successfully performed, conditions of discharge may be specified by the appropriate regional authority as noted in Annexes II to V.

9.0 Ballast Water Management Options

9.1 Ballast Exchange

9.1.1 Vessels utilizing ballast exchange should conduct ballast exchange in locations where water depths are not less than 2000 metres, unless otherwise provided in the appropriate Regional Annex.

9.1.2 Alternative Exchange Zones – In exceptional circumstances, where it may not be possible to exchange ballast water due to weather, sea or any other conditions the master feels may endanger human life or the safety of the vessel, alternative exchange zones may be utilized on notification of the appropriate marine communications and traffic services officer, as noted in section 7.2(vii). The use of alternative exchange zones may also be appropriate for vessels that are not able to comply with section 9.1.1 because they do not voyage into mid-ocean where water depths are greater than 2000 metres. Masters are advised to consult the appropriate Regional Ballast Water Management Annex.

9.1.3 Sequential Exchange - All of the ballast water should be discharged until suction is lost, and stripping pumps or educators should be used if possible. Operations shall be logged.

9.1.4 Flow Through Exchange - If flow through methods are employed at least three times the tank volume should be pumped through the tank. Calculations indicating the amount of water to be utilized and pumping rates required to achieve this shall be recorded.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. April 30, 2003

Rossway Community Hall

In attendance: Mr. John Ivens, Acting CLC Chair
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mrs. Marian Angrignon
Ms. Genie Wilkins
Ms. Marilyn Stanton
Mr. Chester Dugas
Ms. Elizabeth Robbin
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Ms. Cindy Nesbitt, CLC Chairperson, Mr. David Graham, CLC Member;
Mr. Brian Cullen, CLC Member; Mr. Mark Jeffrey, CLC Member

Mr. Ivens welcomed everyone to the meeting and noted that he would chair the meeting, as Ms. Nesbitt would not be in attendance. He noted that he did not have an agenda available and asked if Mr. Buxton would provide the agenda.

Mr. Buxton replied that Ms. Nesbitt usually provided the agenda for the meetings.

Mr. Ivens asked if the minutes of April 9, 2003 were ready for approval.

Mr. Buxton replied the minutes of April 9, 2003 would be ready for circulation within days.

Mr. Ivens opened the floor for questions, concerns or if Mr. Buxton has an update.

Mr. Buxton noted that work had been going on for the last two weeks on the 4 HA site. He noted that 200 bales of hay had been delivered to the site for environmental control purposes, which had later been destroyed by vandals. He further noted that it was fortunate the fire did not spread up the mountain and into the surrounding wooded area.

Mr. Buxton noted that a fence had been installed across Whites Cove Road and along the north-south edge of the quarry and a NO ACCESS sign had been posted as NSDOEL prohibits access to the site without safety gear. He noted a company representative must accompany anyone entering the site. He further noted that there had been some difficulty with people entering the site while work is underway and when requested they remove themselves from the site they refused to do so. He noted that the Proponent would have to advise NSDOEL if this continues.

Mr. Buxton noted that the fence across Whites Cove Road is to prohibit access to the site but a gate is available for periwinkle harvesters use with a sign to be posted advising them of its use.

Mr. Buxton noted that in terms of recent publicity there had been a letter sent to the Chronicle Herald, which indicated that the quarry site jobs paid minimum wages. He noted

that the CLC members were given a list of the jobs and wage schedule and it is possible that the Proponent failed to get the point across to the public that these are not minimum wage paying jobs.

Mr. Ivens agreed that this information had been provided to the CLC members on two separate occasions and that it was noted the positions are not minimum wage positions.

Mr. Buxton noted that the information was also given out to the job applicants. He noted that there are four workers on site and that their wages are within range of what had been predicted.

Ms. MacAlpine noted that Ms. Nesbitt has a copy of the manpower schedule and the pay scale available for public viewing.

Mrs. Carty agreed that the CLC members have a copy of this.

Mr. Buxton asked if any of the CLC members had been asked about the positions or pay scale.

Mrs. Carty replied yes.

Mr. Ivens noted he had been asked.

Mr. Buxton asked if it was felt that the Proponent needed to provide more information to the public in regards to the pay scale.

Mr. Ivens noted that if an article appeared in the Chronicle Herald it would be a good idea to do this and he suggested it could be provided in the next newsletter.

Mr. Buxton replied that the Proponent is clearly not getting the information out and we have to respond to that.

Mr. Buxton noted in reference to the 4 HA quarry, which is what this committee is charged with looking at on an ongoing basis, work has commenced to start the quarrying operation and a final rehabilitation plan was submitted to NSDOEL last week. He noted the Proponent has had no response as yet. He further noted that the Proponent has forwarded additional security to the NSDOEL with respect to our estimates of costs to rehabilitate the 3.9-hectare site. He will advise the committee when the response is received as to whether the plan is satisfactory or not.

Mr. Buxton noted that most of the questions over the past several months have been in regards to the larger quarry so he will bring the committee up to date on that issue. He noted that the DFO has advised that they will be the Responsible Authority with respect to a federal CEA (Canadian Environmental Assessment), which will be carried out under the Canadian Environmental Assessment Act. He further noted that no other federal agency indicated that they wished to be Responsible Authorities. DFO is the only agency that has expressed interest in the project. On the provincial side NSDOEL will be represented and it will be a joint assessment process. A Memorandum of Understanding is being drafted between the federal agency DFO and the provincial agency NSDOEL. The document will be made public when it is prepared. He also noted that a Scoping Document is being drafted by DFO and NSDOEL, which may be completed in May 2003.

Mr. Ivens asked what is the Scoping Document.

Mr. Buxton replied the Scoping Document will clearly set out what the Responsible Authorities will require to be covered in the comprehensive study report which will be submitted at a later date. He noted that DFO as the Federal Responsible Authority will be setting up a public registry which is required under Section 55 of the Canadian Environmental Assessment Act. **(See Appendix 1 – CLC Minutes April 30, 2003).**

Mr. Buxton noted that the registry will be set up by DFO not by the Proponent and every formal document will be filed in the public registry and he noted that everyone will have access to these documents. He noted that it is expected that within the next two weeks a

Memorandum of Understanding will be made available for public comment. He further noted that the document sets out the Federal and Provincial agencies involved, the relationship between the agencies, etc. he noted that the draft of the Scoping Document will also be made available for public comment.

Mr. Buxton asked if there were any questions in regards to the registry process. He noted that the project description will be posted on the registry.

Mr. Buxton noted that it had been requested that a qualified professional attend this meeting in regards to ballast water. He noted that the experts seem to be located in Ottawa but the Proponent has been referred to someone from Dalhousie who they have attempted to contact to assess his qualifications and whether he will make a presentation. He further noted that most questions would probably be of a scientific and biological nature as opposed to the guidelines discussed at the recent meeting.

Mr. Buxton noted that it was also suggested that when the archeological report was completed and accepted by the Nova Scotia Museum the archeologist would discuss the report with the CLC. The final report will be filed with the NS Museum next week and a meeting can be scheduled accordingly.

Mr. Ivens asked if reminder calls could be made advising members who will be presenting what at the meeting.

Mr. Buxton replied that meeting times may need to be rescheduled to accommodate the schedule of the individuals attending and that it would be advised who will be at the meeting.

Mr. Buxton noted it would be useful if committee members could deliver the message that it's a construction site and an offense under NSDOEL regulations to go on site without protective gear. Anyone doing so could be fined along with the contractor because they are responsible for keeping people off the site. He noted that the Proponent will have no alternative but to file a complaint with NSDOEL if people persist in coming on site against regulations. He further noted it is a very dangerous for anyone without protective gear and any CLC member wishing to go on site need only to advise the Proponent so protective gear can be arranged.

Mr. Buxton noted that the four employees are local people and have been under considerable abuse from these trespassers when asking them to remove themselves from the site.

Mrs. Carty asked if someone is working on site 24 hours.

Mr. Buxton replied no.

Mrs. Carty asked what if someone goes there and no one is there to tell them to get off the site.

Mr. Buxton replied there is a sign.

Mrs. Carty asked if the Proponent is responsible if there is no one there to ask them to leave.

Mr. Buxton replied yes.

Mrs. Carty asked if the Proponent is still responsible.

Mr. Buxton replied yes, the contractor is responsible. He noted that the equipment is removed from the site at night because of potential vandalism, which is very expensive to do.

Mr. Ivens noted they are responsible as with any construction to make sure no one goes on site.

Mr. Buxton noted that if they refuse to leave the site it makes for a very difficult situation.

Mr. Ivens asked if it would involve a stop work.

Mr. Buxton replied they would have to stop work and call the authorities to remove them from the site not because they are trespassing but because they are on a work site in contravention of the NSDOEL regulations.

Mrs. Angrignon asked if these trespassers are male or female.

Mr. Buxton replied they are both but it was a male individual that was abusive. He noted that these are legal issues under regulations of the NSDOEL. The Proponent is absolutely required by law to prevent people from accessing the job site without safety gear. He further noted that if people want to go on the job site they have to be conducted by someone in authority and wear protective gear.

Mrs. Carty asked if the security was going to start when the actual quarry is in operation.

Mr. Buxton replied the Proponent had not planned for overnight security and he can't advise whether it would be more or less expensive than taking the equipment off site overnight.

Mrs. Carty asked where are they taking the machinery.

Mr. Buxton replied they are taking them onto local properties.

Mrs. Angrignon noted that even a compound probably would not be safe.

Mr. Buxton noted they had planned to install a shed but when the hay was burnt it was decided not to because it may also be subject to destruction.

Mr. Ivens noted that it was a shame about the hay being burnt.

Mr. Buxton noted the Proponent has a burning permit to conduct operations on site and that procedure has been followed very carefully. He noted that the destruction of the hay might have caused damage to the mountain and beyond and that there has been a complaint that the Proponent was illegally burning. The Department of Natural Resources investigated but discovered the Proponent was in total compliance with all the conditions of the permit. He further noted that in regards to matters of safety the CLC members could advise people that the company is required by law to prohibit people from the job site without proper safety gear and proper supervision.

Mrs. Angrignon asked what are they coming for.

Mr. Buxton replied he can't speculate, there are photographers and others but they can't be allowed on the job site and NSDOEL will not discriminate if anyone is found on the jobsite without protective gear they will be fined. Our problem is we will be fined as well. At this point all we can do is request that they leave the job site.

Mr. Ivens asked if there were any other questions.

Ms. Harnish asked if anyone was caught setting the fire.

Mr. Buxton replied no. The arson, which is a federal offence, was reported to the RCMP as required by insurance but it will be difficult to determine a culprit.

Ms. Harnish noted that fire is a great fear for the elderly people on the Neck.

Ms. Angrignon agreed this is of great concern to the elderly.

Mr. Ivens noted that on the islands there is one way on and one way off.

Mr. Buxton noted that the fire was confined to the area where the bales of hay were stored and it did not spread into the brush, which was 20 – 30' away from the fire. He noted if there had been a shed it would have gone too.

It was asked if equipment is there to fight fire.

Mr. Buxton replied yes the equipment is there while they are on the site but it is not left overnight. He noted there are fire backpacks and water drums. He further noted that there was fire damage to the spigots on the water drums so they wouldn't have been able to get water from the drums. The situation is safer now that the brush in the immediate area is gone.

Mrs. Carty asked if Digby Neck burnt because of this foolishness wouldn't it look a lot worse for the quarry.

Mr. Buxton replied it may have been kids having a bit of mischief.

Mrs. Carty replied that rumours suggest the culprits were not kids but grown men.

It was asked if the hay was to stop the silt.

Mr. Buxton replied yes and that hay is difficult to replace and it is very expensive at this time of year. He noted that it was brought in from the South shore.

It was asked if this defeated the environmental purpose to burn it.

Mr. Buxton replied yes the Proponent had put two sets of environmental controls in place. He noted a culvert at the bottom of the hill under the highway, which has been allowing silt into the Bay for many years. The Proponent undertook to put a barrier of hay bales and silt blankets on both sides of the road. He noted it is not their property and he advised NSDOEL of this and on the other side where the old pit was there is a movement of water through that and a barrier with silt blankets has been placed there to prevent any siltation coming out of our work and going into the Bay. He further noted plans to place a second barrier, which will have to wait until the hay has been replaced. If people destroy our environmental controls it is difficult to replace them quickly before some damage may be done.

Mr. Ivens asked if it is standard way this is done, to use hay bales to stop silt runoff.

Mr. Buxton noted that this is a temporary measure that is used for a few months. A filter blanket is placed in the front of 2 bales of hay and the water has to penetrate the blanket and hay.

Mr. Ivens noted he has seen this used before.

Mr. Buxton replied they are not permanent measures they are construction measures. For permanent measures they would use baskets with rock and filter blankets.

Mrs. Carty asked if the people employed are local people.

Mr. Buxton replied yes. He noted that one employee is from Sandy Cove.

Mrs. MacAlpine noted they are from Digby and Marshalltown.

Mr. Buxton noted that many of the applications for jobs are from truck drivers or machine operators. He noted that they had engaged a man from Sandy Cove.

Mrs. MacAlpine replied they had employed this man but due to back problems he couldn't work at this time. She noted there had been another from Centerville but he was unable to take the position as well. She noted there were not a lot of applicants with ground labour experience.

Mrs. Angrignon asked if the ponds are under construction yet.

Mr. Buxton replied not yet, possibly next week but it will only be a portion of the pond to ensure that any silt produced on site will be contained. He noted they have been burning the brush in the pit area and there is a layer of water on the bottom. He further noted they have started clearing the hillside of brush and roots for disposal. Any useful soil will be stored and temporarily seeded for reclamation use later. Anything that can be safely burnt will be and there will be a chipper on site to use the chips in reclamation.

Mr. Ivens asked if there were any other questions.

Mr. Buxton noted the two outstanding issues were ballast water and the archeological study.

Mr. Ivens asked if the time and date for the next meeting could be set.

Mr. Buxton replied that a meeting can be tentatively scheduled for May 28, 2003 at 7 pm at the Rossway Community Hall.

Mrs. Carty asked if meetings would continue through the summer months.

Mr. Buxton replied that this is the decision of the chairperson. He noted that there may be a gap in the proceedings while the comprehensive study report is being prepared and the draft is being filed. He further noted that the draft will be an internal draft and will come back to the Proponent with revisions and we will then file the comprehensive study report which will

go onto the public registry and there may be a period of 6 – 8 weeks before it is placed on public registry.

Mr. Ivens asked if there were any other questions.

Meeting adjourned at 8:05 pm.

Next meeting date is May 28, 2003 at 7:00 pm at Rossway Community Center.

Important Note:

Canadian Environmental Assessment Act (CEAA)
Public Registry Requirement
Release of Documents (Public Access)

The *Canadian Environmental Assessment Act* (CEAA) is based on the principle of giving the public an opportunity to participate in the environmental assessment process. To this end, section 55 of CEAA imposes two main obligations on Responsible Authorities (RAs):

- to establish a public registry, containing all records relating to the environmental assessment of each project as set out in subsection 55(3) of CEAA; and
- to operate such a registry in a manner to ensure convenient public access to it.

There may be some information contained within a record that you provide which might be excluded from being put on the Public Registry (i.e., for public disclosure), if it meets the criteria for exclusion as set out in paragraphs 55(4)(b) and (c) of CEAA. Examples of this type of information would be:

- Trade secrets;
- Financial, commercial, scientific or technical information that is confidential information;
- Information the disclosure of which could reasonably be expected to result in material financial loss or gain to you or to prejudice your competitive position;
- Information the disclosure of which could reasonably be expected to interfere with your contractual or other negotiations; and
- Personal information.

A copy of section 55 of CEAA is enclosed for your easy reference. Please note the references made in section 55 to the *Access to Information Act*.

Fisheries and Oceans Canada (DFO), in its role as RA under CEAA, must address concurrently, in a manner that meets the spirit of CEAA:

- The proponent's right to protect certain information from public disclosure;
- The proponent's expectation of completing the assessment within a reasonable time frame; and
- The public's right to access the relevant information.

Should you believe that information that you are submitting might qualify for exclusion from the public registry, please clearly identify this portion(s) of the information and provide, in writing, the rationale for its exclusion at the time of submission. For your

convenience, **Form B** (CEAA Public Registry Exclusion Form) is attached which can be used for this process. The rationale will be reviewed by DFO under section 55 of CEAA to determine if the information should be excluded from public disclosure.

If you have no reason to request that information be excluded from the public registry on the basis of section 55 of CEAA, please sign and return the enclosed **FORM A** indicating your consent to unrestricted disclosure, without any exclusions, of the information. Please note that, in the interest of efficiency, such consent will apply to all documents/records that you will provide to DFO, at any time, as part of the Environmental Assessment.

If, subsequently, at the time of filing a particular document, you decide to withdraw your consent for disclosure in respect of that document, you will have to notify us in writing, providing reasons (preferably by completing and sending FORM B), and we shall proceed with a review as referred to above.

For further information concerning the CEAA process and the public document registry please refer to the "REFERENCE GUIDE to the Public Registry" on the Internet at www.ceaa.gc.ca or contact the local CEA Agency Office for a copy of the guide.

ATTACHMENTS:

- FORM A - CEAA Public Registry Release Form
- FORM B - CEAA Public Registry Exclusion Form
- SECTION 55 OF CEAA

Canadian Environmental Assessment Act (CEAA) – Public Registry s. 55

Access To Information

Public Registry

55. (1) For the purpose of facilitating public access to records relating to environmental assessments, a public registry shall be established and operated in a manner to ensure convenient public access to the registry and in accordance with this Act and the regulations in respect of every project for which an environmental assessment is conducted.

Public registry established

- (2) The public registry in respect of a project shall be maintained
- (a) by the responsible authority from the commencement of the environmental assessment until any followup program in respect of the project is completed; and
 - (b) where the project is referred to a mediator or a review panel, by the Agency from the appointment of the mediator or the members of the review panel until the report of the mediator or review panel is submitted to the Minister.

Contents of public registry

- (3) Subject to subsection (4), a public registry shall contain all records produced, collected, or submitted with respect to the environmental assessment of the project, including
- (a) any report relating to the assessment;
 - (b) any comments filed by the public in relation to the assessment; [*S.C. 1993, c. 34, s. 38 (French)*]
 - (c) any records prepared by the responsible authority for the purposes of section 38;
 - (d) any records produced as the result of the implementation of any followup program;
 - (e) any terms of reference for a mediation or a panel review; and
 - (f) any documents requiring mitigation measures to be implemented.

Categories of information to be made publicly available

- (4) A public registry shall contain a record referred to in subsection (3) if the record falls within one of the following categories:

- (a) records that have otherwise been made available to the public in carrying out the assessment pursuant to this Act and any additional records that have otherwise been made publicly available;

(b) any record or part of a record that the responsible authority, in the case of a record under its control, or the Minister, in the case of a record under the Agency's control, determines would have been disclosed to the public in accordance with the *Access to Information Act* if a request had been made in respect of that record under that Act at the time the record comes under its control, including any record that would be disclosed in the public interest pursuant to subsection 20(6) of that Act; and

(c) any record or part of a record, except a record or part containing third party information, if
the responsible authority, in the case of a record under the responsible authority's control,
or the Minister, in the case of a record under the Agency's control, believes on reasonable
grounds that its disclosure would be in the public interest because it is required in order
for the public to participate effectively in the assessment.

Third party information

(5) Sections 27, 28 and 44 of the *Access to Information Act* apply, with such modifications as the circumstances require, to any determination made under paragraph (4)(b) in respect of third party information, and, for the purpose of section 27 of that Act, any record referred to in paragraph (4)(b) shall be deemed to be a record that the responsible authority or the Minister intends to disclose and, for the purpose of applying that Act, any reference in that Act to the person who requested access shall be disregarded if no person has requested access to the information.

Protection from civil proceeding or prosecution

(6) Notwithstanding any other Act of Parliament, no civil or criminal proceedings lie against
a responsible authority or the Minister, or against any person acting on behalf of or under
the direction of a responsible authority or the Minister, and no proceedings lie against the
Crown or any responsible authority for the disclosure in good faith of any record or any
part of a record pursuant to this Act, for any consequences that flow from that disclosure,
or for the failure to give any notice required under section 27 or any other provision of
the Access to Information Act if reasonable care is taken to give the required notice.

Meaning of "third party information"

(7) For the purposes of this section, "third party information" means
(a) trade secrets of a third party;
(b) financial, commercial, scientific or technical information that is confidential information
supplied to a government institution by a third party and is treated consistently in a confidential manner by the third party;
(c) information the disclosure of which could reasonably be expected to result in material
financial loss or gain to, or could reasonably be expected to prejudice the competitive
position of, a third party; and
(d) information the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of a third party.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. June 11, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chairperson
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mr. Mark Jeffrey, CLC Member
Mr. David Graham, CLC Member
Mrs. Linda Graham
Mrs. Marian Angrignon
Ms. Genie Wilkins
Ms. Marilyn Stanton
Mr. Harold Wilkins
Mr. Eugene Stanton
Mr. Bruce Cunningham
Mr. Shane Fralick
Mr. Wanda VanTassel
Mrs. Jill Klein
Mr. Rick Klein
Mr. Gordon Sloan
Mr. Steven Theriault
Mr. Kemp Stanton
Ms. Elizabeth Robbinns
Ms. Claire Carver, Mallet Research Services
Mr. Andre Mallet, Mallet Research Services
Mr. Dave Kern
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. John Ivens, CLC Member; Mr. Brian Cullen, CLC Member

Ms. Nesbitt welcomed everyone and introduced Ms. Claire Carver and Mr. Andre Mallet of Mallet Research Services. She noted they would give a presentation on Ballast Water. She further noted this is an item of concern the CLC had wished to investigate further.

Ms. Nesbitt asked Mr. Mallet and Ms. Carver what professional qualifications they hold.

Ms. Carver replied she has a Masters Degree in Oceanography. She was asked to attend this meeting and talk about this particular study and that this is the only information that was provided. She further noted it is her intent to provide the information and answer questions based on this study but she is unsure how this study is relevant to the interests of the CLC. It was asked who was the study done for and who paid the bill.

Ms. Carver replied Transport Canada.

It was asked if the study is available publicly.

Ms. Carver replied it is available in draft version upon request.

Mr. Mallet noted there had been two studies done for Transport Canada – Marine Safety and that the first preliminary study is available online.

A website address was requested.

Mr. Mallet replied this would be available at the end of the meeting.

Mr. Mallet noted the second larger scale study looked at the Atlantic Provinces where sites were sampled in Nfld, PEI, Northern NB and NS. He noted it is not yet available online but may be obtained from Transport Canada.

It was asked if it would require a request or is it generally available.

Mr. Mallet replied Transport Canada will provide copies at their discretion and noted it has been forwarded to a number of different people and agencies.

Mr. Mallet noted that Mallet Research Services is a private consulting business and he holds a PhD in Genetics. They have studied different aspects of aquaculture for 20 – 25 years and 90 – 95% of their business is doing science projects for private and government sectors.

Ms. Carver noted that Transport Canada asked them to do this study because they are developing Ballast Water Guidelines for Management of Ballast Water and more scientific data was needed to make more appropriate decisions on regulating and managing Ballast Water in Atlantic Canada. She noted the study was performed in the fall of 2001 (September 2001 – March 2002) and focused on Non-indigenous Phytoplankton and Zooplankton. She further noted that non-indigenous means non-native, something that is not found here normally and that foreign Phytoplankton and Zooplankton might have been introduced via Ballast Water.

Ms. Carver noted the entitled presentation Assessment of the Risk of Ballast Water - Mediated Introduction of Non-indigenous Phytoplankton and Zooplankton into Atlantic Canadian Waters and noted it is sponsored by Transport Canada, Marine Safety.

Ms. Carver noted the presentation outline covers the following items:

- Why the concern over Ballast Water?
- Ballast Water project - collection of samples. The criteria for ship selection, types of ships sampled, and the sampling techniques used.
- Description of Ballast Water samples. The geographic origin, Phytoplankton and Zooplankton diversity, cell abundance, and Non-indigenous and harmful taxa.
- Effectiveness of Ballast Water exchange.
- Development of Risk Management Strategies.

Ms. Carver noted Ballast Water is essential for the stability of a ship and that a ship carries a minimum amount of Ballast Water when it carries cargo. She noted that when a ship carries little cargo without Ballast Water the ship floats high in the water and it would be unstable.

Ms. Carver noted concerns arise because the importation of Ballast Water is a possible vector for the introduction of Non-indigenous species such as *Gymnodinium catenatum* (a toxic Phytoplankton); *Mnemiopsis leidyi* (Zooplankton); *Codium fragile* (green seaweed); *Styela clava* (Club Tunkit); *Carcinus maenas* (Green Crab). She noted that these are the three main invasive species currently present in Atlantic Canada and the main importance of these species is that they have a short-lived larval planktonic stage and most of their lifespan is on the bottom.

Ms. Carver noted although Ballast Water is associated with invasive species it is not necessarily responsible for all invasive species and there is no strong evidence that these species were introduced through Ballast Water.

It was asked where were their samples taken from.

Ms. Carver replied that his question will be answered throughout the presentation.

It was observed that the information she is referring to is for future reference and if this quarry takes place and there are ships coming in and out of a new area the organisms she is studying are from another dock or different area i.e. St. John harbour. He noted the numerous amount of ship traffic and asked what ports are her studies based upon.

Ms. Carver replied there were 15 ports examined which will be shown on a map.

Ms. Carver noted that Transport Canada is responsible for Ballast Water Procedures for Vessels Proceeding to ports on the East Coast of Canada - Annex V. (*see Appendix 1-April 9, 2003 CLC minutes.*) She noted they are trying to develop this document and need information to develop appropriate guidelines.

Ms. Carver noted the guidelines state all vessels arriving from outside Canadian waters must submit a Ballast Water Report Form. She noted this is mandatory and vessels must now report where their Ballast Water originated, whether they intend to discharge and where. She noted this has been documented for the past two years now.

It was asked if this is outside 200 miles.

Ms. Carver replied yes anything that is coming from outside that zone.

Ms. Carver noted all vessels should (voluntary at this point) undertake a Ballast Water exchange before entering Canadian waters, preferably in waters >2000 meters. She noted if you come from a coastal port (East Coast or US) and carry coastal species some of which may be undesirable the Ballast Water is exchanged in open ocean water before the vessel arrives in port. She further noted they were trying to discover what was actually in the water being exchanged and how effective was the exchange.

Ms. Carver noted the scope of the work done for the Ballast Water project (2001) as follows.

- Obtain Ballast Water samples from 98 ships arriving in 15 Atlantic Canadian ports (Nfld, NB, PEI, NS)
- Identify and enumerate Phytoplankton taxa - 235 samples – Mallet Research Services
- Identify and enumerate Zooplankton taxa - 59 samples – Sprytech Biological Services
- Duration: September 21, 2001 – March 31, 2002.

Ms. Carver noted the 6 ports in Nfld were Come-by-chance, Harbour Grace, Whiffen Head, Argentia, St. John's and Corner Brook; 5 ports in NS were Halifax, Hantsport, Pugwash, Little Narrows and Pt. Tupper; 2 ports in PEI were Charlottetown and Summerside; and 2 ports in NB were Dalhousie and Belledune. She noted the ships selected for sampling are representative of ship traffic at each port and ship selection was representative of foreign vessel traffic in 2000.

Ms. Carver noted the FAO Region is a way of zoning the ocean and we are located in what is referred to as Zone A, the Northwestern quarter of the Atlantic Ocean along with Northern US. Southern US is Zone G and includes the Caribbean. She noted the ships originated as follows:

- Zone A/G – USA, 61 ships
- Zone B – Netherlands, Germany, France, UK, Iceland, 20 ships
- Zone C – Spain, Malta, Mediterranean, 7 ships
- Zone G – Cuba, Central America, Caribbean Islands, 7 ships
- Zone F – Africa, 1 ship
- Zone H – Persian Gulf, 1 ship

- Zone D – Russia, Far East, 0 ships.

Ms. Carver noted all four provinces see ships originating from a variety of zones.

- Nfld – 32 ships
- NS – 48 ships
- PEI – 3 ships
- NB – 15 ships

Ms. Carver noted the four types of ships are known as Container, General Cargo (containers, bulk goods, steel), Bulk (Gypsum) and Tanker carriers. She noted that Tankers previously used the same hold for oil and water (oily ballast) but this is no longer permitted as they must have segregated tanks. She further noted the four types of ships as follows:

- Nfld – majority of ships - Tanker carriers with some General Cargo carriers
- NS – majority of ships – Bulk, Container, some General Cargo and Tanker carriers
- PEI – General Cargo carriers (agricultural traffic)
- NB – majority of ships were General Cargo carriers, some Bulk and Tanker carriers

Ms. Carver noted the average Ballast Water load by ship type (water brought in and discharged) as follows:

- General Cargo carrier – 31 sampled, average load – 3000 cubic meters; 10 discharged partial load (trimming – for stability) on arrival
- Bulk carrier – 21 sampled, average load - 8000 cubic meters; 21 discharged full load on arrival
- Container carrier – 17 sampled, average load – 9000 cubic meters; 7 discharged partial load on arrival
- Tanker carrier – 29 sampled, average load - 25,000 cubic meters; 29 discharged full load on arrival

It was asked trimming the cargo or trimming the Ballast Water.

Ms. Carver replied trimming the balance of the ship.

It was asked are they readjusting cargo or the Ballast Water.

Ms. Carver replied Ballast Water. She noted by comparison General Cargo and Container carriers discharged less Ballast Water than Tanker and Bulk carriers.

It was asked if the ships discharged Ballast Water prior to entering port.

Ms. Carver replied this varies and Transport Canada requests, weather permitting, Ballast Water be discharged outside port.

It was asked if Ms. Carver had to intercept ships offshore and was Ballast Water onboard.

Ms. Carver replied they had to catch them prior to the ship discharging the Ballast Water.

It was noted that this has been occurring for years and asked who is to say if anything has not come from those ships (Hantsport) as opposed to ships traveling past NS because the water turn around in this area is drastic.

Ms. Carver asked if he was referring to the salinity and how is it diluted.

He asked if it dilutes itself.

Ms. Carver replied yes by discharging the Ballast Water early and not all in one zone this has some effect. She noted there are a lot of ships going to St. John traveling through here, which are probably discharging along the way and back.

It was noted that the Bay of Fundy is like a catch basin but we are fortunate to have such a large tide here that it creates a washbasin.

Ms. Carver replied there is a big exchange in this area.

Mr. Stanton asked if there is any evidence that diluting these species does any good. He noted if there are two they can reproduce and if there is an aggressive invasive species that is highly reproductive two could do just as much damage as 10 dozen of them.

Ms. Carver replied that this is the question, how many do you actually have to introduce for its population to develop and she noted there isn't very much known about the survival of a species. She noted a recent study done in Baltimore where they carried various Zooplankton species and on arrival in port live samples were removed from the Ballast Water and placed in buckets of Baltimore water to see what happened as they mimicked what happened while discharging the Ballast Water. She further noted none of the live samples survived.

Mrs. Klein noted that a bucket is not like the Chesapeake Bay.

Ms. Carver replied the point of this was that the salinity was not appropriate for those species.

Mr. Klein noted it didn't help when MSX came into Chesapeake Bay from Ballast Water and dramatically impacted the oyster harvest.

Ms. Carver replied that she has no information on that theory.

Mr. Klein noted that the MSX in Ballast Water has virtually destroyed that fishery.

Mrs. Klein noted Ms. Carver made a statement that a few invasive species, which were put in buckets of water died as if that is not going to be a problem.

Ms. Carver replied it means in that particular case the open ocean species brought in (30 parts per thousand) of which Baltimore is 20 parts per 1000 in that case none of the species exposed to that water survived. She noted it does not mean if you pulled up Ballast Water they would not have found something that survived but in that experiment they did not.

Mrs. Klein noted she did not feel this was a good analogy. She noted putting something in a bucket is like putting a lobster in a bucket of water where it will die as opposed to putting it in a special tank where it will live.

Ms. Carver replied it doesn't answer all of the questions it is an example of an experiment that was conducted.

Mrs. Klein asked is it a Canadian law or request that Ballast Water be exchanged out of port.

Ms. Carver replied it is a voluntary request.

Mrs. Klein asked if we have to depend on the goodwill of the ship.

Ms. Carver replied yes.

Mr. Mallet replied this is an item the study looked at to see if ships are complying with the request. To his knowledge there is no evidence nor is it known how MSX is propagated.

Ms. Carver replied she has never seen evidence of this but it may exist.

Mr. Klein replied there are reports that state MSX arrived directly from Ballast Water in the early 50's and then propagated.

Ms. Carver noted she would like to see that information.

It was noted that Ms. Carver stated they are now required by law to not mix oil and water but it could have been introduced by oil tankers then.

It was noted that it was requested that they file a report but that they don't have to do this.

Ms. Carver replied that Ballast Water Report is mandatory.

It was agreed but they could say they did or did not do an exchange.

Mr. Klein noted all they have to report is we did not exchange Ballast Water and this is a report.

Ms. Carver agreed that is right and it is not mandatory to do the exchange but it is mandatory to file a legitimate report.

Mr. Mallet noted part of the study was to validate some of these reports.

Ms. Carver noted the Ballast Water exchange by ship type as follows:

- General Cargo carrier – 68% exchanged, 23% no exchange, 10% questionable exchange
- Bulk carrier – 43% exchanged, 48% no exchange, 10% questionable exchange
- Container carrier – 76% exchanged, 24% no exchange
- Tanker carrier – 66% exchanged, 31% no exchange, 3% questionable exchange

Ms. Carver noted 60 – 70% of the General Cargo, Container and Tanker carriers were compliant with the request to undertake an open ocean exchange. She noted the Bulk carriers that did not do an exchange could have been partly due to the age and safety considerations of the vessel.

Mr. Klein asked if the final or interim destination of any of these vessels was the Great Lakes.

Ms. Carver replied this was not part of the information data. She noted the percentage of questionable exchanges may be inaccurate because there would be no way for them to detect the difference in salinity based on port waters for some ships.

It was asked if Ms. Carver knew the country of origin of these ships.

Ms. Carver replied no and it may not have been due to misreporting and it would be hard to argue it was a problem with the ship, it may have been a stability issue.

Mr. Mallet replied that on the other hand some ships would go to great extents to ensure that Ballast Water was exchanged several times.

Mr. Stanton asked what expense a ship would incur to exchange Ballast Water.

Ms. Carver replied on average it takes 24 – 36 hours to do a Ballast Water exchange.

Mr. Mallet replied it could cost \$3 – 4000 in maintenance costs for pumps, etc but for a higher-level treatment on a Bulk carrier it could range to \$40,000.

It was asked it cost that much to exchange Ballast Water. He noted he worked on ships and it would be just a matter of opening ports and valves.

Mr. Mallet replied you would still have to operate the pumps and there would be fuel costs.

It was noted there would be no fuel costs because they were hooked up to the main engine.

Ms. Carver noted Mr. Mallet was referring to wear and tear and she did not get the impression they did not do a Ballast Water exchange for that reason.

Mr. Klein noted what concerns him is the Ballast Water Management plans that these individual vessels were required to file.

Ms. Carver replied there is a statement on the Ballast Water Report Form asking if the ship has a Ballast Water Management Plan on board. She noted Container carriers that traveled into the US or Europe had volumes of forms but she was unsure whether a General Cargo ship traveling to Cuba did. She also noted the language barrier was sometimes a problem and the Container carriers were carrying Ballast Water Management Plans because they are mandatory in some other countries.

Ms. Carver noted the Ballast Water sampling protocol as follows:

- Select ship based on country of origin/port of arrival

- Contact shipping agent – arrange boarding time
- Review Ballast Water history with Chief Officer (Ballast Water Report Form received from Transport Canada)
- Select three tanks based on water age/origin
- Obtain water samples from sounding pipes or ballast pump

Ms. Carver noted the preferred sampling method is the air-driven diaphragm pump with a sample being removed from the sounding pipes. She noted the alternate method used was the Ballast Water pump used on Container carriers. She further noted with this method there was a certain amount of doubt as to whether they had actually gotten the sample they requested. It was asked if they considered putting dye in the tank.

Ms. Carver replied no it meant with Container carriers there was a question as to the source.

Ms. Carver noted the Ballast Water samples were gathered by the following criteria:

- 50 liters filtered through 20-um mesh
- 235 samples for Phytoplankton analysis
- 59 samples for Zooplankton analysis
- water age – 1 to 289 days
- salinity – 1 to 36 0/00

Ms. Carver noted the origin of Ballast Water samples by FAO Region is where the water originated from not where the ship originated. She noted most samples came from Northeastern US zones and a lot of Open Ocean exchange occurred. She further noted the Tanker and Bulk carriers were traveling up and down the coast not overseas whereas the Container carriers are ocean going and most likely bringing this water.

Ms. Carver noted usually only a small amount of water is discharged. She noted they would request a sample of Ballast Water the ships were planning to discharge or a sample from what was actually discharged. She further noted if the ship was not planning to discharge they would request a sample based on something that may be of interest.

Ms. Carver noted the origin of Ballast Water samples collected were by type and that most of the Ballast Water samples originated from the US. Sample types collected were from Port, Coast <2000 meters and Ocean >2000 meters and the purpose was to compare what actually happened and what differences this made.

Ms. Carver noted the Phytoplankton taxa as follows:

- Total taxa – there are 423 species of Phytoplankton taxa
- Diversity – 43% >25 taxa/sample max 68 taxa/sample
- Abundance – 35% >10,000 cells/liter max 220,000 cells/liter

Ms. Carver noted the Phytoplankton abundance/diversity by origin on average was 4000 cells per liter with 25 different species from the zones noted. She noted most cells from the Indian Ocean (zone H) were dead.

Ms. Carver noted the Phytoplankton abundance/diversity by water type (Port, Coast, Ocean). She noted Port Ballast Water was not exchanged and contained more cells, on average 20 different species. She further noted the decline in species in Coast and Ocean Ballast Water, which was the expected result. The number of taxa (species) didn't decline but there were fewer cells.

Mr. Jeffrey asked if they retrieved a sample if the ship didn't discharge Ballast Water.

Ms. Carver replied yes and a number of samples referred to was from water that was not discharged. She noted in the case of Tanker and Bulk carriers all of the Ballast Water was discharged into port. In the case of Container and General Cargo carriers, which did not discharge Ballast Water, they sampled water although it was not discharged into port.

Ms. Carver noted the Decline in Phytoplankton abundance with age, which is a very important stage. She noted by six weeks 99% of the cells were dead. She further noted Phytoplankton produce cysts if the conditions are not pleasant that fall into the sediment and sit in the bottom of the ballast tank. This is a concern that should be looked at but was not done as part of this study.

Mr. Klein asked if they did silt sampling of Ballast Water.

Ms. Carver replied Mallet Research Services did not. She noted dropping a tube into the mud and sucking it up or by sending someone into the section to sample it. She further noted this would be a study in itself and could not be covered in six months.

Mr. Klein asked are the weeks referred to weeks in the tank.

Ms. Carver replied yes, water in the Tanker and Bulk carriers falls into that one-week category.

Mrs. Klein asked if the taxa retrieved was equivalent to Canadian species or different.

Ms. Carver replied that is a good question.

Mr. Stanton asked did you find the sediment stirred enough to get murky water after a ship made a rough passage instead of clear or did it not stir up the sediment.

Ms. Carver replied it is reported to do this but they did not actually notice or they were not made aware of whether a ship had a rough passage.

Mr. Stanton asked if some water was black and some clear they didn't notice it.

Ms. Carver replied some were dirty but they didn't know if it was because the port they came from was dirty.

Mr. Mallet noted at times if it was low tide on entry the water would be closer to the bottom and could pick up sedimentation, which would make the water murky, but this was a rare occurrence.

It was noted at most times the ballast tanks are quite clean.

Ms. Carver noted she has heard this. She noted one of the issues is the dry dock in Halifax harbour and when the tanks are flushed what happens to that sediment. She questioned does it go into the harbour or where does it go.

It was asked is there any sediment in it.

Ms. Carver replied bulk yards are continuously changing their water and questions where this water goes.

It was asked if it is from bilge pumps that are situated in the keel of the ship and oil or fuel in that area and is pumped into the ocean.

Ms. Carver agreed with him but she noted Ballast Water is totally separate from bilge.

He noted he had spent a lot of time in ballast tanks and they are basically very clean.

Ms. Carver replied she has heard his perspective and others. She noted hull inspectors have stated they wade in mud up to their knees. She further noted it probably depends on the route of the ship, where they take up water and how the tanks are cleaned out. It is very important that what comes out of the bottom of the tank is handled appropriately.

He noted not all ships are the same.

Ms. Carver agreed it depends on the ship.

Ms. Carver noted the Phytoplankton taxa – geographic affiliation and noted this is the answer to Mrs. Klein's question is it a native or non-native species. From the 423 Phytoplankton taxa studies there were 187 Indigenous (native) with a possible 10% being harmful, 104 Non-indigenous (non-native) with a possible 13% being harmful and 132 Cryptogenic (unknown affiliation) with 17% being harmful. She noted of the Non-indigenous species most of them were warm water species but it is unknown whether they would survive because there is not a lot known about the survival of species introduced into our environment. She further noted of

the Cryptogenic species there is not enough information known as to whether they are Indigenous or Non-indigenous as it was not listed in the Phytoplankton index or it could not be fully identified.

Ms. Carver noted she would now discuss the subgroups of harmful taxa (questionable percentages) from each of the four categories, which are as follows:

- Indigenous – Harmful taxa (IND-HARM)
 - Amnesic Shellfish Poisoning (ASP) such as *Pseudo-nitzschia fraudulenta*, *P. seriata*, *P. multiseriata*, *P. pseudodelicatissima*, *P. delicatissima*
 - Diarrhetic Shellfish Poisoning (DSP) such as *Dinophysis acuminata*, *D. norvegica*, *D. rotundata*, *D. tripos*, *D. punctata*
 - Fish-kills such as *Chaetoceros convolutes*, *C. concavicornis*, *Dictyocha speculum*
- Cryptogenic – Harmful taxa (CRYP-HARM)
 - Azaspiracid toxins such as *Protoperidinium crassipes*, *P. curtipes* (?)
 - Paralytic Shellfish Poisoning such as (PSP) *Alexandrium* spp (?)
 - Unidentified cysts and microzooplankton
- Non-indigenous – Harmful taxa (NIND-HARM)
 - ASP such as *Pseudo-nitzschia subpacific*, *P. australis* (?)
 - DSP such as *Dinophysis acuta*, *D. caudate*, *D. fortii*, *D. mitra*, *D. pulchella*, *D. dens*, *Dinophysis* sp
 - PSP such as *Gonyaulax birostris*, *G. turbynaii*
- Non-indigenous taxa – (NIND – Risk?)
 - *Cymatosira lorenziana*
 - *Ceratium arietinum*

Ms. Carver noted the Non-indigenous category is divided into two groups. She noted of the Non-indigenous taxa – (NIND – Risk?) which most are warm water species and not actually known to be harmful but because they are non-native there is a question of whether they can become disruptive if introduced to the environment.

Ms. Carver noted the Non-indigenous taxa – (NIND – Risk?) are warm water non-native species, which do not have a reputation of being harmful. She noted there were live cells in the Ballast Water sampled but not if the water was 289 days old. She further noted in several instances they found open ocean species in Ballast Water but we don't see them on the coast because they don't survive there.

Ms. Carver noted the origin of Non-indigenous and/or harmful taxa was determined. She noted they are basically coming from the Northeast, our zone (Zone A). She further noted the bulk of the species sampled came from our zone and they divided the number of species by the number of samples for comparison to determine which zones may be of high risk.

Ms. Carver noted the same comparison on Non-indigenous and/or harmful taxa per sample was done on Ballast Water that had been exchanged and they compared Ballast Water from the Port with Ballast Water that had been exchanged in the Open Ocean. She noted the results were surprising because it was believed the numbers of species would decrease with the Open Ocean exchange but in actual fact there was no decrease. She further noted it may have changed the type of species present but in terms of Phytoplankton you have not eliminated the risk of introducing potentially harmful taxa.

Ms. Carver noted they questioned the cells in the Open Ocean samples and it was determined that a mixed Bloom of multiple species of *Pseudo-nitzschia* spp (confirmed by SEM) had occurred in October off the Scotian Shelf where the exchanges were being done and picked up by ships traveling and discharging into Placentia Bay. She noted this is a concern because

Pseudo-nitzschia will stay offshore and bloom but they are being carried into port and being discharged. She further noted the Bloom was happening at this time of the year and it may not happen at any other time but there is the consideration that the Bloom offshore wouldn't normally come inshore unless they were blown in on waves carried by Pacific winds. She noted some of the species were native and some were non-native species.

It was asked if these species were picked up in the Bay of Fundy.

Ms. Carver replied no, they were picked up offshore.

It was asked offshore where.

Ms. Carver replied off the Scotian Shelf in the Gulf Stream float water.

It was asked if they are not off the Coast of Maine.

Ms. Carver replied no. She noted in that same period they did look at some samples from the Maine Coast and they also had a Bloom of Pseudo-nitzschia, which in some cases was being picked up and exchanged.

An earlier point being that the great exchange of water in the Bay of Fundy i.e. the high tides and asked if this really does not effect the Bloom.

Ms. Carver replied if there is a Bloom of Pseudo-nitzschia on the Maine Coast it may stay there or it could circulate around as well. She noted these things drift around and intense Blooms tend to occur offshore in zones that don't affect shellfish. She further noted ships may be picking them up and bringing them in on occasion. If shellfish are being monitored they should be aware that in Placentia Bay potentially there is a lot of Phytoplankton being dumped by those ships and there should be some monitoring.

Ms. Carver noted perhaps for the other 11 months of the year everything is fine. She noted these are scientific issues and it is something to keep in mind. Just because you do an Open Ocean exchange does not mean the problem may be reduced.

Ms. Carver noted the Zooplankton taxa as follows:

- Total taxa – there are 79 species of Zooplankton taxa
- Diversity – 24% >10 taxa/sample, max 17 taxa/sample
- Abundance – 44% >10 individuals/liter, max 732 individuals/liter

Ms. Carver noted 50 liters of Ballast Water was sampled and it is her opinion the number of Zooplankton taxa is underestimated. She noted more water was probably needed for sampling to determine the taxa. She further noted part of the problem is a net is needed to haul through the Ballast Water tank but to do this a hatch cover needs to be opened which is difficult depending on their condition. She noted because of this the numbers for the Zooplankton taxa are not as representative of species as the Phytoplankton taxa.

Ms. Carver noted the Zooplankton abundance by ship type as follows:

- Bulk carrier – 8.7 individual/liter
- Tanker carrier – 9.6 individual/liter
- Container carrier – 8.5 individual/liter
- General Cargo carrier – 7.5 individual/liter

Ms. Carver noted the Zooplankton abundance by origin tends to be higher in Zone A but in all the numbers are not high.

Ms. Carver noted the Zooplankton abundance by water type Port, Coast and Ocean. She noted port water was compared with exchanged water and the number of cells did not fall considerably. She further noted there are still a lot of live species found in that Open Ocean exchanged Ballast Water.

Ms. Carver noted the difference compared to the geographic affiliation of the Zooplankton taxa there were no non-native taxa observed. She noted of 79 Zooplankton taxa she found there were 68 Indigenous and 11 Cryptogenic taxa.

It was asked when you say she do you mean the company.

Mr. Mallet replied Mallet Research Services did the Phytoplankton study and Sprytech Biological Services did the Zooplankton study.

Ms. Carver noted that Zooplankton study is not her area of expertise and these are not her findings.

Mr. Stanton asked when they do these studies on Zooplankton if they find an egg what to they do. He noted they would not be able to classify it because it is hard to classify an egg.

Ms. Carver replied it would go into the Cryptogenic category because they would not be sure what it is.

Mr. Stanton asked if they didn't know what the egg was how would they know if it was native or non-native.

Ms. Carver replied this is true and she asks the same question.

Mr. Mallet replied that is why it is listed as unknown.

Mr. Stanton asked if you don't know what it is how do you know whether it's indigenous or not.

Ms. Carver replied she stated she did not see anything that she knew was Non-indigenous.

Mr. Stanton asked if that is why she just assumed this.

Ms. Carver replied that is correct. She noted it is possible that another analyst could take the same data and see a different classification.

Mr. Mallet replied from the 79 species that were looked at 11 of them were classified as unknown, which meant they were not found in their data bank.

It was noted that you can't identify something if you don't know what it is.

Mr. Stanton noted looking at this Zooplankton as far as he knows these are larva and one celled animals that move around the environment

Ms. Carver replied with the multi-cells, a lot of them are copepods.

Mr. Stanton asked if it hasn't got to the larval stage yet, is an egg do you classify it or do you say it isn't Zooplankton.

Ms. Carver replied it would be called fish egg by its size. She noted Mr. Stanton is right and this is part of the problem with Zooplankton. Often in early stages you cannot tell what it is and she would have to defend her classifications accordingly.

Mr. Klein asked if no Non-indigenous taxa were observed is it true to the point of her analysis that she did not necessarily know what she was looking at.

Ms. Carver replied this is correct.

Mr. Klein asked if she was not competent to make a judgment.

Mr. Stanton noted this is why she placed in it the unknown designation.

Ms. Carver replied no it does not mean this.

Mr. Klein replied she can't make a no known Indigenous if you don't know what the species are and 11 of 79 species is a significant percentage.

Ms. Carver replied he could certainly argue that point.

Mr. Klein replied it is not a question of arguing, that is the statement that was made.

Mr. Mallet suggested we return the discussion, to the previous topic. He noted in that case you would have native, non-native and unknown affiliations.

Mr. Klein replied he is concerned with the statement that was made, as it seems to be meaningless in light of the discussion.

Ms. Carver replied she did not see any species that she recognized as being non-native.

Mr. Klein asked if she saw species that she did not recognize would it end up in that classification.

Ms. Carver replied if she could not identify the species because it was a larvae, egg or some level where you can't determine the species it would be placed in the Cryptogenic category (unknown affiliation). She noted that this is why you need to know where the water came from and what exists at that port.

Mr. Klein noted that is why he asked the question.

Ms. Carver noted that is an important aspect and in that sense it was not done as part of the study. She noted these species may be a problem in other ports and they are aware of what it looks like at what stage and then specific risk concerns could be identified from that end.

Mrs. Klein asked is it she or the company Ms. Carver is referring to only her eyes that were looking at the slides.

Ms. Carver replied she was looking at the original sample, a fixed sample.

Mr. Mallet replied she did the analysis.

Ms. Carver replied she did the identification and she had a list that she would refer to.

Mrs. Klein noted she is trying to understand and asked is it a slide.

Ms. Carver replied it is an actual organism.

Mrs. Klein asked if the organism is still alive.

Ms. Carver replied no they are not alive. She noted they are fixed

Mrs. Klein asked if they are fixed live.

Ms. Carver replied they are fixed in fluid, in water.

Mrs. Klein asked if only one person was looking at these slides and in the case of Mallet Research Services two pairs of eyes were looking at the slides.

Ms. Carver replied yes.

Mr. Stanton asked how do you determine what is a harmful species. If it kills fish that is one thing but is it only harmful if it kills things or is it harmful if it displaces indigenous species.

Ms. Carver replied if it is disruptive that would be harmful. She noted their concern is if a species produces toxins or kill things.

Mr. Stanton noted there is certain species of fish that could be brought in that would eat all of the herring, then all the cod and then all the whales would die. He noted it wasn't really harmful to the cod but the effects of it killed the cod, it was a harmful species in a round about way.

Ms. Carver replied if there was any history, she would have had to keep a list of everything she saw and if she didn't know she would check the literature to see if there is any history of those species doing what Mr. Stanton stated. It would be asked does that species have any history anywhere of being a problem and she noted it does not mean that you can't anticipate potential problems. It doesn't cover every eventuality.

Mr. Stanton asked if they have ever had the same problem as with African bees. He noted they brought bees here and it was stated they would never over winter in Canada but they bred with native bees and did over winter. He asked do you know how likely it is that a similar species for example from Australia can breed with species from Nova Scotia and produce a hybrid. He asked is it likely or is it extremely unlikely.

Ms. Carver replied she does not know.

Mr. Mallet replied the ecology of the species being introduced to the environment and how they actually develop is totally unknown.

Mrs. Klein replied in some cases it is not unknown. She noted the green crab would be an example of this and that it would not survive in our colder waters.

Ms. Carver replied she looked for green crab larvae in the samples, there were none found.

Mrs. Klein noted she believed the question Mr. Stanton was trying to make was are there species that we don't really know the impact of their evolution.

Mr. Klein noted beaver in their own environment are not harmful and would not be classified as such. He noted putting them in an environment other than where they normally are would cause problems. Identifying a species as harmful, he asked not harmful where.

Mr. Stanton replied Ms. Carver shouldn't feel we were picking on her because it is nice for somebody to say they don't know, as it would be suspicious of her if she said she did know.

Ms. Carver agreed this is the problem there is so much that they don't know. She noted this is not much analysis and she basically looked for things such as crab larvae because they are of concern along the US coast. She further noted the species list is in the report and she is not questioning her science. We don't know about a lot of species because there is no data and we can't make predictions.

Mr. Stanton noted there might be a new lobster disease in Eastern US and they have no idea what causes it but the lobster catch is declining and the lobsters are dying in that area. He noted the ships that will be coming here are picking up Ballast Water in that area and you probably couldn't tell us if this is a virus or whether it's in this water or not because they don't know what is causing the disease and we are afraid of what we don't know.

Ms. Carver replied diseases are difficult because often they don't know what to look for.

Mr. Mallet replied in the case of the oyster we know what it looked like when it manifested but we do not know what it looks like in its different stages.

Ms. Carver noted if they were looking for it in Ballast Water they wouldn't know what to look for because they don't know the life cycle of this disease.

Mrs. Klein noted as a layperson what your more interesting point is simply that the exchange of Ballast Water in the ocean, bringing it to shore is the same percentage as other harmful species.

Ms. Carver replied yes.

Mrs. Klein noted the fact that a tanker shows up and empties Ballast Water in port obviously has an effect on the local ecology.

Ms. Carver replied potential effect, yes.

Mrs. Klein replied that it has to have an effect.

Ms. Carver noted unless everything dies.

Mrs. Klein asked if this is in port.

Ms. Carver replied no, it could be live but for temperature and salinity conditions if you bring water in from Southern US.

Mrs. Klein replied off the coast of Maine one cannot assume that if the environment is slightly colder.

Ms. Carver replied the salinity is probably not much different. She noted it would depend where the ship is coming from and Tanker carriers move a lot of water around.

Mrs. Klein noted people doing a lot of business are not going to say I'm going to keep my boat offshore for 6 weeks so that everything dies.

Ms. Carver replied of course not commercial traffic has a tight schedule. She noted what has been shown about exchange might suggest that Open Ocean has no value but this is not what she is trying to say. She noted it is the only thing we have that may reduce the likelihood of moving an unknown organism.

Ms. Carver noted that the coastal water has a host of things in it.

Mrs. Klein replied but your own study doesn't support this.

Ms. Carver replied she has not spoken of a lot of the coastal species such as crab larvae. She noted the things you pick up offshore even though

you may have the same number of species there can be different species present. She noted in her case she is speaking of toxic Phytoplankton and something the shellfish growers manage around but it's not the same level as speaking of disruption such as a disease like MSX where it has basically wiped out the whole industry. She further noted these issues are critical and all of the coastal species that we don't want to see. The only thing we have at this point until we have Ballast Water treatment technology is an Open Ocean exchange to try and reduce that risk. We don't have enough data at this point and it may be very effective at reducing or eliminating the risk of introducing species and diseases. That Open Ocean exchange is very important even though it may prove in the long run to not be that effective, it is our only ammunition at this point in time.

Mr. Stanton asked is there a way you could distribute the discharge of Ballast Water differently because it sounds to him as if when they are coming into Halifax, Nfld or anywhere around here and could they not dump this in one basic area around the world, mix it together and pick it back up again. He noted instead of having invasive species aboard ship from the US you have one from Australia, one from Japan mixed together in the warm water of the Open Ocean where they are likely to survive and who knows what will happen when you exchange Ballast Water from that big soup because you are dumping it in one spot.

Ms. Carver asked if he meant the harbour.

Mr. Stanton replied no when they come close to the 2000 meter mark and they start dumping the Ballast Water and if they circle from Europe they are coming into the mouth of this Bay by the same route as ships that are coming from down South. He noted they are all coming to the Open Ocean to drop their Ballast Water and pick up more.

Ms. Carver replied there is the issue of dilution in regards to the greater than 2000 meter depth. She noted he is saying they are all in one zone but if you actually worked out the chances of picking up Ballast Water from the last ship it is highly unlikely.

It was noted Ballast Water exchange occurs over a 40 – 50 mile distance.

It was noted the ship 50 miles behind him would then pick it up.

Ms. Carver replied she did not wish to comment; there is no data for that scenario.

Mr. Stanton noted the only thing he can go by is that a lobster carries eggs and dumps them, they float in the water column for 110 days and if other species can float and they are mixed together and surviving on the surface for 110 days and if 200 ships take on Ballast Water it is likely they won't get many of them but is there some way to tell the ships to spread this out. He noted there is no way to do this if they are all coming into the same area to do Ballast Water exchanges.

Ms. Carver replied that this is some of the information they are trying to determine.

Mr. Stanton noted when the traffic hits the Bay of Fundy they are in the shipping lanes.

Mr. Mallet noted the issue of mid ocean exchange is contradictory and a lot of studies have shown mid ocean exchange does reduce the species. He noted the studies show it is the right thing to do and that when they did this study it was done in the fall, there was a big bloom seen on satellite which somewhat changed the nature of this study. He noted Open Ocean exchange is a positive thing to do.

Ms. Carver noted this is the reality of the study Mallet Research Services performed and she noted in terms of if you are monitoring shellfish for toxin you need to be aware where Ballast Water is discharged is potentially harmful and there are species that could bloom and be a problem but that doesn't mean that Open Ocean exchange is useless in that sense. She noted in some instances they are required to do Open Ocean exchange such as Vancouver and Australia. She further noted they spoke with scientists on the West Coast and looked at ships from Japan that did Open Ocean exchange and by the time they got here there was very little there. She noted it does work but the particular routes and time of year they were looking at we were seeing a risk for toxic Phytoplankton.

Mr. Stanton asked if this is plants.

Ms. Carver replied yes.

Mr. Stanton asked if they would not tend to be at the surface with their larval stage like a Zooplankton. He asked if they stay at the surface for all of their lifecycle.

Ms. Carver replied yes they are fully planktonic in that sense. She noted there is the perception that toxic Phytoplankton hang along the coast and offshore and that's fine but that is not the case and that is why we need to be aware. She noted with Zooplankton she felt that she was not seeing any high-risk species coming in the Ballast Water in the samples that she looked at. She further noted there is a lot of information that is not available.

Mr. Stanton noted a lot of those species might have been at a stage in their lifecycle where they would not be at the surface so at that time of year you would not get them in Ballast Water but at another time of the year they could be present.

Ms. Carver replied that was correct and that another study could be performed and there could be a number of species present that could potentially be a problem.

Mr. Stanton replied that it is a useful study but it needs more. He noted this is just a snapshot.

Ms. Carver noted when they applied for the contract they noted in order to do the study scientifically and appropriately with 100 ships that it should be done with 25 ships per season.

Mr. Klein asked if the methodology actually swayed the results.

Ms. Carver replied it is a snapshot of a specific period.

Mr. Klein asked if it is correct that this data is good only for the calendar period in which the study was done and no inferences about this data should be applied to any other part of the year.

Ms. Carver replied that is correct.

Mr. Klein asked if they were narrowed by the customer to perform say a one-month snapshot look with no inferences about any other period. He asked if that would be an appropriate comment for your report.

Ms. Carver replied she agrees with his comment but she does not want him to put words in her mouth however she is not stating that the customer constrained them.

Mr. Klein replied she just said the customer constrained them.

Ms. Carver replied she is aware of that but it was noted anecdotally. She noted this is how funding works and if they had had more control they may have done the study chronologically. She further noted for future studies it should be requested that they be done on a seasonal basis in order to get a better picture of what happens throughout the year.

Mr. Mallet noted the previous study was focused in a different time of year (July - August) and this study was from September – March.

Ms. Carver noted with the July – August study she did not see any Non-indigenous Phytoplankton. She noted again it is limited to that area and that future studies should learn from this study.

It was asked how did Mallet Research Services happen to make this presentation tonight.

Mr. Buxton replied they were requested to come here by Global Quarry Products because the Community Liaison Committee requested that the Proponent find someone to make a presentation because there have been questions at the CLC meetings in respect to Ballast Water. He noted they did research as to who could present the information not from a regulatory perspective but from a scientific perspective and Mallet Research Services were recommended.

Mrs. Klein asked if this is a paid presentation.

Mr. Buxton replied of course it is. He noted Mallet Research Services is a private company who are consultants and the Proponent is paying for them to be here at the request of the CLC.

Mr. Mallet noted much like they received a call from Transport Canada and were asked could they do the study.

Ms. Carver noted they were called to talk about the study and that is all that she is aware of.

Mr. Buxton noted they have not been told why or who is in this room, they have been asked only to make their presentation.

Mrs. Klein noted she was asking how they arrived at Rossway.

It was asked of the areas that they were asked to observe how long has shipping been going on.

Ms. Carver replied in the Halifax area since 1759.

He noted shipping has been going on for hundreds of years and that 11 of 79 species were determined as unknown. He felt that this was a very good number.

Ms. Carver replied this is in the Ballast Water. She noted this is not what is in the ocean.

He again noted shipping has been going on for that length of time and asked if 11 of 79 species determined as unknown is a good number.

Mr. Mallet replied this is what is in the ships not what is in the Port.

He asked it is in the Ballast Water itself.

Ms. Carver replied yes it is the survey of waters coming in.

He replied maybe he was after the exchange rate.

Ms. Carver noted this is the next step of the study the question being what happens when that water goes into the water around a ship.

He asked if this is the first kind of study like this that has been done.

Ms. Carver replied yes for our zone, for Atlantic Canada.

He asked if she would say that number is good for the amount of shipping that goes on here.

Ms. Carver replied that it only takes one bad species and if it was in that water that was discharged perhaps you could have a problem.

He asked wouldn't we have already seen that problem.

Ms. Carver replied if it survives Ballast Water. She noted it has to be picked up, survive going through the pump, survive transport in the tank and then it has to survive the winter.

He noted you would think that in the number of years shipping has been going on that this would have been seen by now.

Mr. Mallet replied this is very hard to ascertain. He noted that there are Non-indigenous species that are showing up but it has not been ascertained how they were brought in. He

further noted that you can't say that Ballast Water is responsible because it could have equally been a cruise ship that transported them as they traveled through the Chesapeake Bay. He asked how do you assign the risk and answered it is almost impossible to do this. Mr. Stanton noted as was previously stated that tankers carried oil and water in the same tanks and the same species that survived now would not have survived then. He noted ships are faster now so we can't look behind and see what's accurately known.

Ms. Carver noted Mr. Stanton's point is correct. She noted there is greater concern because of the amount, volume and speed of shipping and as you can see age is critical to some species.

Ms. Carver noted the effectiveness of Ballast Water exchange as follows:

- At certain times Ballast Water exchange may increase the risk of introducing Non-indigenous Phytoplankton taxa as well as promote the dispersion of harmful Indigenous taxa
- although Ballast Water exchange did not reduce the abundance/diversity of Zooplankton, no Non-indigenous taxa were recorded.

Ms. Carver noted the risk management, documenting origin and volume of Ballast Water discharged with a compilation of data from Ballast Water Report Forms. See example table below. She noted the Ballast Water Report Form contains this information and it must be completed and the data is being compiled from this data. She noted cubic meter refers to 1000 meters. She further noted the origin of Ballast Water is just as important as the volume of Ballast Water and this information is coming together.

Compilation of data from Ballast Water Report Forms (example)

Location of port in Atlantic Canada	# Ships discharging	Types of Ships	Est. discharge (cubic meters)
Saint John, NB	262	Mixed	----
Come-by-Chance, Whiffen Head, Nfld	170	Tank	3,400,000
Halifax, NS	158	Mixed	----
Pt. Tupper, Port Hawkesbury, NS	134	Tank, Bulk	2,280,000
Hantsport, NS	119	Bulk	1,190,000

Ms. Carver noted the Risk Management, improving Ballast Water management guidelines as follows:

- discourage discharge of water originating south of Cape Cod in sensitive areas including Bay of Fundy, Bras D'Or Lakes, Gulf of St. Lawrence
- recommend release of all non-essential ballast prior to docking
- identify specific risks associated with uptake of Ballast Water in Atlantic Canadian ports (e.g. Phytoplankton species which causes PSP)

Ms. Carver noted Risk Management, education/research as follows:

- develop information package/guidelines for ships' crews to help in selecting which tank to discharge based on origin, age, etc.
- identify seasonal risk patterns (potential invasive species) associated with the uptake/discharge of water from various regions
- assess survival potential of organisms discharged into Atlantic Canadian waters
- encourage development of Ballast Water treatment technology.

Ms. Carver noted that we need to identify species and determine what are the chances of it making it if they are discharged into our waters. She noted at this point research money is going to the development of Ballast Water treatment technology and that any implementation takes time. She further noted that if they found a method that works to actually refit the ships or mandate and fit it on the ships it would take 10 years if not longer for all ships to be working on this.

It was asked if all ships would be refitted in ten years.

Ms. Carver replied it is highly unlikely, as they haven't yet found a technology they are happy with.

It was noted they need to try to find a solution.

Ms. Carver replied that this is recognized and there have been a number of trials but it is still in the submission stages.

Mr. Stanton asked if you could use poisons in the Ballast Water.

Ms. Carver replied you can't put poisons in the water.

Mr. Stanton noted that you don't know what you might be killing in the area.

Ms. Carver replied it would have to be environmentally friendly.

Mr. Stanton noted in the past there was something used to kill the lice on trout/salmon and it in turn killed the larva in the lobster. He noted that they would need to watch that if they fixed one problem not to create another.

Ms. Carver replied this is why we have these environment and treatment technologies. She noted water that has been treated with chlorine and neutralized, the cost has to be factored because it may not really be practical.

It was asked if there would be a way they could develop a filter that would filter that would catch those small organisms.

Ms. Carver replied you could probably catch a lot of organisms but you have these disease concerns and that's a very different concern.

Mr. Mallet replied they are looking at using a combination of filtration and UV treatments.

Ms. Carver noted another treatment they are looking at is onshore storage of clean Ballast Water and that the water could be treated there.

It was noted that this would be similar to an oil filter on a vehicle.

Ms. Carver noted these are combinations that are being looked at. She noted that this has addressed the concerns but these are the results of this study.

Ms. Nesbitt noted the reason they are here is because there is a potential development in Whites Cove, which is a quarry operation on the Bay of Fundy side, which is good lobster fishing grounds. She noted the concern is that the product being shipped between Whites Cove and New Jersey by Bulk carriers crossing the Bay of Fundy and what people are concerned about is that we don't want any harmful organisms or shell diseases brought to our area by their Ballast Water. She asked in your scientific opinion should there be red flags going up and she noted that this is why you are here. We were hoping to get answers to our questions.

Ms. Carver replied what she would want to know in your case is what is in that port in New Jersey, what sort of species are in that zone that you don't have.

Mr. Stanton noted that the lobsters are all dying off.

Ms. Carver replied that would be a concern and the more you know the better, but she can't say there should be red flags because she does not know where that water is coming from. She noted that is what she would want to find out.

Mrs. Klein asked what port is it coming from and does anyone in this room know the answer.

Mr. Buxton replied some but not all of the ships would be going to Perth Anvoy, others to NY.

Mrs. Klein asked NY harbour only.

Mr. Buxton replied they may go to other places but certainly no further south than that.

Ms. Carver noted there is a lot of information on invasive species and people working on them and they could talk to someone in that field or there is information on the web. She recommended they make contacts in those ports to get a profile of what the risks are and compile that information. She noted that is all she can recommend.

It was asked what website she would recommend.

Ms. Carver replied the Smithsonian has a website and she noted that she is not willing to speculate on what species are there. She noted this is not what they did and she is not a consultant per say she is a scientist so she can only talk about the results of what they did.

It was noted the Gulf of Maine route would be a good group to contact to look at hazards.

Mr. Stanton noted he had tried to get in touch with as many government agencies as he could to discuss this disease but none of them seem ready to comment on it but the fishermen's group he contacted in Massachusetts tell him that we don't want it. He noted that their catches are down in some cases by as much as 80%.

Mr. Mallet asked if he meant this year.

Mr. Stanton replied it started three years ago and has gotten worse.

Ms. Carver noted it is also a question of how these things are transferred.

Mr. Stanton replied we were thinking that if a ship went down there and picked up ballast and picked up diseased lobster larva and deposited it here it would not be good.

Ms. Carver replied it is something to think about.

Mr. Klein asked Mr. Buxton if it is the intention of the Proponent to have the shipping company publish their Ballast Water Management Plan for the individual vessels that are likely to be here along with any history of violations.

Mr. Buxton replied we will hire a properly licensed and certified shipper and they are required to comply with all regulations of marine transport.

Mr. Klein noted that doesn't answer his question and asked will you as the Proponent publish this.

Mr. Buxton replied no, we would have no jurisdiction to do this.

Mr. Klein replied you would hire these people to do work for you and yet you would not be able to compel them to publish what is a public document. He noted the guidelines for the control of Ballast Water to be discharged is a public document and what he is asking is would you require them to provide this document to the general public

Mr. Buxton replied no.

Mr. Klein replied thank you and stated that we would have no way of knowing what methods they are going to use or whether or not they have been cited for violations.

Mr. Buxton replied what we would know is what everybody else knows and that is whether or not they are complying with the regulations that are in place.

Mr. Klein noted if you are not going into the Gulf of St. Lawrence or the Great Lakes you can do with your Ballast Water in this area whatever you wish.

Mr. Buxton asked if anyone has expressed concern over the 119 ships going into Hantsport, which deliver within about 10 miles of the proposed discharge point for crushed rock. He noted the gypsum goes within 10 miles and perhaps even closer where there are 119 ships going in and out of Hantsport per year and have been for fifty odd years.

Mr. Stanton replied that we had no idea they were dumping that stuff but we are concerned now.

Mr. Buxton replied the point here is if you want the regulations to change or put in place then Transport Canada Marine Safety Division is the place to go.

Mr. Stanton replied we don't want any more ships until the regulations are changed.

Mr. Buxton replied unless the regulations are in place there is nothing he or anyone else can do.

Mr. Stanton replied they cannot give a permit out to the terminal and the ship can't come here.

It was noted the ships are already coming here.

Mr. Buxton replied there is nothing in the regulations that say ships cannot come in.

Mr. Stanton questioned ships are coming into Whites Cove, he fishes off there and would run them over. He noted they are not coming there yet because the terminal is not there.

Mr. Buxton replied they are going into Hantsport.

Mr. Stanton replied the Hantsport ships will not be coming into Whites Cove and he noted according to Mr. Buxton they are going to hire Canadian Steamships. He noted Canadian Steamships do not run ships there.

Mr. Buxton replied that he is saying that the gypsum from Hantsport is discharged within 10 miles of where gravel will be discharged in NY and New Jersey and he noted those ships have been going between Hantsport and those ports for well over 50 years.

Mr. Stanton noted this disease showed up 2 or 3 years ago and we don't want it.

Mr. Buxton replied you have to go to Transport Canada and deal with regulations.

Mr. Stanton replied then stop the problem.

Mr. Buxton replied Transport Canada does not look at specific ports.

Mr. Stanton asked if they don't care about the problem. He then left the meeting.

Mrs. Klein asked if what he is saying is that the Proponent is not responsible for something that Canadian Shipping does. She asked if it is ok because it is not part of the regulations.

Mr. Buxton replied what we are required to do and what we will do is we comply with every regulation that is in place whether it is with Transport Canada, DFO, and NSDOEL. He noted if people don't like the regulations what they have to do is to get the regulations changed or added to and then we must comply with those.

Mrs. Klein stated but Global Quarry Products is not interested in the environment.

Mr. Buxton asked why do you think we are going through a full environmental assessment or why do you think we are interested in having these meetings.

Mr. Klein replied he thinks the Proponent is just going through the motions. He noted he has read their application and they have said they are not going to let any silt go into the Bay and he has watched tons of it go in there in the last two weeks. He further noted that they can't seem to engineer a reasonable silt containment system for a small quarry operation much less as do anything as complicated as manage Ballast Water.

Mr. Buxton replied that we are not here to discuss that.

Mr. Klein noted that these are the kinds of things that are disturbing and their record of performance currently at the site is abysmal and he does not gain any confidence sitting here listening to Mr. Buxton dodge.

Mr. Buxton replied he would not comment on that. He asked if Mr. Klein would like to make a written statement

Mrs. Angrignon asked Mr. Klein where he is from.

Mr. Klein replied Sandy Cove.

Mrs. Angrignon asked where in Sandy Cove.

Mrs. Klein replied 2 Old Post Road.

Mrs. Angrignon noted they are new residents and not year round residents.

Mrs. Klein asked what is the implication of that question.

Mr. Klein asked if she thinks that his issues about health and safety in this area are excused because he is from the US.

Ms. MacAlpine asked if Mr. Klein is concerned about the project in Tiverton.

Mr. Klein replied not to the extent that he would be about having enough stone to cover this road at 12 feet leaving here every year. He noted the activity there is no comparison to container shipping. He noted he has seen what Vulcan Minerals has done in open pit quarries in his country.

Ms. MacAlpine asked if Mr. Klein is speculating.

Mr. Klein replied there are regulations in his country (US) that don't exist in Canada and the reason these companies are coming here is because they can't do what they would like to do here there.

Ms. MacAlpine noted we have our regulations and guidelines.

Mr. Klein replied you really don't. He noted that Canada has a swaying structure that in the US is lower than the fees for any given activity.

Mrs. Angrignon asked why do you find us attractive here.

Mr. Klein replied he likes the weather, the people generally and he likes (undistinguishable).

Ms. Nesbitt noted that we came to discuss other issues and noted we should move on.

Ms. Harnish asked in regards to Canadian regulations it is different in the US for Ballast Water.

Mr. Klein replied absolutely.

Ms. Harnish asked if ships from the NY area can take on Ballast Water in the harbour.

Mr. Klein replied they take on Ballast Water in the harbour although they may not dump their Ballast Water in the harbour. He noted the rules that are applicable for the Gulf of St. Lawrence and the Great Lakes have been globally applied.

Mr. Mallet asked Ms. Carver if she had an answer to that question.

Ms. Carver replied US guidelines for Open Ocean exchange is mandatory as opposed to voluntary and that is a key difference. She noted that if you are coming from Baltimore they request that you don't do an exchange in US waters but they prefer you do it in Canadian waters. She further noted ships have been doing it in an exchange zone in the Gulf of St. Lawrence that is causing some concern because the ships were not allowed to do their exchange in US waters and requested permission to do so in Canadian waters. We are trying to discourage that now but a lot of the shipping routes do not go into International waters and the problem being if everybody says that then no one is doing exchanges. She noted that the US are more active and Australia is very rigid because of problems.

Ms. Carver noted inter-coastal traffic is very difficult to come up with appropriate guidelines.

Ms. Harnish asked are there any other countries in Europe that have any type of treatment system.

Ms. Carver replied no they are not required but everybody is working on that.

It was noted as Mr. Buxton said we have to do something to change the regulations.

Ms. Carver replied that we could request that it be mandatory as it is in the US but where it is done is still an issue if you can't do it do they do it illegally or not at all.

It was noted by a guest that this presentation has opened his eyes because he was not aware that there was so much carried around.

Ms. Harnish replied we have no control over nature.

Mr. Klein noted an introduced species wiped out salmon.

Ms. Carver replied she is not sure if Ballast Water was the source of that problem.

Ms. Wilkins asked if Transport Canada told them why they were doing this study.

Ms. Carver replied in terms of risk assessment they need to know were there any Non-indigenous species or were a lot of crab larva coming from that Baltimore area, what is in that Ballast Water and what the potential risks are.

Ms. Wilkins was wondering if they gave her any hints as to their next step, their ultimate goal.

Mr. Mallet replied no because they will use this data to decide which way to go next. He noted that they are in the planning stages for the next study where they will board a gypsum ship and perform different ocean exchanges to see what happens. He noted that Transport Canada asked them to design the study and determine what types of questions needed to be answered.

It was asked if it is trial and error for them.

Ms. Carver replied yes they are learning along the way.

Ms. Wilkins was hoping that rather than have you come up with these studies so they can make more intuitive and knowledgeable suggestions that they were leaning more towards mandatory regulations.

Ms. Carver replied she thinks they are doing this in the long run and certainly Open Ocean exchanges is something they are working towards but there is the issue about where to do it.

Mr. Mallet noted that if the results had been that the minerals in the exchange had eliminated everything he thinks the result would have been that Transport Canada would say do the

exchange. He noted that this study happens to be covering what most of the other studies are showing so they are left with the question of what to do next.

Ms. Carver noted what it did was prompt them to say that they need to put that energy into Ballast Water treatment because exchange is not sufficient it is not enough. She noted that she is not saying it is useless because the data supports it but at the same time there are risks associated with it given concerns about toxic Phytoplankton.

Ms. Carver noted there is not enough information for this area yet but there are groups working and researching.

Ms. Harnish asked if there was study of all the different ports in the Atlantic provinces of the harbour waters or bay waters and could they compare them to the different Ballast Water or bilge.

Ms. Carver replied that port surveys are becoming quite common in other areas of the world and they will get experts together where they do a survey and look at all the species that are there. She noted based on previous records from years previous they may have 20 new Non-indigenous species and then they look at Ballast Water patterns and see where and how species may have been introduced.

Ms. Nesbitt asked if there were any other questions.

Thanks is extended to Ms. Carver and Mr. Mallet.

Ms. Nesbitt noted prior to adjourning the meeting approval of the minutes of April 9 and April 30, 2003 needs to be addressed.

It was moved that these minutes be approved as distributed.

Mr. Klein addressed Mrs. Angrignon and he stated that she made a statement regarding those of us from away he replied that for every four households that come here we create one job and if you want to drive us off that's what you take with us. One job for every four households that come in here.

Meeting adjourned at 9:45 pm.

Next meeting date is to be determined and advised.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. August 27, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chairperson
Ms. Judith Carty, CLC Member
Ms. Christine Harnish, CLC Member
Mr. Mark Jeffrey, CLC Member
Mr. John Ivens, CLC Member
Mr. George Gavel
Ms. Judith Moorehouse
Mr. Eugene Stanton
Mr. Kemp Stanton
Ms. Genie Wilkins
Ms. Marilyn Stanton
Ms. Myrna Farnsworth
Ms. Debbie Smith
Miss. Mary McCarthy
Ms. Doreen Evenden
Mr. Fred Horner
Mr. Gordon Reid, NS Party
Mr. Lindsay Bagwell
Mrs. Marian Angrignon
Mr. Leroy Morrell
Mrs. Jill Klein
Mr. Rick Klein
Ms. Christie Bishop
Ms. Anne Ray/Stewart?
Mr. John A Johnson, landowner
Mr. Tim Wilson, CBC
Dr. Charles Watrell, Archeologist
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. David Graham, CLC Member; Mr. Brian Cullen, CLC Member

Ms. Nesbitt welcomed those in attendance and introduced Mr. Wilson, an independent filmmaker under contract to CBC. She noted that Mr. Wilson is preparing a documentary about Digby Neck and the issues the community is currently facing.

Ms. Nesbitt asked if the CLC would accept the minutes of June 11, 2003 as printed.

Mr. Ivens motioned for their acceptance and all members in attendance agreed.

Ms. Nesbitt noted there is an outstanding issue that Ms. Stanton brought forward at the meeting in regards to a photo of siltation taken May 27, 2003 and asked if that could be addressed at this time.

Ms. Stanton replied she would like to have it addressed and that Mr. Klein brought the issue forward.

Ms. Nesbitt noted that the issue was not addressed and she believes there are those who would like to discuss the issue of containment and siltation. She noted people are concerned that if the quarry operation has not started and there is an issue of potential runoff what would it be like when the quarry operation does start.

Mr. Klein noted that the concern is water and silt runoff and if the existing pond is the primary pond the concern is once blasting begins there will be blast residue, nitrates and such which would be the components of nitric acid in a very dilute solution and this would leech into the ground water. He noted with the kind of rain we receive in the spring and fall seasons another blowout would take unsettled material straight into the Bay of Fundy and this area is part of Area 34, Lobster fishery.

Ms. Nesbitt asked if Mr. Buxton could respond to these questions.

Mr. Buxton replied that he had not responded to those questions at the previous meeting because that meeting had been dedicated to Mallet Research Services who came at significant expense to address a very specific issue. He noted this was at the request of the CLC and that the issue was Ballast Water. He further noted that he felt it was inappropriate to discuss other issues during their presentation.

Mr. Buxton noted in regards to May 25 - 26 there were complaints made to both DFO and NSDOEL that siltation was entering the Bay of Fundy. He noted on Monday, May 26 NSDOEL, Lovett Bladess, an inspection specialist from Yarmouth, came and examined the site and a culvert across the road. For the record the culvert is Nova Scotia Department of Transportation property. He further noted that Mr. Blades contacted him that afternoon and advised him there was not a problem with the quarry site but there was a problem with silt coming out of the culvert. On Tuesday May 27th DFO, Thomas Wheaton, Regional Manager for Habitat Management Division of Western Nova Scotia came out with Leslie Coolen, a Digby based fishery officer.

Mr. Buxton noted that there were discussions on the site and in particular Mr. Wheaton examined beach pools below and above high tide levels. He noted it was Mr. Wheaton's determination that there was siltation in the tide pools and on that basis there was an Inspector's Direction issued. He further noted subsequent to that and because the Proponent had concerns about the tide pools and how they would be regarded the Proponent engaged Dr. Brelinsky to study them, but this study was not available on June 11.

Mr. Buxton noted most of the tide pools debris is organic. He noted there is no evidence in the tide pools adjacent to the quarry that the material came from the quarry but there is abundant evidence that a very considerable amount of material has been coming down for a long period of time through the highway culvert. He further noted piles of gravel and silt are still there today.

Mr. Buxton noted since May 2002 the Proponent has been continuously monitoring the water coming out of the quarry onto the beach area. He noted the Proponent is allowed some limits under the terms of the quarry permit and they are: that no individual incident can produce siltation in excess of 50 mg/L and on a monthly basis the quarry cannot have an arithmetic mean

in excess of 25 mg/L. He further noted copies of the permit had been distributed and those are the figures stated in the permit.

Mr. Buxton noted the maximum level from the quarry site either last year or this year is 33 mg/L on a single incident basis. He noted that for the highest month the arithmetic mean is 15 mg/L. In other words the limits set out in the quarry permit have not been exceeded. He further noted the CLC should be aware of and possibly set aside a meeting to discuss the total suspended solids referred to in the permit, 50 - single incident/25 - arithmetic mean total suspended solids (meaning everything that may be gathered at whatever stage the water has gone through from when it came down as rain until it enters the Bay of Fundy).

Mr. Buxton noted the Proponent was puzzled at some of the results when Dr. Brelinsky separated the total suspended solids in the tidal pools into organic and inorganic materials and interestingly in some pools the inorganic material was very small, 5 – 10%, in others it may have been as high as 40%. He noted they took samples from a stream along the north line of the quarry on the hillside where there has been no activity and found total suspended solids as high as 15 mg/L. He further noted it might be that if a result from the beach shows 20 mg/L that there is in fact 15-mg/L indigenous organic materials the stream has picked up on the way down to the beach.

Mr. Buxton noted monitoring has been stepped up in these other areas to get a better handle of the distribution of organic and inorganic material in the total suspended solid count.

Mr. Buxton noted that NSDOEL has visited the site on two occasions since and taken water samples and there is photographic evidence of them taking the water samples. He noted the Proponent has taken water samples at the same times and a comparison of the test results from the quarry and NSDOEL tests has shown that the results are extremely close. He further noted that PSC Analytical tested the Proponent's water samples that were taken within twenty minutes of NSDOEL samples.

Mr. Buxton noted the Proponent is following the Inspectors Directive on file, which requires twice a week monitoring of the site and it requires a monitoring report that is sent to DFO. He noted Leslie Coolen was down on one or two occasions in June and DFO has made no further comments on this issue. He further noted all the heavy rain at the beginning of August and in that time the settling pond has worked perfectly well with the water coming over the proper spillway and flowing through the three check dams. The results at the beach were far below the levels set out in the quarry permit.

Ms. Evenden understands this is a preliminary stage and that things will get more complicated regarding runoff and the type of runoff. She asked if Mr. Buxton is referring to tests being taken on a more complex type of runoff that might have nitrates or is this early stage runoff.

Mr. Buxton replied the question that was asked at the June 11 meeting was specific to that siltation runoff but he will answer her question. He noted the material coming from the areas that are cleared have a fairly significant amount of silt. He further noted for those who had walked the quarry site and saw rounded boulders coming out of the excavation this is a sign that this was a beach line and at some point in time the water level was much higher in the Bay of Fundy where the beach was probably below the basalt escarpment as it is seen today. There is sand, silt and rounded boulders to a depth of 10 – 12'. In addition, the material scraped off the hillside (mostly 6" deep) and gullies had material that had significant amounts of silt.

Mr. Buxton noted the reason to be concerned is that silt is a lighter material capable of being easily transported by water. If the water is discolored it probably means you have a colloidal solution, discolored water with very little particulate matter in the water. For example, a large tank of water with a gallon of paint in it. Silt is the next heavier particle of material with clays being extremely fine, then silt, sands, gravels and rock, which are heavier. Silt is light enough to be transported by water. If you have a working platform in place with a crusher in operation and are transporting rock, washing material, etc. that material is now basalt dust which has a high specific gravity, it is heavier and that material settles fairly quickly. Crusher dust is a very valuable material and the sedimentation pond is there to stop particulate matter getting into the Bay of Fundy with a secondary function of collecting marketable material. He further noted when the settling ponds are cleaned out as required that material could be stacked in a containment area and can be shipped and sold.

Mr. Buxton noted the third point that Mr. Klein raised is what happens with non-combusted explosives. He is not an explosives expert and if the CLC would like to have an explosives expert speak he will arrange it. He noted his understanding from explosives experts is that the preparation of anfo as it is done today because of environmental restrictions and regulations means that you essentially get 100% consumption of the individual materials that make up the explosive and one is not allowed to contaminate the soil with that kind of material. He further noted that if they did contaminate the soil with that kind of material the Proponent would have very serious problems.

Miss McCarthy asked what is the filtration system within the dams that are placed in the ponds and are they permanent.

Mr. Buxton replied no, the spillway at the moment is a temporary spillway and the permanent spillway will be made of concrete. He noted the material that is there now is barrier material to collect any material that comes over the spillway to slow it down and get it to precipitate.

Miss McCarthy asked if they are filter dams.

Mr. Buxton replied he thought Miss McCarthy was talking about the material not on the check dams but in the spillway. He asked if she is talking about the check dams.

Miss McCarthy asked what is he referring to as check dams.

Mr. Buxton replied the check dams are the 3 small dams in the outlet trench.

Miss McCarthy asked what are the dams that are covered.

Mr. Buxton replied they are basically hay material in bales.

Mr. Klein asked if they are the ones that are actually off the 10-acre site. He noted if you were standing at the high tide line on the Bay of Fundy they would be facing the right.

Mr. Buxton replied that the quarry is not a square configuration.

Mr. Klein replied he is aware of where all of the property markers are.

Mr. Buxton noted they are temporary check dams that are simply put in place at this time because of the activity that is going on at the site. He noted that the permanent check dams would be designed slightly differently with different permanent materials. He further noted the permanent concrete spillway will have a weir across it to slow the water down over top that will be put in place at a later date and the settling pond will be lined with crushed rock.

Ms. Nesbitt asked if there were any other questions regarding the issues brought forward.

Mr. Klein replied he would like to remind people of the event that caused the complaint. He noted fishermen had observed a plume of mud exiting the left hand side of the site as per his description approximately ½ mile off the shoreline.

Mr. Buxton noted he had explained the technical process the Proponent went through and that that kind of allegation should not be discussed in

this session. He noted if Mr. Klein wishes to make that sort of allegation he is free to do so. It was made in the newspapers and he noted the Proponent is in the process of a legal process with respect to those allegations and he cannot discuss those specific allegations at this meeting. If the Proponent decide to pursue a process Mr. Klein will have every opportunity to explain to other people his assessment and to make them in a different forum.

Ms. Nesbitt asked if there were any other questions.

Mr. Klein replied he would wait for the fall rains.

Ms. Nesbitt noted there was another concern in regards to the news coverage of a quarry accident in Halifax and people are concerned about the control of explosives. She asked how likely is that to happen here. She noted this is a concern of residents of the area and to the people who might be fishing along that shoreline.

Mr. Buxton replied that he is not aware of what the charges were in Halifax but he noted clearly someone made a major error. He noted that he couldn't speculate as to why that happened but no one wants a 100-pound rock coming through their living room wall, which is what he understands, happened. He further noted the charges that are contemplated for Whites Cove in order to keep within the guidelines for blasting in or near Canadian Fisheries waters are charges less than 100-pounds. He couldn't comment on the Halifax event because he does not know the distances, charges or whether the rock was thrown $\frac{1}{4}$ or $\frac{1}{2}$ mile, as the article he read did not state this information.

Mr. Klein replied the article in the Chronicle Herald suggested the rock was 150 kilos and lobbed a mile over Hwy #102 into somebody's living room.

Mr. Buxton replied he was not aware of the amount of the charge or distance the rock was thrown.

Mrs. Klein asked could it cross Hwy #217 and land in Little River.

Mr. Buxton asked if this is from a 100-pound charge.

Mrs. Klein asked if he is saying it would only be a 100-pound charge.

Mr. Buxton replied the Proponent is not allowed to use any more than 100-pounds under the guidelines for blasting in or near fisheries.

Mrs. Klein asked if this is the guidelines for the 3.9 quarry.

Mr. Buxton replied under federal guidelines set out by DFO for blasting in or near Canadian Fisheries waters.

Ms. Nesbitt asked if this was regardless of the size of the quarry.

Mr. Buxton replied it has nothing to do with the size of a quarry. He noted anyone blasting in or near Canadian Fisheries waters has to meet guidelines that are set out very specifically. He further noted you are allowed to use larger charges as you move further away from water.

Mr. Klein asked if this is per hole.

Mr. Buxton asked for 100-pounds.

Mr. Klein replied yes.

Mr. Buxton replied yes, 100-pounds per hole, per delay.

Mr. Klein asked what is the total amount of the hole delay charge.

Mr. Buxton replied it depends on what you are doing at the time. He noted they could be 50, 60 or 70 pounds or if it is a tiny outcropping it could be 10 pounds.

Ms. Farnsworth replied we can't afford that situation in Little River; we don't get a second chance.

Mr. Buxton addressed the chair and noted he is surprised that no one seems particularly concerned about the village of Tiverton, the houses there are within 100 yards of recent blasting.

Ms. Farnsworth interrupted and stated not like the blasting planned for this quarry.

Mr. Buxton replied they were bigger blasts than what the Proponent plans.

Ms. Farnsworth disagreed with his statement.

Mr. Buxton noted they were bigger and that Ms. Farnsworth could check the blast sizes herself.

Ms. Farnsworth replied she has checked out a lot of things.

Mr. Buxton requested that she check the sizes of the blasts in Tiverton. He can assure her they were bigger blasts than what has been designed for the Proponent.

Ms. Farnsworth asked if the Tiverton quarry is as big as the quarry the Proponent intends to put in.

Mr. Buxton replied it has nothing to do with the size of a quarry. He noted we are talking about how close is a house. He noted when viewed from East Ferry you can see a group of houses in the village with a quarry amidst the houses, blasting rock and no one has said a word.

Ms. Farnsworth asked what is that rock for.

Mr. Buxton replied it doesn't make a difference what the rock is for.

Ms. Farnsworth replied it might not make a difference but it was for useful purposes, it was not going to the United States for no royalties.

Mr. Buxton replied that is not part of the argument and we are discussing technical issues here. He noted the fact of the matter is no one in the village of Tiverton complained about rock being blasted right among the houses in Tiverton.

Ms. Evenden replied two wrongs don't make a right.

Mr. Buxton replied he did not say they did but asked why weren't the same people sitting around this table asking these questions or calling DFO or NSDOEL saying why are you blasting in the village of Tiverton. He asked if anyone can answer that.

Ms. Evenden replied that people are becoming more aware of issues such as this.

Mr. Buxton noted the permit in Tiverton was issued approximately one year after Whites Cove permit.

Mr. K. Stanton noted he could explain this. He noted the society he belongs to is not supposed to go to the community and do anything until the community asks them to. He further noted the community asked them to look into the quarry site at Whites Cove. They did not ask them to look into the quarry site at Tiverton and that is why the people around this table are not concerned or asking questions about Tiverton. He noted his society was not asked by the community to do so.

Mr. Buxton asked why not.

Mr. Klein replied you would have to ask the people of Tiverton.

Mr. Buxton noted of course but you are asking me and I'm saying here's another quarry permitted a year after Whites Cove that has been blasting amongst the houses and you're asking me whether Whites Cove is unsafe, whether rocks are going to fly to Hwy #217.

Mr. Klein replied the concern is closer to where we live and people in Tiverton and East Ferry don't share those kinds of concerns. He noted they did not want to participate in a process that might have helped them stop it. He further noted that is their business but that is not the existing condition here.

Mr. Buxton suggested that Tiverton is closer to Whites Cove than Sandy Cove is to Whites Cove.

Mr. Klein noted that Mr. Buxton missed the point. If the people in Tiverton don't care they won't participate and if the people here do care show them how to participate.

Mr. Buxton replied he is not missing the point.

Mr. Morrell asked do the people in Little River pick and choose what they want to see. He noted he drove to the wharf in Little River and saw an excavator on the bank dumping dirt and gravel over to fill it in and he asked where is all that silt going. He asked why are the people of Little River not concerned about that because that silt is going into the ocean.

Ms. Farnsworth replied ask DFO.

Mr. Morrell asked why aren't the people of Little River concerned about it.

Mr. Klein replied the community was not supplied an opportunity.

Mr. K. Stanton replied the community did not ask his society to interfere.

Mr. Morrell replied because you are the community and you only do what you want to do.

Mr. Klein noted the community was not asked to participate in that process by DFO.

Mr. Ivens reminded Mr. Klein and Mr. Morrell that their questions have to go through the chair.

Miss McCarthy asked if the blasting in Tiverton is more than 800 meters from homes.

Mr. Buxton replied it is far less than that.

Miss McCarthy presumed the Proponent has permission to blast there.

Mr. Buxton replied the Proponent has nothing to do with that quarry.

Mr. Ivens noted there is also a big runoff of water there with no dams.

Mr. Buxton noted there is no sedimentation pond or silt fence and there are no environmental controls in the village of Tiverton. He noted the silt runs off in a red cloud every time it rains and no issues have been raised. He further noted there has to be a little bit of reasonableness here and if you are concerned about one quarry why aren't you concerned about another quarry.

Mr. Klein replied we have to know about the other.

Mr. Buxton asked if he did not know about the other.

Mr. Klein replied it is that simple and all we have to do is know that that is what's happening and we will make every attempt to bring those forces to bear.

Mr. Buxton asked Ms. Nesbitt if this part of the discussion is over as Dr. Watrell was in attendance and could we address his presentation and then reopen these issues afterward if needed.

Ms. Nesbitt apologized for not addressing this, as she was unaware of Dr. Watrell's attendance. She thanked him for his patience and noted the CLC was anxious to hear his report.

Mr. Buxton noted the CLC had previously discussed and made a request to have a report done on possible archeological events on the site and he indicated they were conducting comprehensive archeological studies through consultants and that the CLC asked if Dr. Watrell could come and tell them what was found on site. He noted Dr. Watrell's study has gone to NS Museums and has been accepted. He further noted Dr. Watrell could make a presentation of what he found on site and then have questions at the end of his presentation.

Dr. Watrell provided a synopsis of his credentials, which are a Bachelor, Masters and PhD in Anthropology and Archeology. He noted he has worked for State, Federal and Provincial governments, he has taught at the University of Regina, 32 years; Minnesota, 5 years; Ontario, 10 summers; and New York. He further noted he has approximately 30 years experience in both research archeology (when cultural questions are asked) and impact archeology (for development projects). Since WWII in North America 90% of the archeology done is with regards to development projects. He noted some projects he has worked on are: an archeological survey on 1800 miles of right-of-way for a 4-lane freeway, Historic forts, prehistoric villages,

preceramic villages, burials, modern cadavers for RCMP and a variety of other things. He further noted he has done fieldwork in New York, New Jersey, Minnesota, Alberta, Saskatchewan, Manitoba, Ontario and Nova Scotia.

Dr. Watrell noted in part this gives him an advantage in looking at the kinds of things that might be found on a property that is covered by a legislation.

Dr. Watrell noted in terms of contacting an archeologist a company would primarily go to the Provincial government, to a list of Archeologists kept at the Museum of Natural History. This list of archeologists includes people of qualified backgrounds who work at small museums, universities, private consulting companies, graduate students between their Masters and PhD. He noted only the people on that list (they are not all in Nova Scotia other Provinces are included) are qualified, they have the background necessary to do a historical and prehistoric impact study on a piece of development property. He noted only those people can get an archeological research permit.

Dr. Watrell noted that no one is allowed to pick up an arrowhead and it is illegal. He noted according to the latest development in Canada (1960's) through both Provincial and Federal legislation, the governments on both levels took possession of all prehistoric and historic artifacts in the ground on private and public property. He further noted that they own it all and gave no compensation for it and that means in terms of their property a company or individual doing a development project which is going to disturb that ground must hire an archeologist and a number of things must be done on that property. He noted that his job looks at human prehistoric and historic resources from a period and occasionally paleontological resources. Underwater archeology is a little more complicated because it involves Federal Fisheries and generally two levels of government.

Dr. Watrell noted that generally Archeologists do not do paleontological research because they work with human beings and Paleontologists work with dinosaurs. Dr. Watrell noted that he has a significant background in Paleontology.

Dr. Watrell noted in terms of those four types of resources that might be affected by development his job is to go to the property and assess what kind of project is being envisioned. He noted there is a very big difference between whether they are putting in a pipeline, a well, a cottage cabin, a quarry or a five-lane freeway and the impact varies in how much it will affect that piece of land. He further noted once the assessment of what the project is and what is going to be done is completed you need to identify those kinds of existing resources. Secondly an assessment of those is made: are they extensive, are they intact, has that site been dug already, a variety of things such as that and the condition and importance of those remains. Thirdly, recommendations are made.

Dr. Watrell noted that with 99.9% of all archeological and historical sites identified nothing is done and that of the .001% of sites that are excavated in North America the highest amount that has ever been excavated on any site is between 9 – 14% of the total land base of that site. He noted sites are very common and from his point of view cultural remains go from 10 – 12,000 years ago when human beings first entered this place to the average active dump. You can derive a lot of cultural information from dumps.

Dr. Watrell noted a company is required by law to hire an archeologist to do this kind of study and make recommendations but the archeologist is not an employee of the company nor is he an employee of the government. He noted he simply turns in the report that shows the level of work and results that satisfies the permit demands of the legislation.

Dr. Watrell noted he is contracted and being paid by a company to do that report. He noted the first thing that has to be done is the preparation of an application for a permit and several permits are given each year in Nova Scotia. He further noted in that permit he has to tell the reviewers of that permit (Archeological staff at the Museum of Natural History in Halifax, Robert Ogilvie, Protector of Special Places) the condition of the land, the nature of the development project, and how much it is going to disturb. He must tell what kind of background research is going to be done in terms of archives, paperwork, interview situations, and how he will use museum facilities. Mr. Ogilvie reviews the permit and the final report alone and in consultation with other museum staff members.

Dr. Watrell noted files of sites are always being recorded so they investigate whether there is already a prehistoric or historic site on that land but the average individual does not have access to those files even though they may have a site on their property or they may have paid taxes for a publication for that property. He noted that this position is held simply because they think the general public will start digging up sites all over the province.

Dr. Watrell noted in that permit application he will advise who he is going to interview for what purpose, what his field work goals are, and how he is going to sample a piece of property. He noted the most common way, which is a basic labour intensive way of doing archeology is to walk over a piece of land and if you look at land that has been disturbed there are changes in topography or relief. If someone digs a hole in the woods it remains for a long period of time so you can tell if there has been previous human activity. He further noted you state in the permit application how many shovel tests will be made. On an initial impact statement a series of shovel tests are dug the width, height, and depth of a shovel. To access something for further scrutiny a one-meter pit is dug. If you find something and are told you must do something with it then a grid is laid over that piece of property. Generally a decision is made about how much sampling is going to be done sub-surface depending on the lay of the land and what is already known about it from archival research. In the permit application it is explained how much and what the nature of your sampling will be. How many artifacts found are going to be processed must also be included in the permit application.

Dr. Watrell noted although Global Quarry Products pays his salary to do the study and the Provincial government says it owns anything that is found GQP is required to process those artifacts, photograph, draw, catalogue them and pay for their storage now and in the future in the museum. He noted this raises an interesting sideline. If you have a bag of artifacts that your grandfather left you, you can't sell them, dispose of them or pass them onto your progeny nor does the museum want them for a donation. He further noted it is a very interesting kind of legal question.

Dr. Watrell noted for artifacts that might be found a museum trained conservator must be on call during that project so anything that might deteriorate once it is exposed can be stabilized and put into good museum condition prior to giving them to the museum.

Dr. Watrell noted one of the primary sources of archival resources is the Provincial site files (these vary in Canada from province to province). He noted some may be computerized CAD generated map files and some may be a series of paper files Xeroxed from the 40's – 60's stored in paper

cartons in the corner of an office. He further noted to get a feeling of what might be found on a piece of property he didn't just ask are there any previous sites for that property. He went through all previously known sites recorded from Yarmouth up one side of Saint Mary's Bay and all of Digby Neck and found that no sites were recorded within miles of this piece of property. He further noted sites found elsewhere told him about a pattern and even though the sample is small that pattern was already indicated. The majority of prehistoric sites are found on the south shore of Saint Mary's Bay where it is quieter, shallower and where you can get resources for hunting and gathering much more readily than standing on broken basalt rocks on the Bay of Fundy. It is a general rule that human beings whether it is 12,000 years ago or today do not want to live in swamps, do not want to walk 40 miles for water or be in a place where there are lots of mosquitoes. Unfortunately today that means cottages are built where prehistoric sites exist for those same reasons.

Dr. Watrell noted the data bank of what we know about archeology in this part of the world indicates a certain pattern and the spread in time from some prehistoric artifacts that have been found in the Bay of Fundy indicate a time period of 8500 BC – European contact. So even if you didn't have site files on your property and you found something there would be a database to compare it to. There is a dual purpose in going through the site files. He noted that other kinds of archival research includes going through existing maps, land grants, newspapers, obituaries, church records, and land titles. He further noted in terms of historic resources below the waterline GQP gathered information that he can assess in terms of historical remains. One place you look for archival material is a record of wrecks, Provincial and Federal lists of ships that went down, museum collections, and photographic documentation. There was a photograph in the Admiral Digby Museum that was useful because it showed a structure near Whites Cove. Dr. Watrell noted another major component of any kind of archeological field work is the use of informants and there are various kinds of informants such as Mr. Ogilvie who has reviewed more permits here and Dr. Christianson of the museum who are colleagues. He noted the second kind of individual is an ethnographer who studies the living aspects of different cultures.

Dr. Watrell noted the ethnographer he spoke with is a specialist of the M'iqmaq cultural patterns and questions were asked about things that he would not have thought of. He noted in 1910's – 1920's certain M'iqmaq groups set up porpoise harvesting stations along the Bay of Fundy for the purpose of extracting oil from porpoises. He further noted that type of activity would be unique and that would be something you would look for in terms of evidence of large mammal bones near the shore lines. The third kind of informant he would have liked to have used more of was local community individuals. He noted that individuals in the community verbally and through letters to him and to the editorial page of the Chronicle Herald spoke of burials, cemeteries, the village of Whites Cove and aboriginal utilization of that piece of land. He further noted that area of gathering information has been very difficult with this project because very clearly community people had a political agenda and they have thrown out information that is not information.

Dr. Watrell noted as an archeologist he can only check out a particular kind of information, which is empirical information. He can not check out hearsay and certain kinds of information

that people have received from their ancestors and friends that they believe to be true is sometimes not true. He further noted empirical evidence is sometimes 100% opposite of what people commonly believe to be true.

Ms. Evenden noted as an academic historian with a PhD and recent publication by Cambridge University Press she would like to point out the concept of oral history being labeled, as hearsay is completely outdated.

Dr. Watrell noted that historians are not scientists but he is.

Ms. Evenden replied that she is talking about cultural history.

Dr. Watrell noted the reason he is a scientist is because there is a difference and that difference is Empirical Science works towards not just assessing evidence that we consider empirical but toward a generation of exumatic principles. He noted that history has historically avoided the generation of exumatic principles; it is a basic premise of history. He further noted it doesn't say that oral history neither destroys nor would he say that oral history is unimportant. All history gives you is peoples world view, what they think of the universe, how they view it, how they see it, how they think about it is conditioned by their oral history but that is not the same as saying that information passed down orally is empirically correct.

Ms. Evenden noted many photographs that substantiate the evidence that Dr. Watrell would have collected by talking to people. She noted Dr. McCarthy offered to give him names of people who would have been happy to give him the type of oral history substantiated by photographs, maps and so on but Dr. Watrell did not respond to the offer. She asked how can he say that people in this area didn't cooperate.

Dr. Watrell asked if Dr. McCarthy was in attendance.

Miss McCarthy replied she was in attendance and noted she did not wish to string on about her credentials that are from across the globe. She noted if Dr. Moody found her research, a simple letter she wrote to the newspaper, valuable enough to quote three times in his supplementary historical report then she is sure Dr. Watrell would remember her call last November.

Dr. Watrell replied he did remember.

Miss McCarthy noted she offered to put Dr. Watrell in touch with local people including herself, she has not heard from Dr. Watrell. She noted she has a lot of oral history and information about the area. She further noted Dr. Moody found her research valuable enough to quote but she does take objection to the fact that Dr. Watrell did quote her research and for all intents and purposes when she reread it has been misrepresented, she has not been acknowledged as an academic in the end notes as she would expect from another academic.

Dr. Watrell replied yes we can discuss that and noted she was not the only individual who phoned him. He noted it was very clear in that conversation that she had a very large hostile chip on her shoulder and he would have responded very positively if something she had brought up in that conversation had been checkable by an archeologist. He further noted every sentence in her conversation was hearsay. "There are burials, there are cemeteries." He noted that is not checkable by an archeologist.

Dr. Watrell noted Miss McCarthy also wrote a letter to Dr. Ogilvie with regards to that conversation and her concerns and his assessment was exactly the same as Dr. Watrell. He noted that she brought up no specifics, which could have been checked in field by archeologists. He

further noted that it is very clear that individuals in the community have been intimidated not to be informants.

Mrs. Klein asked couldn't Dr. Watrell just say that he didn't talk to people because they...

Mr. Klein interrupted and stated Dr. Watrell is making allegations.

Ms. Sanford reminded the chair that it is very difficult to record the minutes when individuals talk over top of the person who is speaking such as the guest speaker or when persons on the other side of the room carry on conversations because it is very difficult to hear one person when there are three or four conversations going on at the same time. She asked that this not occur and if someone had something to say to please wait until the person speaking is finished.

Dr. Watrell replied he would like to go through the results and noted the results that came out of the study are in this report, which is then submitted to the museum and reviewed. He noted they take his recommendations into consideration but can ask for further work on the development project.

Dr. Watrell noted the results that were found in the field (a map of the property lines was posted for viewing) and it is a very difficult piece of property in terms of physical access, it is not easy to walk over that land, so you make a decision of what areas will have the highest probability of finding prehistoric or historic artifacts. He noted anything along the shore becomes important because those are places where people could have prehistorically processed food and large slabs of basalt exist that could have been decorated with petroglyphs for ritual purposes. He further noted there is a beach erosion ridge, which gives you a subsoil exposure where there may be charcoal or shell artifacts. The relief of the land is that this is a narrow shelf that rises up and people don't like living in 60-degree angles so the chance of human habitation along one of those steep slopes is very limited.

Dr. Watrell noted that you would look for an intermittent stream area that may have ventured into the Bay of Fundy on flat areas where you could get access. He noted they walked and sampled the shore area, stream areas, and edges of roadway, property lines and the whole top area that was available because of clear cutting. He then asked what did we find and noted in terms of paleontological resources, fossils, nothing, which was not surprising because basalt is not the type of stone deposit that is conducive to fossilization. More importantly looking for paleontological resources it allowed him to look at the rock and determine if there were any other kinds of rocks there such as prehistoric people might have used for raw material for stone products and return to the site again over time but neither was true about this property. He noted in terms of prehistoric materials in walking over the land, looking at cut banks and putting in shovel holes no artifactual remains, charcoal, shell fish, large mammal remains, petroglyphs or pictographs were found.

Dr. Watrell states with a 97% degree of confidence that there are no prehistoric remains on this site. He noted he can't state this with a 100% degree of confidence because you never can until land is disturbed. He further noted that archeology is in part an unpredictable process, which doesn't mean that you won't find an arrowhead or that before Europeans arrived someone didn't walk over the land, but those are generally not things archeologists or the museums are concerned with. He noted they are interested in places and things where people did an activity and that stayed for a while because those are the kind that leave a lot of remains and allow us to find out about past life styles. Dr. Watrell noted in terms of marine research below high water line, one boat went down in Whites Cove and it was salvaged within two years so there is nothing there. Global Quarry Products arranged to have the bottom of Whites Cove videotaped, which we were able to review and they used side scan sonar to look for artifacts or historical remains but this came back negative.

Dr. Watrell noted in terms of historic remains the land itself was issued by a land grant from the King of England to Captain Barton in the late 1790's who fought in the American Revolution on the British side. He left New Jersey and came to Digby Neck with his wife and children where he applied for a land grant, which was payment for having been a veteran of that war. He put in an application for a land grant but before it was issued a tree he chopped down fell and killed him. His wife and children returned to New Jersey where they and their ancestors from this time on are US citizens. The Crown gave them the land grant so essentially the Crown gave US citizens a land grant for Digby Neck, which has since been subdivided, repurchased and has gone through many divisions of ownership and titles. During this investigation evidence of structures were discovered on the property, fish shacks, at least one house and the remains of that house (a small pit in the ground and foundation stones). He noted they would date the house between 1880 – 1920 judging from its size, scale, nature and actual material nearby. He further noted pieces of the house had been sold off to other owners and this is an odd thing to follow through historic records. The house remains found in the field have been called the Hershey House. He noted in the report a field map was included showing the site.

Dr. Watrell noted as an archeologist he asked at what point does the province have no interest in certain historic remains. He noted as an anthropologist he has interest in a modern garbage dump because it has social history. But the museum is not interested in a modern garbage dump so the question was asked where is your cut off date. Their cut off date is 1865 unless there is a significant piece of historic architecture on the land, an important person was associated with that piece of land or an important function happened there, which would make a difference. He noted the Hershey house, what was found in the ground and how he assessed it was that it didn't meet any of those criteria. He noted it was post-1865, no existing architecture, nobody terribly important historically as the museum assessed it seemed to have lived there, and it had no special function. His recommendations were that he did enough to map it and test it. Mr. Ogilvie decided otherwise, changed the criteria and said that it was important so Global Quarry Products has isolated the house remains and intends to do no excavation there until further mitigation excavations, which may or may not occur.

Dr. Watrell noted in terms of cemeteries and burials there is one historic record of one individual from Whites Cove that is mentioned but he died in the States and is buried in the States. It has nothing to do with this piece of land.

Miss McCarthy apologized but stated she must interrupt because she may not get the chance later on as this presentation is dragging on a lot. She would like to ask Dr. Watrell why was Benjamin Goddard so important if he died off the land in Whites Cove and more than ten people died on the Whites Cove property. She noted the past editions of The Digby Courier,

obituaries and such all add up to some extent so she is very puzzled as to why Adrian Goddard was so important.

Dr. Watrell replied the fact that he was important is that the historian had good records of him dying.

Miss McCarthy asked what of the records of the 10 plus people who died on the property.

Dr. Watrell replied that legally a cemetery that has no markers may be bulldozed after 20 years and there are no legal repercussions about doing so. Secondly we have no church records or maps that there was ever a cemetery at Whites Cove, no markers, stones or anything that there was a cemetery at Whites Cove. So essentially we have no archival material that says individuals were buried in Whites Cove and it is his personal interpretation that if over the other side of the mountain you have a village with churches that is where those individuals are going to be buried and not along a cove without an existing church. He noted that there are certainly many incidents where farmers or fishermen bury individuals on their property.

Miss McCarthy replied churches over the hill were later than some of the deaths, which occurred that she is aware of.

Dr. Watrell noted even if she is correct that a number of individuals can be documented for dying in Whites Cove there is no empirical way to find out where they were buried in Whites Cove or if they were buried in Whites Cove. He noted the data would lead one to believe that they were not and all he could say is you could make that statement about every square mile in North America and no one would be able to do anything. He further noted that there are modern cemeteries where we know where the edges are because there are markers but because the burials were in the thirties with wooden crosses and the crosses are gone those cemeteries have now become quarries. There is no legal right against anything that is done to a cemetery after 20 years because it doesn't exist as a legal cemetery if there are no markers. He noted in this case we have no archival or field information that there were specifically graves there. He further noted there is information that there were structures there, information and photos of fish shacks, garbage dumps that are turn of the century behind and adjacent to, evidence of platforms and skid way that was built on the beach, a house pit and some non-provident artifacts that were close by and they are the ones that they have to make the recommendations about not what might be.

Dr. Watrell noted his recommendations in the report were that what we found and what we know about paleontological, prehistoric and historic resources is that no further archeological work needed to be done on this property. He noted this impact study in terms of biological, prehistorical and historical resources has been very adequate. He further noted that he has been in situations where the company he worked for wanted to cook the books and he stated he does not work for a company that cooks books. He works towards the evidence he finds in the ground and writes his recommendations. He noted that it has been fun working with Global Quarry Products and he noted they have done one of the more complete environmental impact statements he has ever come across in either the federal government in United States or Canada. It is unfortunate that certain conclusions have been drawn that is perhaps not correct.

Dr. Watrell noted they did make recommendations that the staff who work at the quarry get a basic education. If they see something they report it right away and give them information on the kind of evidence that they might see during the actual excavation so that you say stop the bulldozer. He noted in every archeological project that is part of it, the people who do the work have to be informed about something that you didn't find that they might find, so you educate them. He further noted that is in the recommendations. He further noted recommendations are

also made about how Global Quarry Products follow very strict procedures in terms of any human remains. You notify the RCMP, the coroner, the museum and a number of procedures take place.

Dr. Watrell noted Global Quarry Products has taken their recommendations to isolate and rope off the house site even though it initially did not fit the criteria that were set out by the museum.

Dr. Watrell noted in closing he wanted to say one thing about what he finds curious as an archeologist. He noted the original land grant given to Captain Barton says specifically that if the land is suitable for agriculture he was required to clear a certain amount and build structures to gain ownership of that. If the land was unsuitable for agriculture he must start a quarry. That is what the King of England said and it is stipulated it specifically how many individuals must be employed in that quarry per hectare.

Miss McCarthy noted that was a stipulation for the whole of Digby County not just for Digby Neck so that is nothing spectacular it was standard.

Dr. Watrell replied it may be standard but the point is that that is the text of the land grant. He noted if there were any questions he would be happy to answer them.

Miss McCarthy asked if he could define an important person.

Dr. Watrell replied that was not his term. He noted that the museum personnel use that term. As an anthropologist he is interested in social information regardless of what strata of society they come from but in terms of the museums verbal direction that was given about where their interests stopped they used the term “an important historical person.”

Miss McCarthy referred to his conclusion 7.3 “no significant historical personages or events seem to be associated with any of the Whites Cove structures.”

Dr. Watrell replied he knew as an anthropologist that is the kind of statement, to be blunt, that would piss off people in a community because it is saying that their ancestors were unimportant. He noted those are not his words but in terms of how he has to report the individuals at the museum use the term “important historical personage” and by that they generally mean a person who is economically wealthy or who held a high political position or something like that.

Miss McCarthy asked how would he categorize a gentleman who has a plaque erected to him in Acadia University and a wing dedicated to him and it is written there “Dr. Harvey Denton, a distinguished Nova Scotian”. She noted he owned the property in Whites Cove for 50 odd years.

Dr. Watrell asked did he live there.

Miss McCarthy replied that he lived there in the summer and there were Baptist meetings there and some photographs are available. She added to that The Chronicle Herald June 10, 1989 in an anniversary edition did a spread of this family and talked about how he became known as one of Eastern Canada’s best known Baptist clergymen and so on.

Dr. Watrell replied in terms of their perception of importance not just that the person was born there, owned title of the land or went swimming there in the summer time but that he did something important there, he was born there, he died there, he was buried there or something like that. He noted by her definition Chretien’s summer cabin is going to be an historical site.

Miss McCarthy replied it probably will be.

Dr. Watrell noted we’ve paid for it.

Mr. K. Stanton asked where did he get the assumption that Indians just lived on flat land because that does not sound very scientific to him. He noted that he knows they lived at French Beach and the Passage because there were so many fish that went through there and a canoe was

found in Westport, buried there or at least aliens didn't bring it there. He further noted it was not good farming land and a few mosquitoes and they did live on Digby Neck he believes.

Dr. Watrell replied the way people mostly lived is in a somewhat statistical patterns. He noted what he did say was that when they went through the known records of archeological sites the majority of them are not on the Fundy side of Digby Neck but are at the other side off the headlands in Saint Margaret's Bay and on the south shore.

Mr. K. Stanton said the south side of the Bay of Fundy, Saint Mary's Bay and he asked is Dr. Watrell talking about the south side of Digby Neck.

Dr. Watrell replied he is talking of both. He noted there are more sites on the south side of Digby Neck and on the other shore of Saint Margaret's Bay. He further noted that he did not say that people only live on flat land; he said the pattern of sites we already know about, their records show more clustering of sites in those kinds of environments than in the kind of environment the quarry site is located in.

Mr. K. Stanton noted that Mr. Buxton told us there was a beach that the water level was a lot higher at one time at Whites Cove because all those rocks and stuff that are now well above sea level on the beach and he asked would you expect to find archeological evidence on the land if the water level was higher at one time.

Dr. Watrell replied that is a very good question because during one piece of fieldwork it was found that a bump that runs across the prairie that is 3' wide by 8" high which is a beach ridge from a glacial age. He noted there is no glacial age there now it is just flat farmland. He further noted in this case when that water was elevated, when that beach ridge was there is prior to human habitation in Nova Scotia and the furthest we can go back in terms of the archeological material we know is about 12,000 years.

Mr. K. Stanton thought that was about the time people arrived here.

Dr. Watrell agreed that it is about that time but that doesn't mean that it couldn't have been a little before and certainly by the evidence we have you are talking about possibly ten sites in the province and in most cases those sites are really not sites but just one artifact was found.

Mr. K. Stanton asked if it would be hard for Dr. Watrell to say with any certainty that there were aboriginal people there or there weren't or how many houses were there or not, you are just going by what can be proven absolutely.

Dr. Watrell replied no he is going by previous sites that are known in the area.

Mr. K. Stanton asked Dr. Watrell to explain what he means by empirical evidence.

Dr. Watrell replied the difference between empirical and hearsay is tough but basically if you can't measure, weigh, count it and reproduce it then it is probably not empirical. He noted if you say I feel something or this cup is pretty, that is not empirical. He further noted they did a fairly intensive surface examination and testing procedures on the upland in the flat areas, along the property lines and beach area and there is no evidence that there was any aboriginal utilization of the property. It is not just by the sites that are recorded it is also combined with the fieldwork that we did on the property.

Mr. K. Stanton noted he was in the Harvey Denton building in the 60's before it burnt and he asked Dr. Watrell if he couldn't find the building that was there and evidence is still there that he didn't find how would he expect to find a place that was there in the late 1700 - 1800's. He asked if you couldn't find something that was there forty years ago how can you find something that was there two hundred years ago.

Dr. Watrell replied in some cases we can't we have to wait till that road grader goes through and that bulldozer pulls up 20,000 year old bison bones. He noted that is the nature of archeology as a discipline.

Mr. K. Stanton noted you had to ask someone who could have given you advice and we would have shown you the Harvey Denton place but you didn't want our help. He noted that wasn't a stupid old fisherman thinking about things that may have happened years ago, he stood in a room, he touched the walls, he burned his hand on the stove, you could have asked. He further noted if he couldn't show you the building or knock you down in it then you could have said it isn't empirical.

Dr. Watrell replied that would have been useful and he noted that Mr. Stanton could have also informed him of that or written that information in a letter to the museum and it would have been checkable but you didn't.

Mr. K. Stanton replied Miss McCarthy did inform him.

Miss McCarthy noted it was done.

Dr. Watrell replied not in the letter he saw.

Ms. Wilkins asked during what time period did his evaluation takes place.

Dr. Watrell replied that it was not all done in one block.

Ms. Wilkins asked when did he first begin.

Dr. Watrell replied he began in September – October 2002 and they did work until winter and more in early summer.

Ms. Wilkins asked at that point where you began doing your work had any of the land been disturbed in any way by Global Quarry.

Dr. Watrell replied yes, on the top flat area clear cutting had begun and in terms of work along the property line paths were cleared for survey purposes to allow access.

Ms. Wilkins asked if there had been excavation of any kind.

Dr. Watrell replied no.

Ms. Wilkins asked if he was sure.

Dr. Watrell replied yes. He noted because it went from last September till the final report was submitted there was some minor work being done but not when we began.

Ms. Wilkins asked if there was any work done near the shoreline before his final report.

Dr. Watrell replied no.

Ms. Smith noted that she does not live here full time but does own a family home on Digby Neck and spent all of her childhood listening to stories about Whites Cove, learning about her ancestors. She asked if when he was looking for artifacts did he look behind the stone wall that separated the meadow from the pastureland. She further noted her mother was not an historian but loved to dig in dumps and told her one of the best ways to look for artifacts was to look in areas behind stone walls.

Dr. Watrell replied that there is no doubt that behind every structure where you don't have a municipal dump you may find tin cans and garbage. It is certainly true in terms of illicit archeological activities in the province the common target is dumps behind houses where people used to live. He noted the primary perpetrators of that are bottle collectors. He further noted the real question becomes how do you do triage even if you know that a site was occupied and we know that Whites Cove was occupied and that there were structures there and we know that there are some dumps there but the question is when you make recommendations about what to do about it you have to do triage and say this site is unique, has never been excavated, in contrast to house hold garbage which may not rank as high in terms of the dollars involved. In every community he has ever worked people have a long list of things that are critical to them as

a community or as individuals but you can't dig them all. He noted what he had said earlier and that is that 99% of all known sites are not looked at again and when you do 1200 miles of roadway you find a lot of sites and you can't dig them all. He noted he has stopped a bulldozer and shifted roads, which costs them millions of dollars. It has to be really important historically or in uniqueness. As an anthropologist doing archeology he would love to do dump sites including Whites Cove but that is not the same as saying that these sites are unique or will produce cultural information about how people lived there. He noted by comparison the excavation on the waterfront near Halifax they found 20,000 objects a day dating back into the 1700's but who is going to pay for that excavation. That is not his job, his job is to say this is the kind of dump it is, this is the kind of time period it is. It is his assessment to say it is not unique enough to do something about it and the museums job to say he is wrong even though they said the cut off date is 1865 for a house. In the case in point he recommended not doing anything but they have said rope it off. He noted that's how the procedure works.

Ms. Smith noted all she was asking was if he found the wall and looked behind it. She noted it is very difficult for her to see from what Whites Cove looks like now and as she did when she was 8 years old, the land has changed and is very hard to explain where the wall would have been.

Dr. Watrell noted it is not hard for her to explain why it's of concern to her, that he understands, your personal ties to land and property and he did find evidence of garbage piles. He noted in terms of a research archeologist he would enjoy digging up all the garbage dumps and finding out a little bit about local history if you and your friends are willing to put up \$20,000 per summer. He noted that is not what the job is nor what the legislation requires, he is to find as much on the land and in the records, tell the museum about that and what he thinks and they can accept or reject it. He further noted in this case except for the isolation of the Hershey house they accepted his report.

Ms. Smith understands his point of view but as a child she visited a grave with her grandparents and she can't tell where it is.

Dr. Watrell asked if she had no idea of how to find that spot again.

Ms. Smith replied she has tried to find it but because she was a child it looks different.

Dr. Watrell noted that if we accept that this is true, that there was a grave there and there was an individual there, unless you or someone else that was with you can say it was within one acre it is virtually impossible to find.

Ms. Smith noted it is her feeling, her duty to the people that lived there, that she knows lived there, she knows the people that came from there, her grandfather was one of them, and this needs to be recorded, it needs to be preserved in the history on Digby Neck and the beauty because she is moving back to retire so she hopes we don't sell it all for rocks.

Mr. K. Stanton noted he looked through the report and the only timeframe for the study he could find is November 22 – December 31, 2002. He noted this is what the permit was for.

Dr. Watrell replied there were a few days in January that he was on the property.

Mr. K. Stanton asked it was basically just over a month.

Dr. Watrell replied there was as much time spent in terms of archival work off the property as on the property. He noted in comparison with other properties it was not a quickie or slow job.

Mr. K. Stanton asked if this was for the whole 300 acres.

Dr. Watrell replied as much as he could get access to.

Mr. K. Stanton noted he wanted people to realize that it was winter months and he fishes that area and never noticed anyone there but maybe he just didn't see Dr. Watrell. He noted that time of year it's wet, rough and cold and the area is hard to get into.

Dr. Watrell replied it was wet but he was still able to get shovel in ground.

Mr. K. Stanton noted he expected that it would have been done in the summer when it is much more pleasant.

Dr. Watrell replied in some cases when more vegetation is down you can see the lay of the land and from a personal comfort point of view the cooler season is better.

Ms. Wilkins asked are you now saying you were only on the property from November to January.

Dr. Watrell replied the majority of research was done from September till the second week of January.

Ms. Wilkins noted as she remembers the weather conditions, snow and sometimes very heavy snow from a couple days before winter officially started till after winter ended without a break.

Dr. Watrell replied there were days when he could get at the dirt.

Ms. Wilkins noted the lay of land looks entirely different in winter and it was a bitterly cold winter so how did he get the shovel in the ground to begin with.

Dr. Watrell replied it wasn't cold at all. He noted the conditions in Saskatchewan.

Ms. Wilkins replied she lived in Alaska.

Dr. Watrell noted he did not consider it a cold winter and there were breaks where he could get a day or half a day to do shovel tests although most of the shovel tests were done in the fall.

Miss McCarthy asked if he did shovel testing in the area of this house.

Dr. Watrell replied yes.

Miss McCarthy asked if they used any remote sensors in the area where there was the possibility of graves.

Dr. Watrell replied no.

Ms. Smith asked if the quarry owns the property next door.

Dr. Watrell noted she should ask Mr. Buxton that question.

Mr. Buxton replied the quarry property is shown on map and he pointed out the boundary lines.

Dr. Watrell asked if anyone else had any other questions.

Mrs. Klein asked from where did Dr. Watrell receive his degree.

Dr. Watrell replied he received his Masters and PhD at the University of Minnesota in 1973 or 1974. He noted when you are put on archeological list for the province they put your curriculum vita but he is not aware of whether the public has access to that.

Mr. Morrell noted he worked at Whites Cove and he was told to watch very closely at the machinery and if we found any signs of bones to report it to Mr. Buxton but we never found any remains. He asked if anyone knows if any of the gentlemen from Little River that have walked through found anything.

Dr. Watrell noted in terms of finding skeletal material and if he's working on the property and finds something he informs Mr. Buxton who calls the RCMP, the provincial coroner and himself because he can very quickly inform the police whether it is cow bones faster than the RCMP can.

Ms. Evenden noted it is highly unlikely that people walking around would find bones lying there but if you are digging then yes they may but she doesn't think there is much point in asking if bones were found.

Mr. Morrell asked did the men from Little River find any evidence of bones on that property.

Ms. Evenden asked did they say they found any.

Mr. Morrell replied no, not to him.

Ms. Evenden asked who were these men and what point is he making.

Mr. Morrell noted he is wondering where these graves are.

Ms. Evenden replied not where you're digging right now.

Miss McCarthy noted the cultural history and the remains that have been buried there are important but she also thinks that the human occupation of Whites Cove is important and if we obliterate the history of Whites Cove as it was in the 1800's then we are wiping out a large percentage of the Digby County because people moved on in the 60's. She noted this is another one of her concerns.

Dr. Watrell replied he does not dispute that but it is your provincial regulators of the legislation that stipulated that 1865 was the cut off date.

Miss McCarthy noted that they were there before 1865 and his son, Charles Hershey who has his name on the church bell.

Dr. Watrell replied perhaps that is part of the reason the museum has asked them to isolate the house.

Miss McCarthy noted that what she is saying is that a lot of people from Digby will be blotted out if we forget about Whites Cove. She noted one of the Whitehall girls married into the Snow family in Digby and Frederick William Wallace; an historian has devoted pages to the Snow family. She further noted he has talked about another Hershey man from Whites Cove, Joseph Hershey. She further noted an elderly gentleman had told her about him and that is why she thinks the oral tradition is very important and has been proved to her. This particular Joseph Hershey fell off the Dorothy & Smarth that was struck by a wave in Yarmouth four men were lost. Joseph held a knife that he stuck into a table that went overboard and was able to save himself and others. She noted she did not make note of this in her notes but later read it documented in print, it was published.

Miss McCarthy noted the Hershey family has had an impact on the area and there were 15 families according to census reports. She asked if Dr. Watrell consulted the census reports where the house and families are numbered.

Dr. Watrell replied yes the historian did that part of the archival research.

Miss McCarthy noted that is the way she feels that if we obliterate this history of Whites Cove we are wiping out a portion of the history of Digby.

Dr. Watrell agrees with Dr. McCarthy that a small community's local history is mostly nineteenth century but all he can say is that in the main for all archeological sites in the province the museum and legislation has very little interest in things after 1865 unless they fit this criteria of importance. He noted that he might disagree with that criteria and she may disagree with it as well but that is the way the legislation is being applied.

Miss McCarthy replied that these families were there before 1865.

Ms. Smith noted the reason she was asking these questions is that on trips she took to Whites Cove with her grandfather one of things that they did was walk the beaches and look for buoys that came ashore. When they went to Little Cove (next to Whites Cove) he told her a story of when he was a child walking down the bank there were probably M'iqmaq people that would come there every summer to fish and he heard footsteps behind him and saw what he assumed was the chief. Her grandfather explained how he got away and as he was running he looked back and saw that old gentleman bent over with laughter. She asked if Little Cove was an area that was looked at.

Dr. Watrell replied in terms of M'iqmaq investigation as he said in the report and tonight's presentation he spent time consulting with a M'iqmaq Ethnologist. He noted that this is a portion of the study that he does not do so there will be aboriginal consultants involved and from what he gathers. If it is difficult to find people interested in the project at a Provincial level, it would then be referred to Bear River Reserve. From what he understands there has been some difficulty in finding someone in Nova Scotia but that process is going forward and

there will be an aspect of M'iqmaq consultation in it. He noted it had nothing to do with what he did.

Ms. Nesbitt asked if there were any other questions.

Ms. Wilkins noted that she was very disturbed when Dr. Watrell said that locals that may have actually been to Whites Cove had a political agenda. She noted that she does not think a 90-year-old woman has a political agenda. She thinks it just is home.

Dr. Watrell disagrees and has a clipping of every letter that was written in the paper and they clearly had political agendas.

Ms. Wilkins replied that he has not spoken with the people that she has spoken of.

Dr. Watrell noted he only worked on one other project in Montana where the level of informant difficulties existed as it exists here and he does not think it is ever necessary. He noted that there is a give and a take, development will take place, and the attitude of not in my backyard is political. He further noted that development happens all over the place and if it is done responsibly and he thinks in this case it has been done responsibly by addressing concerns as best you can, as serious professionals. There are things that modify that development but not just saying no, that is political.

Ms. Wilkins replied that she does not think any of us are just saying no without preponderance of at least what we consider evidence but time will tell. She noted we would rather err on the side of caution.

Dr. Watrell noted the most common trait that he found in the objections in letters to the editors and people who are not in the community is racism against US citizens.

Ms. Wilkins replied that is not racism.

Dr. Watrell replied yes it is.

Ms. Wilkins noted that may be nationalism.

Dr. Watrell replied when you lump together and speak as that woman did at the beginning of this meeting that's racism. Those comments she made were racist.

Ms. Wilkins noted that she must be racist against her own country.

Dr. Watrell replied that we all are to a certain degree but that has been the most common response. Not objectives based on environmental or historical impact but on where the stones are being sold.

Ms. Evenden noted that she was not the woman that said that and she asked that he not confuse her with the woman that did.

Dr. Watrell replied he heard what she said at the beginning of the meeting and it was racist.

Ms. Evenden asked what did she say.

Dr. Watrell replied she said Americans.

Ms. Evenden replied she did not say that and she does not want it on record that she did.

Ms. Nesbitt noted that the comments are on tape.

Dr. Watrell noted he is saying that the most common public response from people who don't know any of the details has been that and that is not a healthy situation.

Ms. Wilkins replied she thought it was Myrna Farnsworth who made that comment.

Ms. Nesbitt asked if there were any other questions.

Ms. Nesbitt noted that she for one would like to thank Dr. Watrell for his presentation.

Dr. Watrell replied that if anyone else has questions with regards to this he will talk with them when he is available to do so.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted that people reading various press articles with respect to the quarry process will have observed that the comprehensive study review which commenced on January 6 which we talked about at meetings has apparently been terminated and in June the Minister for

Fisheries and Oceans requested of the Minister of Environment that he conduct a panel review. He noted the panel review process has commenced and a draft Memorandum of Understanding between the federal and provincial government is available on the CEAA website and public comment can be made till September 18, 2003. He noted it sets out the responsibilities of the federal and provincial governments on the joint review. He further note under the previous process of the comprehensive study review the Environmental Assessment would have been reviewed internally although some documentation would have been put up on the public registry. He noted the difference with this process is that essentially a three member panel appointed by the federal and provincial government will be taking evidence on the environmental assessment and the general public can make a request to make presentations to the panel. He further noted people interested in the process can follow the progress on the CEAA website and as these documents come forward they will be put on the website for public comment. Mr. Buxton noted that process is probably a year process from beginning to end so the CLC might be sitting for awhile yet. He noted that CEAA is now the lead agency managing the process whereas under the comprehensive study review process DFO had appointed themselves the manager of the process. The management of the process has now switched from DFO to CEAA and all this information will now be on the website. www.ceaa.gc.ca

Mr. Reid asked if there was a representative here from Mr. Harold Theriault's office.

Ms. Nesbitt replied not that she is aware of.

Ms Harnish noted the last meeting was the presentation on Ballast Water and she noted there was no newsletter that went out to the public, nothing posted anywhere and she thinks these meetings are quite important and that more people would attend if they were made aware.

Mr. Buxton replied he thought we did post the presentation on the Ballast Water.

Ms. Harnish noted only in The Digby Courier.

Mr. Buxton replied we put ads in The Digby Courier for two weeks running.

Ms. Harnish noted that there have only been three newsletters go out and she thinks that a lot of people read them.

Mr. Buxton agreed that another copy of the newsletter should have been have done but that we have not because for about four months we have been in the dark as to how the process is evolving. He noted it appeared in May that DFO was backing off the process and we could not come to the CLC and say that the process was changing because we didn't know. In fact if you read the newspaper on June 26 or 27 that was when he found out about the process. He further noted for a considerable period of time we were somewhat out of the loop and the Memorandum of Understanding released ten days to two weeks ago and it was out on the news wire before the company was advised so we have been in the odd position the we have not been able to advise CLC as to what's happening in the process really until tonight.

Mr. Buxton noted that is primarily the reason why there has been no newsletter go out but he thought we had advertised the presentation on Ballast Water for two weeks in advance.

Ms. Harnish replied that not all the people read the paper.

Mrs. MacAlpine noted that the committee members all knew that there would be a presentation on Ballast Water and could they not get the information out to the public.

Ms. Nesbitt replied it is difficult for the committee to do that because they are not a committee that meets outside of these meetings. She noted they are a diverse range of interests and different communities and that this is where they get a lot of their information. She further noted that Mrs. MacAlpine had told her that Dr. Watrell would be here this evening and she had informed other people and then she had told her that he wouldn't be here.

Mrs. MacAlpine replied that she had said it was not confirmed.

Ms. Nesbitt replied that she was not aware Dr. Watrell would be here and that is why she opened the meeting with a general agenda.

Mr. Buxton reminded the committee that the CLC is their committee and that the company does not run the meetings. He noted that he is required to attend as per the NSDOEL as a representative of the company. He further noted this is a committee, which is a community committee and we do not operate it. He is obliged to provide you with a secretary and she reports the minutes to you and they are reviewed by you prior to being forwarded to the committee members. He noted we talked about advertising meetings at length and the company is obligated to carry out advertising if you request it. The company takes direction from the committee and it was discussed at a meeting that there was a concern about getting 200 people in the room and every meeting becoming a slamming match. The committee took it under advisement and said we will think about widely advertising the meetings. Certainly if the committee wants better advertising in what ever way, you have to make the policy and advise him but he won't advertise on his own because it is not his committee. He is simply obligated to provide functions for you the committee. He noted he has to provide a secretary, minutes, and copies of the minutes, provide the hall, refreshments but it is not our committee and you have to tell me what it is you want. For example if you say somebody for blasting and you want two weeks of ads for that call Betty MacAlpine and it will be done. Mr. Buxton can't administer the committee.

Ms. Harnish requested that another issue of the newsletter be produced. She noted they are effective.

Mr. Buxton replied they could do that now because we are meeting with the senior officials from CEAA and with provincial officials to get the CEAA process underway. That will provide a good idea for sequence of events, when a panel might be put in place and we can put that into a newsletter and we can put that out.

Ms. Harnish noted another point is that when you speak of the liaison committee or when something is published it says the committee for the quarry so people are under the impression that this committee is for the quarry when we are not.

Ms. Nesbitt replied we are a group of concerned citizens the same as everyone else.

Mr. Buxton replied that one newsletter stated very clearly what the CLC is and what its function is. It is not a spokes group for the quarry, it is a group of a people who have agreed to get information out to the public and enable the public to get information. To ask the company to bring in people such as Dr. Watrell, the Ballast Water people, the hydro geological people etc. that's what it's for and if we need to repeat we will do so.

Ms. Harnish replied yes we do need to repeat this.

Ms. Smith asked if there were terms and conditions for this committee.

Ms. Nesbitt replied yes it is put out by the NSDOEL and we would welcome anyone interested in joining.

Mr. Buxton replied it has been circulated and if she wants a copy it can be made available.

Ms. Smith replied that would be difficult.

Mr. Wilson noted he would like to thank you all for allowing him to film in your midst tonight and he knows how unnerving it can be. He noted that he takes his responsibility especially as a representative of a public corporation with a reputation like CBC very seriously to represent points of view fairly and he will do his best to do that as you all have seen enough television to know how woefully little of what you say makes it into final cut which makes his responsibility that much more onerous but he will do his best.

Ms. Nesbitt replied that we would very much appreciate it if he could let someone know when his piece will be on the air.

Mr. Ivens asked if he is going to do it from one meeting or is he going to come to other meetings.

Mr. Wilson replied he would be happy to come back to other meeting. He noted the deadline will probably be the third week in September.

Mr. Ivens noted it would be hard to get the feel from one meeting.

Mr. Wilson replied this is not the first meeting only one aspect.

Ms. Nesbitt noted it will be interesting to see Mr. Wilson's presentation. She asked if people would be interested in hearing from a blasting expert.

Ms. Wilkins asked if she knew when that would take place.

Ms. Nesbitt replied Mr. Buxton would arrange for that person to come and then we would go from there.

Mr. Buxton noted it is sometimes difficult to fix a meeting date and then get someone to come in. He noted he could get somebody and then announce the meeting.

Ms. Nesbitt noted if there is something else we should be looking at from another aspect.

Ms. Harnish replied Mr. Stanton was concerned about disease at the last meeting and asked is there some other aspect we should be looking at there.

Mr. Buxton replied we probably went as far as we can go with Mallet Research because they are the only studies done on Ballast Water in the Atlantic region. There may be more from DFO in the winter and if there is more information we could bring them back but there aren't any other studies. This is new for DFO.

Ms. Nesbitt noted we will wait to see or hear when the next meeting will be.

Mr. Ivens noted that blasting is of 100% concern and someone should come for that.

Mr. Buxton replied he would be happy to get Dynonoble or one of the companies that do their own research that manufacture and carry out their blasting.

Mr. Klein noted they are the company that lobbed the stone over Hwy #102.

Mr. Ivens replied if they are here we can ask them.

Ms. Sanford noted that Ms. Wilson requested that she be put on the regular mailing list for the approved minutes.

Ms. Nesbitt replied that is fine as far as she is concerned and asked if the other committee members were okay with that.

Mr. Ivens replied that would be fine.

Ms. Nesbitt asked if there were any other questions.

Meeting adjourned at 10:05 pm.

Next meeting date is to be determined and advised.

Minutes of Meeting of Community Liaison Committee

Nova Stone Exporters Inc/Global Quarry Products Inc

7.00 p.m. October 8, 2003

Rossway Community Hall

In attendance: Ms. Cindy Nesbitt, CLC Chairperson
Ms. Christine Harnish, CLC Member
Mr. Brian Cullen, CLC Member
Mr. John Ivens, CLC Member
Ms. Genie Wilkins
Ms. Marilyn Stanton
Mrs. Marian Angrignon
Mrs. Jill Klein
Mr. Rick Klein
Ms. Myrna Farnsworth
Ms. Carol Mahtab
Mr. Eugene Stanton
Mr. Jason Smith, The Digby Courier
Mr. Dave Kern
Mr. Scott Carr, B.Eng., Jasco Research Ltd. scott@jasco.com
Mr. John Wall, Quarry Manager
Mr. Paul Buxton NSEI/GQPI
Ms. Betty MacAlpine NSEI/GQPI
Ms. Kristy Bishop NSEI/GQPI
Ms. Tammy Sanford NSEI/GQPI

Regrets: Mr. Mark Jeffrey, CLC Member; Ms. Judith Carty, CLC Member;
Mr. David Graham, CLC Member

Ms. Nesbitt welcomed those in attendance and noted Mr. Scott Carr of Jasco Research Ltd. would provide a presentation on the effects of blasting noise. She noted before Mr. Carr's presentation that Mr. Klein asked for some time to address several issues arising from the previous meeting.

Mr. Klein noted at the previous meeting Mr. Buxton made a thinly veiled threat of litigation alleging some sort of defamation and he wished to explain what that meant. He noted that the common practice in the US is a Strategic Lawsuit Against Public Participation (SLAPP) suit and it is generally characterized by an allegation of defamation and further characterized by the defendant having no real desire to get to court. The purpose is to intimidate and to chill the atmosphere and it is paramount to throwing alligators in the swamp and when your up to you're a@\$ in alligators it's pretty difficult to recognize that your original task was to clear the swamp. Mr. Klein noted that Global Quarry Products is not a company that can be defamed, as it has no reputation. Its reputation is what it will gain in the travesty it is perpetrating in Whites Cove. It is simply not something that can be defamed. He noted that Mr. Buxton may be defamable, that

would be a matter of opinion but Global Quarry Products certainly isn't. He further noted it exists primarily to provide a shield for owners against liability and to ultimately go bankrupt when they are done, that is their purpose.

Mr. Klein advised them to bring on their lawsuit.

Mr. Wall noted that he represents the Clayton's and is from New Jersey. He noted they have every intention of going to court, that this is not frivolous and the Clayton's have been around for 50 years. He further noted they are not looking to come to Nova Scotia and go bankrupt.

Mr. Klein noted the next issue he would like to respond to was a comment made by Dr. Wattrell alleging racism. He noted in the last century the US, Britain and South Africa pretty much defined what racism is for the world. The definition involves the exercise of power and there also has to be some sort of a racial difference. He further noted that neither seems to apply to these circumstances unless there is a racial difference between those people in Canada that would be called Traitors and Tories or in the US, Patriots and Traitors. There is no racial difference. In the US that kind of clear unsubstantiated charge of racism falls into the category of fighting words and is often actionable. He further noted it is terribly inappropriate in this environment.

Mr. Klein noted that the only people in the room who were likely to be racist were people like himself, Americans and that was hardly the case. He noted that does not fall into the category of community liaison, to throw those kinds of outrageous charges at individuals who simply come to these meetings to be informed and to inform. He further noted that he commented on the comment on the blasting remark to see whether or not it is dealt with during the presentation.

Mr. Ivens noted the CLC did not make that remark and that they ask anyone who comes here to explain what they did.

Mr. Klein replied that he did not allege that the liaison committee made the remark and that he had specifically referred to Dr. Wattrell.

Mr. Ivens noted that he wanted to make sure that was clear.

Mr. Klein replied at the beginning he made it clear whom he was speaking of. He noted that even though Dr. Wattrell did not know when he graduated or what his degree was in, it was anthropology not archeology and he graduated in 1976 not 1974. He further noted that he has nothing more to add.

Ms. Nesbitt noted that we would proceed to the presentation and asked if Mr. Carr could tell us about the presentation this evening.

Mr. Carr noted that he would be giving an oral presentation on noise and noise impact. He noted that he is with a company called Jasco Research Ltd and he would tell a bit about the company and then discuss some of the terminology of noise.

Mr. Carr noted that his background is in acoustics and that he used to be in the military and did a lot of work on under water acoustics. He noted that Jasco has been around for about 20 years and traditionally did a lot of work in under water acoustics for the military as well. He further noted that around 1996 they became involved in the environmental acoustics side.

Mr. Carr's presentation is entitled Assessing Noise Impacts and will look at some of the terminology associated with noise and he will discuss noise impact. He noted again that his background is acoustics and that he is not a biologist and he is not an expert looking at the response of different mammals to sound. He further noted that he will try to respond to questions.

Mr. Carr noted that Jasco works very closely with LGL and that LGL employs marine biologists. He noted that Jasco works with the acoustics and with LGL and looks at the guidelines that are set out by the government in order to view the whole picture. He further noted they had hoped to have someone here from LGL but it didn't work out but there may be

an opportunity in the future to have someone from LGL come to a meeting for the behavioural response to noise.

Mr. Carr noted that Jasco is a group of scientists mainly from the fields of physics and engineering with one biologist on staff who is currently on maternity leave. He noted Jasco is starting to expand their expertise more on the biology side in order to get the overall picture of environmental acoustics. He further noted that they have been involved with numerous environmental noise impact studies both land base studies and underwater studies from coast to coast.

Mr. Carr noted that Jasco is based in Victoria, BC and he has recently moved to Wolfville and is setting up an East Coast office with the company because they are doing more work with the oil and gas industry and defense. He noted Jasco's specialties include computational acoustic modeling, which looks at using models to model the sound fields from different sources ahead of time. He further noted they quite often use field measurement programs to validate the results.

Mr. Carr noted the monitoring program looks at putting together the whole monitoring design in terms of what should be monitored, how the gear will be set up, and where it will be placed so they can obtain the best results. He noted that they have also worked on equipment design because as they are asked to do certain projects they find in some cases the instrumentation they want doesn't exist or is not available. I.e. Monitoring sound levels from oil and gas activity on the Scotian Shelf where he noted it is easy to measure near the surface and the bottom of the ocean but more difficult in deep water while trying to get gear in mid-column depth.

Mr. Carr noted they are looking at a system they can deploy that will actually take measurements, recover it so it can be downloaded. He noted once all the information is collected they must do a data analysis and this is not a simple procedure as you need to understand what you're looking at and how to get the right results. He further noted that there are guidelines to follow for this.

Mr. Carr noted they have modeled an individual air-gun signature for acoustic modeling and the actual sound propagation. He noted that once you can model the source of sound you can then model how it propagates through the air or water depending on what is being looked at.

Mr. Carr noted they have modeled blast impact forecasting. He noted field measurements are done in near and far field sound level measurements, which look at directivity effects. He noted that as soon as you have an array of sources you get a directivity effect. He further noted that they look at the ambient sound levels, which is general background noise (any noise other than what you are interested in).

Mr. Carr noted that they have also done modeling of ship signatures and more recently they have been looking at marine mammal vocalization. He noted in May they looked at the actual seismic sources and while they were doing this study they took recordings of whales and focused on high frequency areas where not a lot of data has been gathered in the past.

Mr. Carr noted they design effects monitoring programs, which may have been triggered by an Environmental Assessment or they may have been referred by DFO. He noted they have done some work with biologists on the overall environmental impact assessments. He further noted they have provided design and technology addressed to specific research needs, field measurements, data analysis and providing expertise for public consultations.

Mr. Carr noted a number of different hydrophones and microphones are used for these studies depending on whether they are in the air or on water. He noted they have built several specialized scopes, amplifiers, and sub-sea cables to decrease the strumming noise in the cables so they can focus on a signal of interest. He further noted they have digital acquisitions systems,

recorders, and CTV profilers, which collect data on the conductivity and temperature in depths of the ocean, which is very important to understanding how the sound will propagate.

Mr. Carr noted with data analysis they look at calculating source levels and the characteristics of the source, which is called source spectral analysis. He noted any given sound signal is composed of multiple frequencies and they look at how the amplitude varies with different frequencies for that given source. He further noted that another big piece of this is looking at critical safety ranges for marine mammals.

Mr. Carr noted that DFO has set the guidelines for whales at 180 dB and for seals, etc. it is approximately 190 dB. He noted given a sound source and a specific area, they will model that and determine what those ranges are.

Mr. Carr noted they have worked with clients in the oil and gas industries, environmental research companies, Canadian and American Departments of National Defense, DFO and various others. He noted the work that has been done for the oil and gas companies is dictated by DFO. He further noted some past projects. In the arctic in the winter they looked at vibration noise from activity associated with the oil fields such as blasting, building ice roads, and operating heavy equipment on the ice where they were interested in hearing the noise and vibration levels inside a polar bear den. The biologists had suggested that if a polar bear is flushed out of his den he may not go back again so they were interested in what the levels were. He noted that they built replica dens nearby in order to perform these tests.

Mr. Carr noted in looking at the oil and gas industries the impact of actual air gun signatures were modeled and measured. He noted on the West Coast they tagged and tracked salmon. In Alberta they have worked with the military looking at the effects of explosives and the effects on structures. In Gagetown, NB they have developed an expert system that will allow the military to lay out specific activities for the next day in terms of training. It may involve gunfire, explosives or projectile flight where the system will select an activity, take the predicted weather forecast from Environment Canada, input ground cover and ground elevation data and model the sound field. This allows the military to look at the given conditions and determine if the levels will be exceeding the guidelines set by DFO and others. He further noted this is an ongoing project as well as other offshore seismic surveys.

Mr. Carr noted this information is about source path receiver models. He noted that it is a picture of the whole process from the time you have some sort of sound signal that is transmitted through a medium whether it is air or water to a receiver that detects the sound.

Mr. Carr noted this model recognizes any hearing process involving source sounds of particular characteristics, the frequency and amplitude of the sound and the duration of the actual signal. He noted that there is then a change in the sound characteristics as the sound propagates away from the source out into the water or air. He further noted that transmission attenuates as it propagates out, there is absorption and refraction, possibly diffraction and there is a receiver, which could be you, a marine mammal, a bird, etc.

Mr. Carr noted when looking at the source they look at frequency, amplitude and the duration of the signal and the path. He noted the path may actually be a multiple path for a given signal getting to the same point. I.e. In the ocean there is a direct path from the source to the receiver and the signal will likely hit the surface of the water and bounce then arrive at the receiver at a later time. This is the same for a signal on the ground that bounces off the ocean bottom and continues on to arrive at the receiver. He further noted the receiver is seeing a complex sound field, a mix of all these multiple paths arriving. He noted here you may get reflections off steep cliff faces that will lead to multiple propagation meaning the main signal followed by a smaller amplitude as in an echo.

Mr. Carr noted understanding characteristics of the receiver is very important when you are looking at impacts on both humans and marine mammals or other land based animals. He noted that we generally hear sounds between 20 – 20,000 hertz. He further noted that there is evidence that certain animals can actually hear ultrasonic frequencies and others such as whales can hear infrasonic which is < 20 hertz and ultrasonic is > 20 kilohertz.

Mr. Carr noted that it is very important to understand this concept when you are looking at the effects of sounds. You have to know what the receiver is and what it can actually hear. He noted that in regards to the receiver you have to know what its' hearing sensitivity is in terms of what amplitudes it can distinguish. He further noted that around the receiver there is background noise. If there is a signal arriving that is actually a lower amplitude than the ambient noise that already exists the receiver will not know that the sound is there because it is lower than the existing noise.

Mr. Carr noted that sound is defined as the propagation of pressure waves from a lasting medium such as air, water, a seabed, etc. He noted sound is measured with pressure sensitive instruments such as hydrophones in water and microphones in air. He further noted that most sound receivers are sensitive to sound pressure.

Mr. Carr noted that peak pressure is the maximum instantaneous pressure of a pulse signal. He noted that RMS (root/means/square) pressure means the duration of the pulse, which looks at an average level. He further noted that Energy Flux Density is the RMS amplitude of the signal that yields the same total energy as a one second duration. It may also be referred to as the sound exposure level.

Mr. Carr noted noise is defined as any loud, discordant or disagreeable sound or sounds. He noted that sounds may startle us, interrupt our sleep, cause psychological distress, or contribute to physiological distress and when sustained and loud enough contribute to temporary or permanent loss of hearing. He further noted that this would be the same for any marine mammal.

Mr. Carr noted any sound that is unwanted by definition is considered noise.

Mr. Carr noted a decibel is simply a ratio between two quantities that are proportional to power. He noted it is commonly used for measuring sound pressure levels and is based on a logarithmic scale. He further noted that sound levels have a very large range and the logarithmic scale allows you to look at this in an easier way. A decibel (dB) is defined as 10 log of the power ratio and the power is the force of the pressure so it also written as 20 log of pressure. (10 of the power or 20 of the pressure). He noted that it is a convenient unit for variables with a wide range of values. I.e. The human hearing scale.

Mr. Carr noted some examples of increases in sound pressure and decibels. He noted any increase in a sound pressure in a decibel that is < 5 dB for humans is considered to be un-noticed – tolerable. He further noted anything in between 5 – 10 dB would be considered intrusive, 10 – 15 dB would be very noticeable, 15 – 20 dB would be objectionable and > 20 would be very objectionable – intolerable.

Mr. Carr noted if there are two sources of decibels you cannot add them together to get a new level. I.e. If you have 50 dB plus 50 dB it does not equal 100 dB, it is equal to about 53 dB.

Mr. Carr noted a decibel is a ratio and when looking at pressure, it is a pressure to a reference. He noted that if he said something is 20 dB we don't know what that means until we know how the reference chart works. In water one micro Pascal is used as a reference and in air 20 micro PASCAL's are used. He further noted that 50 dB in the air is not 50 dB in water and this is why you have to know what that reference pressure is.

Mr. Carr noted another thing seen with the dB unit is it is written as dBA or dBC. He noted dBA is quite often used for human hearing and they look at the frequencies that fall within human

hearing sensitivity and weight those more than sounds that fall outside the band because you can't hear the sound outside the band. He noted something written, as dBA means there has been a weighting applied to each frequency band in regards to human response. He further noted something written, as dBC is lower frequencies and are weighted more heavily.

Mr. Carr noted it is important when reading information to know what the reference pressure is and what the weighting is on the scale.

Mr. Carr noted another important characteristic of sound is frequency. He noted sound waves oscillate between crests and troughs and high frequencies are characterized by rapid oscillation, sharp sounds such as whales clicks and whistles while low frequencies would be characterized by slow oscillation, deep sounds such as whale moans or heartbeats. He further noted that generally sounds do not consist of a single frequency but rather they consist of a combination of frequencies and sound levels will vary with frequencies.

Mr. Carr noted sound spectrum is sound levels versus frequency. He noted spectral levels are often divided into bands providing band levels. He further noted that sound levels are often frequencys' way to reflect the receiver sensitivity and it is quite often used for human reaction to sound.

Mr. Carr noted in regards to sound propagation, once you have characterized the source of the sound and are looking at the impacts of sound you have to look at where you are relative to the source of the sound. I.e. A source of 100 dB means that generally the person is 1 meter from the source of the sound. He noted you must look at the distance away from the sound and then calculate the losses between that source and where the receiver of the sound is. He further noted that the sound levels will decrease as the distance from the source increases due to the spreading attenuation.

Mr. Carr noted the spreading loss is essentially a geometric spreading and is a log function of the distance from the source depending on how it is spreading. He noted that generally in the air there is a spherical spreading loss ($20 \log R$) and in the water it may be cylindrical spreading loss ($10 \log R$).

Mr. Carr noted attenuation loss is a function of distance from source and the properties of the water or the air. He noted when we look at the receiver the sound level that arrives at the receiver location is the source level minus the spreading loss and minus the attenuation loss.

Mr. Carr noted factors that affect geometric spreading are water depth, distance from source and sound speed. He noted sound speed depends on temperature, salinity and pressure and temperature or pressure changes in the water or the air will change the speed of sound and changes in the speed of sound will actually cause it to change direction. He noted that water sound levels are affected by interaction with both the surface and the bottom as in when the sound hits the surface of the water there is a reflected wave and part of it will be reflected back to the surface and part of it will be transmitted into the air. He further noted this is the same as with the ocean bottom sound where part of it will be transmitted into the ocean bottom and part of it will be bounce off.

Mr. Carr noted in regards to dB a decrease in the level of sound means if you have a sound source that is a 50 dB sound source at 100 meters, at 200 meters essentially what happens is you get a halving of the sound pressure and for every doubling of distance you can decrease the sound source level by one half. He noted this is a good way to get a rough estimate of what kind of level you will have at a given range.

Mr. Ivens asked if this is for both air and water.

Mr. Carr replied yes. He noted that is assuming that you have spherical spreading. He further noted that in the air you will definitely have spherical spreading and in most deep-water cases

you will have spherical spreading. In shallow water after a certain range you will have slightly cylindrical spreading.

Mr. Carr noted in deep water there is more rapid attenuation and in shallow water less rapid attenuation.

Mr. Ivens asked what would you consider deep water.

Mr. Carr replied that depends on the frequency that you are looking at; the wavelength is related to the frequency of your source. He noted it is a relative term depending on what frequencies you are looking at.

Mr. Klein asked where is the noise, is it at the surface, is it mid point between the surface and the bottom, and is it on the bottom. He asked where is the noise emanating from for this distribution.

Mrs. Klein asked where is the source.

Ms. Bishop replied that would depend on where the source of the noise is.

Mr. Klein asked if the source of the noise is in the rock would the distribution and attenuation be the same as if it were just in water.

Mr. Carr replied no. He noted attenuation depends on the medium through which it is passing.

Mr. Klein asked if the material is more dense would the attenuation be less rapid.

Mr. Carr replied yes.

Mr. Carr referred to acoustic modeling and noted they are trying to predict the propagation of acoustic energy and account for properties such as geometric spreading, absorption refraction at the ocean bottom or on land. He noted these are things that are considered when running the model. He further noted there is a variety of models available and it depends on the situation and what you are trying to model when choosing the appropriate model to suit the circumstances.

Mr. Carr noted water transmits sound more efficiently than air.

Mr. Carr noted marine mammals use sound to communicate, locate prey and navigate and they have frequency dependent hearing abilities. He noted when you are looking at the impact of sound on marine mammals you have to look at frequency and the spectrum of the source.

Mr. Carr noted he could provide Ms. Wilkins a copy by email.

Mr. Carr noted permanent versus temporary threshold shift in regards to humans but this would also apply to any type of bird or marine mammal. He noted a temporary threshold shift is when you are exposed to a strong noise source even for a brief period it may cause temporary elevation in your hearing threshold meaning there is some loss of hearing ability for a short period of time and once the strong noise is removed you will recover your original hearing sensitivity.

Mr. Carr noted in regards to permanent threshold shift recovery doesn't happen.

Mr. Carr noted in looking at the impact on mammals you have to look at what its detection ability is. He noted if it does detect a sound what does it actually mean because there is a lot of concern about other behavioural effects on mammals and the significance of what that disturbance is. He further noted that in this field there is not a lot known nor is there a lot of research available.

Mr. Carr noted if a whale has to change course for a day does that have any impact long term and this is where the biologists are focusing their studies. He noted if there is some sort of disturbance you have to keep in mind what is the significance in terms of behavioural responses. He further noted that there are not a lot of good answers available and this is an area where further research is needed.

Mr. Carr noted several other issues would be what are the effects on man, what are the effects on marine mammals fish, and birds. He noted he is not a specialist in terms of effects on them.

He further noted they work with the guidelines produced by DFO and other regulating agencies and work to those criteria.

Mr. Carr noted other issues are longer-term effects. He noted it is well known that source levels of some sounds may be a problem and he noted there has been coverage on the high frequency sonar activities in the US and the relationship to stranding whales. He further noted there is a lot more work being done in regards to this and if there is some kind of concern what ways are there to reduce the impacts on environment.

Mr. Carr noted the permitted sound levels that were established for the quarry are different for day, evening and nighttime activities. He noted they are applying a penalty to the sound levels in recognition that people are generally in the evening and at night more disturbed by noise.

Ms. Wilkins asked if the numbers 2300 to 0700 were correct.

Mr. Carr replied 2300 to 0700 is nighttime.

Ms. Nesbitt noted the last item is ground vibration and that he had talked about compression and the different sound levels and she asked what does that mean.

Mr. Carr replied that ground vibration is looking at displacement of the ground at a given location.

Mr. Carr asked Mr. Kern if this refers to the nearest structure.

Mr. Kern replied yes.

Mr. Carr noted that ground vibration measured at that point cannot exceed 12.5 millimeters per second.

Mr. Carr noted when you look at any activity whether it is a quarry or not that is going to take place Jasco will try to model that ahead of time and characterize what we think the effects are going to be and compare that to the established numbers that are in the permit. He noted based on our modeling and our best knowledge we will advise whether they will meet or not meet those numbers. He further noted if they are not going to meet them then they have to go back and look at ways of reducing the sound levels or the vibration levels. I.e. They could use a smaller charge or techniques to reduce sounds from machinery.

Mr. Carr noted that models are great but they are trying to build confidence in the models. He noted after they complete the modeling there are measuring programs to validate those levels. He further noted they have done a study and the study has shown based on their best knowledge the permitted sound levels will not be exceeded at the Whites Point Quarry. However, the intention will be to go and do a measurement program when the initial blast occurs and every blast after to monitor and validate that the modeling was correct or incorrect.

Mr. Carr noted in regards to monitoring they are monitoring sound levels but there is other monitoring looking for visual impacts such as fish floating in the Bay. He noted we may record the sound level was within what DFO said it should be yet there may have been an effect. He further noted if that is the case we have to go to DFO and look at why this effect happened.

Mr. Ivens asked in the past when you have done modeling how close have you come to the actual measurements.

Mr. Carr replied pretty close. He noted the work we've done especially with the oil and gas industry has been overseen by DFO and our measurement programs afterwards have been close to what we expected. He further noted that you must realize a model is a model and you do your best to model a situation but you can never be exact and that is the reason we monitor so we can validate the model. He noted Jasco has had very good success to date.

Mr. Carr noted two useful references on marine mammals and noise. The best is Marine Mammals and Noise by W. John Richardson and Charles Green and Ocean Noise and Marine Mammals by National Research Council.

Mr. Carr noted he would take any questions at this time. He noted if he could not answer them now he would get an answer.

Mr. Buxton asked if he could describe how the model was made or what parameters were put into the model and how the answer was extracted from that.

Mr. Carr replied some modeling work was done for the quarry in regards to the initial blast and he described how this model was done. He noted they have to model the actual physical explosion in the ground. He further noted they used a model called Conweb and that this model was developed by the US army for weapons effects and is well regarded internationally. He noted it is an effective tool to look at peak pressures versus range in the bedrock or in the ground here.

Mr. Carr noted the tool takes input such as the amount of explosive, the type of explosive, and distances to where you want to look at the pressures, and the geometry and geology of the area that you are looking at. He noted when they run a model they are using the best knowledge available of the actual site. He further noted they then figure out what the pressures are at the different ground water interfaces and fall back to DFO's guidelines to do the transmission of sound from the rock into the water and from there they use other models to look at how the sound propagates through the water to different locations of interest. They then figure out where the worse locations would be and the worse possible scenario and model sound at those points.

Mr. Buxton asked what would be the difference generically between conducting a model analysis where you have the parameters and conducting a model analysis where you don't have the parameters such as you don't know what type of rock. He asked if it is significant.

Mr. Carr replied it is significant because here you are using the actual parameters of the area and you'll expect a difference between that and one that doesn't use the parameters. He noted it is site specific and is not a general approximation for a random set of parameters.

Mr. Buxton asked how different, can it make 100% difference or 50% difference.

Mr. Carr replied it is hard to quantify the difference as it depends on the given situation.

Mr. Buxton asked can it be significantly different.

Mr. Carr replied it can be, yes.

Ms. Nesbitt asked if his findings have been relative to this site.

Mr. Carr replied the model they have done to date has been looking mainly at the DFO guidelines and the impacts for the water. He noted based on the model they have done and the information given the levels are well within the limits that DFO has set in the guidelines for explosives near waters at the Whites Point site.

Mr. Carr noted there are some differences between what Jasco has predicted and what DFO has predicted. He noted they have yet to see how DFO obtained their information and he would argue that because Jasco's predictions are based on site specific information they are likely more accurate.

Mr. Wall asked as they move back from the water's edge and move up in elevation what will the effects on the sound.

Mr. Carr replied in terms of sound transmitted into the water obviously as you move away from the water you are increasing the distance from the water so the sound levels will fall off dramatically. He noted the worse case in terms of the water is when you are closest to the water.

Mr. Wall asked if as they move back the readings and the impacts will decrease progressively.

Mr. Carr replied absolutely.

Mr. Klein asked what will the rate of decrease be in rocks. He noted the same lava flow that is going to be mined goes down into the Bay of Fundy as a bare shelf.

Mr. Carr asked if he could repeat his question.

Mr. Klein asked as you are blasting rock on the ground and that rock is attached to the same rock that is a bare shelf underneath what will be the rate of attenuation in rocks.

Mr. Carr replied again that generally as you increase distance you decrease pressure.

Mr. Klein asked if the rate of decrease is substantially slower the denser the material.

Mr. Carr replied yes but in terms of attenuation it will be mainly in the range and doubling the range will decrease it. He noted there are two things to look at, the attenuation, which is strictly spreading as a range and there is the smaller absorption or attenuation factor of the actual material. The other is the geometric spreading, which will always dominate. He advised Mr. Klein that he does have the numbers pertaining to his question and he will provide the to Mr. Klein after the meeting.

Mr. Buxton asked if he could provide some information on the array effects where there is a single blast and then a sequence of blasts and what might be a cumulative effect from a string of delays in one charge.

Mr. Carr replied if you have multiple sources where one source detonates with sounds propagating from it and another with sounds propagating you will have interference between the two and in some cases it will be additive or in other cases it will actually cancel the other one out. He noted you would look at the charge spacing in relation to the width of the pulse from the actual explosion and in some cases where the distance between two charges is less than the actual width of the pulse you may get some accumulative effects, an increase in the pressure. In other cases you won't get the actual increase but when one pulse arrives at a location before the other there is no overlap or very little overlap. He further noted that instead of increasing the pressure you are prolonging the pulse. He noted it will depend on any given area and you will have either an increase or decrease in pressure and the length of the pulse.

Mr. Buxton noted that Mr. Carr did say he was not an expert in the biological effects and he asked if there is a different effect between a single noise and a continuous noise. I.e. The air shots from seismic against a blast used to dislodge rock.

Mr. Carr replied a blast and an air gun's pulse eruption are very similar in that they are of relatively short duration of sound but there is a difference between that sound and a running generator, which is a continuous noise source. He noted with a generator there is not any physical damage but there may be more of a disturbance effect because of the continuous noise.

Mr. Buxton asked how would you monitor the effects at a later date to test the model, what would you do.

Mr. Carr replied if they are going to do a blast at the quarry Jasco will install hydrophones in the water in a number of areas at a given depth that correspond with the model and areas that are of interest. He noted when the actual shock goes off they record the actual acoustic signal and do a full analysis on the different arrivals of peak pressure. He noted it is similar in air but microphones will be set up at various locations. He further noted that they are interested in the noise effect in the nearby community so they will have a monitoring station there and because there are limits in place for a nearby property there will be a station there as well.

Mr. Carr noted that you want data that is going to validate the model and data that will be of interest to the public.

Ms. Wilkins asked if anyone else is feeling as she is. She noted she appreciates Mr. Carr coming and she knows that he knows what he's talking about and that someone with a technological background knows what he is talking about but all she has heard with her limited knowledge is how you do what you do. She noted she has heard very little on the effects of anything and the way it is presented she would have a very difficult time understanding even if he went into that. She further noted that she was hoping to get more specific information on how it's effecting whales, how it would effect the houses nearby and there are lots of questions they could have

come up with if we had understood better. She noted that she says 'we' meaning her and that she is assuming there are others in the same boat as she and for her this was kind of a wasted evening.

Mr. Carr replied he would try to sum up the main points and he apologized. He noted that he tried to keep it away from technical but it is hard to keep from technical when trying to understand certain things. He further noted that what he is trying to say is when you are looking at the effects of sound you have to understand several things. You have to understand the characteristics of what is producing the sound and those are generally the amplitude of sound versus....

Ms. Wilkins replied that she got the general points but for her it was not what she was looking for.

Mr. Carr asked if she was looking for the impacts.

Ms. Wilkins replied yes.

Mr. Carr noted if you are talking about marine mammals he suggested do the reading and he noted there has been certain research done on specific types of marine mammals and certain animals so there are bits and pieces known about certain whales in terms of what their hearing sensitivities are. He noted the key to judging impact is you have to know and understand know what the animal hears and how it is going to react to sound and a lot of that isn't known. He further noted this is ongoing research.

Mr. Carr noted based on the best research that has been done to date threshold levels have been set which are 180 decibels for whales and 190 decibels for seals. He noted that those are the safety criteria so if you are below those levels the body of knowledge says that you are probably not doing any physical damage to whales. He further noted that is not to say that you might not be disturbing them but how do you quantify a disturbance to something.

Mr. Carr noted for example if you are walking down the street and there is a jackhammer that is quite loud on the side you are walking on you would cross the street walk down a block and cross back over and proceed to where you are going. He noted it had disturbed you but at the end of the day was it significant. He further noted that is the kind of thing you have to look at.

Mr. Carr noted if you are looking at hearing loss and mortality those are easy to quantify but some of the other things we are looking at such as disturbance and behaviour there is a lot of research being done on that.

Ms. Wilkins replied in regards to his example if she was prone to shopping in a certain area and I knew they were going to have a jackhammer going for the next three weeks and it was bothering her hearing she would not come back to that area until the noise was gone. She noted in that case you could say that maybe it just disturbed the whales and bothered them but will they come back. She further noted that there is evidence of whales leaving the area and not coming back and she would assume that it would be the same for the fish.

It was asked what effect will it have on the water table.

Mr. Carr replied he can't answer that, as it is not his area of expertise.

Mr. Wall asked does the Whites Point blasting plan conform to the DFO guidelines.

Mr. Carr replied the modeling they have done says yes.

Mr. Wall asked if it fits comfortably within the guidelines.

Mr. Carr replied yes it is within DFO levels.

Mr. Wall noted that DFO has determined what they feel can reasonably be handled by the whales on a biological level on whether they decide to cross the street and shop somewhere else.

Mr. Carr noted DFO has set their guidelines and his assumptions are based on what those guidelines are based on, which is the best knowledge out there. He noted in terms of the model done there is not a problem with sound levels.

Ms. Wilkins asked Mr. Buxton if he is going to have experts to deal with biology and the effects of blasting on the water table. She noted that she thought this would be the whole package not just sound.

Mr. Buxton replied it is difficult to find an expert that is an expert in three or four fields but the answer is yes. He noted it was hoped that one from LGL would be here tonight but he was not sure what happened or whether there were some scheduling difficulties.

Mr. Carr replied that it didn't work out for tonight and that they generally work with LGL.

Ms. Wilkins asked what is LGL.

Mr. Carr replied LGL is an environmental company that Jasco Research Ltd. works with and they have a marine biologist on staff. He noted Jasco works closely with them on projects but Jasco does the acoustic work and then work with their biologist where they will assess the impact. He further noted Jasco can model the impact based on the guidelines and LGL are the experts on what the effects might be based on research.

Ms. Bishop noted that LGL has been heavily involved in almost everything in the offshore with regards to the explorations that have been done on the offshore. She noted they have been basically the lead biologic in those investigations.

Mr. Carr noted their head biologist is John Richardson

Ms. Bishop noted he was involved with Hibernia.

Mr. Carr noted that most of the projects they have worked on in the past few years have been done in partnership with LGL.

Mr. Buxton noted Global Quarry Products has engaged LGL.

Ms. Wilkins asked if she could make a suggestion. She asked if from now on when they have the experts here could he have them use more laymen's terms.

Mr. Buxton replied he would make note of this again. He noted when Global Quarry Products gets a request from the CLC to find an expert on a particular subject and asks them if they would come and make a presentation they are given a general outline of what the CLC is interested in. He further noted that he has no idea what they are going to say nor is he going to influence what they are going to say. He noted that he had met Mr. Carr for the first time this evening.

Ms. Wilkins replied that is not really influencing what they are going to say. She noted if you were a lawyer it would be like getting rid of some of the legal speak so that people could more easily understand what they were talking about. She further noted it is hard to ask an intelligent question when you don't know what is being said.

Mr. Buxton noted that this is a scientific operation.

Ms. Wilkins agreed with that.

Mr. Buxton noted that this is not quasi-science or little bits that one picks up here or there. He noted if they were to do that then why waste money to hire experts like Mr. Carr, LGL and the others. He further noted that Mr. Carr may have a thousand times the knowledge that he has on this particular topic and he assumed that the CLC wanted to talk to an expert, as it is a scientific subject.

Ms. Wilkins asked of what value is it to the CLC if they are not fully able to understand what is being said.

Mr. Buxton replied that he can't influence what the experts say.

Mr. Carr noted that he tried to present this in a way it could be understood. He noted if you find in future presentations that you are not grasping what is being said or it is a bit too technical stop the person and ask if they can put it in simpler terms and they are quite often happy to do that.

He further noted they may not be able to but quite often they will try.

Ms. Nesbitt asked if there were any other questions.

Mrs. Klein asked if there is a copy of your model available.
Mr. Carr replied that multiple models were used.
Mrs. Klein asked if this did not apply to Whites Cove.
Mr. Carr replied again that they used different models for different pieces of the equation and we then compared all the models.
Mrs. Klein noted that she did not mean a model per se but as it applied to Whites Cove and she asked if that model was available.
Mr. Carr asked if she meant the results.
Mrs. Klein replied yes.
Mr. Carr replied that in Whites Cove they are going through the full process and all the results will be Provincially public documents.
Mrs. Klein asked did he say the model is according to blasting that will be done.
Mr. Carr replied yes. He noted this is a draft of what we did and it will be incorporated into the biological stuff.
Mrs. Klein replied what she meant was and what she is asking is that there was no blast at Whites Cove.
Mr. Wall replied that Mrs. Klein had been going to meetings and asked her if she did not get it.
Mrs. Klein replied no she did not get it.
Ms. Wilkins noted that is very unprofessional.
Mr. Wall replied that the quarry has been delayed for a year getting the blasting permit.
Mrs. Klein asked then how could you do a model without actual blasting.
Mr. Carr replied that is the whole idea of modeling. He noted we do a model based on what is going to happen and when you measure it is measured on what has happened. He further noted the models are based on science and there are multiple models for different things.
Mrs. Klein noted what she is getting at is that there would be no empirical model.
Mr. Carr and Mr. Buxton both replied not until the blast.
Mr. Buxton noted that you can't until you blast and that the model is computer simulated.
Mr. Carr noted this is a simulation of what will happen. He noted until they have done the blast they do not have any actual data from the blast. He further noted they may have data from other blasts but you have to ask how well are they because they may have different bedrock.
Mrs. Klein asked do you know about the bedrock. She asked if Mr. Carr is aware of what kind of bedrock is there.
Mr. Carr replied yes and all of that information went into the model.
Mrs. Klein asked if he actually has that paper with the product of his work.
Mr. Carr replied yes.
Mrs. Klein asked if it is available.
Mr. Buxton replied no it is not right now but it will be made available to the CLC.
Mrs. Klein replied that is what she was getting at and that she thinks that was pretty obvious.
Ms. Nesbitt asked if there were any other questions.
Mr. Carr noted that there are certain biological impacts that you will be interested in and he suggested they should get that information in and the presenter can address those issues when he does the presentation.
Ms. Wilkins replied that we only found out about the meeting on Monday. She noted that it is pretty hard to prepare any questions on such short notice.
Ms. Nesbitt asked if there were any other questions.
Mr. Klein noted that he would like to make a comment in regards to the minutes of the last meeting but he does not wish to take up more of Mr. Carr's time.

Ms. Nesbitt noted that she would like to thank Mr. Carr for his presentation and that we appreciate his coming out to advise us on sound and models very much.

Mr. Carr hopes that he was able to provide something so if a biologist does make a presentation and they are talking about some of these things it will make sense in terms of what they talk about.

Ms. Nesbitt moved that the minutes of August 27, 2003 be approved.

Mr. Ivens noted the CLC should wait for the next meeting, as the members had not had a chance to review the minutes.

Ms. Nesbitt asked if there were any other questions.

Mr. Klein noted on page 4 of the August 27, 2003 minutes and going back to his concern in regards to non-combusted explosive materials Mr. Buxton states after saying he was not an explosives expert "He noted his understanding from explosives experts is that the preparation of anfo as it is done today because of environmental restrictions and regulations means that you essentially get 100% consumption of the individual materials..." and so on. He noted that didn't sound very reasonable to him. He further noted that he did a little bit of research and off of the FBI federal government headquarters lab site there is a discussion of Explosive Residue Origins and Distributions published in Forensic Science and Communications in April 2002. He noted that he would read one paragraph.

Mr. Buxton addressed the chair and asked is it not inappropriate to discuss the minutes before they are approved.

Mr. Klein continued to read from the article but it has not been recorded in the minutes, as his comments were not distinguishable from the comments being made by others at the same time.

Mr. Klein noted that the way the quarry is going to detonate 60 or 100 small hundred pound charges would create a substantial amount of residue. He noted again his question goes back to how is that residue going to be contained and prevented from getting into the ground water.

Mr. Buxton replied that our experts advise us; these are people who do this on a continuous basis, that there will be no residue. He noted if Mr. Klein has evidence to the contrary by all means bring it forward.

Mr. Klein replied that he has a paper that seems to indicate that there is no possible explosive that is detonated without residue.

Mr. Buxton replied that is fine.

Mr. Klein asked if he should submit it to the CLC to be included with the minutes.

Mr. Buxton replied that he does not operate the CLC and that Mr. Klein would have to ask the chair.

Ms. Nesbitt replied that she would like to have a look at it.

Mr. Wall noted that he would like to add that that we are making every effort to blast within the guidelines that are set out by the appropriate agencies and that we are using reputable contractors. He noted that you can probably find some science that says dribs and drabs of this and that everywhere but we are meeting your laws and proposing to blast when we obtain the permit within full accordance of these guidelines.

Ms. Sanford noted that the minutes of August 27, 2003 that Ms. Nesbitt had advised were ok to hand out at the meeting were distributed as unapproved. She noted that if they are copied or forwarded that they should be aware that they are not yet approved.

Ms. Nesbitt replied that she wanted to address page 22 of the minutes in regards to others being added to the regular mailing list. She noted that the minutes should be approved by the CLC and mailed to the members and then once approved they may be mailed to the others.

Ms. Sanford made note of this.

Ms. Nesbitt asked if there were any other questions.

Mr. Buxton noted that he assumes that everyone is aware of and has been following the website with respect to the progress of the panel review.

Ms. Nesbitt replied if Mr. Buxton could give us an update that would be great.

Mr. Buxton noted there is very little change and that the first part of the process, the completion of the Memorandum of Understanding between the Provincial and Federal government, he believes was posted on the website on August 11th for a 45 day public input phase to September 18th, has been revised to October 22nd because CEAA made an error in the original notice. He noted that is as far as the process has gone at this date. He further noted that whether the other processes will be delayed by that an equal twenty days it is not known. The panel review process is still in that first stage looking for comments on the Memorandum of Understanding between the Provincial and Federal partnership.

It was asked what other process is underway.

Mr. Buxton replied there should be and he assumes that if the steps are being done in sequence they should be preparing a Scoping Document that was due to be released for public comment on October 7th. He noted that he can't say whether it will be released but he assumes that it may not be released until after October 22nd. He further noted that you will probably know at the same time he does by looking on the CEAA website when the Scoping Document will be released and there will be a 45 day period for public input on the Scoping Document.

Ms. Nesbitt asked if there were any other questions.

Meeting adjourned at 8:45 pm.

Next meeting date is to be determined and advised.

Minutes of Meeting of Community Liaison Committee

Bilcon of Nova Scotia

7.00 p.m. November 24, 2004

Conway Place, Digby

In attendance: Ms. Cindy Nesbitt, CLC Chairperson
Ms. Christine Harnish, CLC Member
Mr. John Ivens, CLC Member
Mrs. David Graham
Mr. Paul Buxton, Bilcon of Nova Scotia
Ms. Kristy Bishop, Bilcon of Nova Scotia
Ms. Tammy Sanford, Secretary to CLC

Regrets: Mr. Brian Cullen, CLC Member; Mr. Mark Jeffrey, CLC Member; Ms. Judith Carty, CLC Member; Mr. David Graham, CLC Member

Mr. Buxton advised the committee that Global Quarry Products ceased to exist several months ago. He noted that the Proponent of the Whites Cove Quarry is Bilcon of Nova Scotia which is wholly owned by Clayton Concrete, Block and Sand of Lakewood, New Jersey.

Mr. Buxton noted that the permit for the 3.9 hectare quarry under which this CLC came into being was not transferred from Nova Stone Exporters to Bilcon of Nova Scotia by request.

Mr. Buxton noted that the lease for the entire property is now held by Bilcon of Nova Scotia and that Nova Stone Exporters no longer has any interest in the property and therefore, automatically the 3.9 hectare permit is dead.

Mr. Buxton noted under the terms of the 3.9 hectare permit Nova Stone Exporters was required to establish a Community Liaison Committee. He noted that from the beginning the committee members and Nova Stone Exporters agreed to discuss all of the elements of a larger quarry as the members chose to raise them.

Mr. Buxton thanked the CLC for its efforts in gathering information to relay to the public and congratulated them for a job well done. He noted that Bilcon of Nova Scotia would like to continue to provide secretarial support and a meeting place and although the committee is not now a requirement to do so would be a good idea.

Mrs. Graham asked if the Nova Scotia Department of Environment and Labour think it a good idea.

Ms. Harnish asked if the Nova Scotia Department of Environment and Labour do not require it.

Mr. Buxton replied that there is no permit in place and this committee was essentially mandated under the terms and conditions of the 3.9 hectare permit. He noted there was a clause that stated if asked to do so a community liaison committee must be set up.

Mr. Buxton asked members if they would be prepared to sit for approximately six months to continue to ask questions and distribute information to the public.

Mr. Ivens replied he has no problem continuing as a CLC member.

Ms. Harnish replied she has no problem continuing as a CLC member.

Mr. Buxton noted that if the CLC continues Ms. Nesbitt was welcome to continue as chair of the committee and that a location, secretary and any other information would be provided by Bilcon of Nova Scotia.

Mr. Buxton proceeded to update the committee on the status in the overall process. He noted that Bilcon of Nova Scotia is the sole proponent and that a new lease has been negotiated for a 90 year period which is held by Bilcon of Nova Scotia. He further noted that at the last committee meeting the committee would be called for a meeting when the process was further along and there was more information to report.

Mr. Buxton noted that it had taken quite a long time to get the Memorandum of Understanding between the Provincial and Federal governments partnership signed. He noted that it was signed approximately 5 weeks ago.

Mr. Ivens asked if it took almost a whole year to get signatures.

Mr. Buxton noted that it is a four page document and when it was posted on the website in August 2003 there was an error in the address for the Provincial Department of Environment. Three weeks into the process it had to be re-posted. He noted there was a huge amount of comments for a four page document all of which are available for review at the Bilcon of Nova Scotia office.

Mr. Buxton noted that the Federal/Provincial partnership reviewed these comments prior to signing the Memorandum of Understanding. He noted that during the redrafting and signing process of the Memorandum of Understanding the Federal/Provincial partnership were also working on the draft copy of the Scoping Document for which the Proponent was told would come in a timely manner. He further noted that document can be accessed on the CEEA website or a copy can be reviewed at Bilcon of Nova Scotia.

Mr. Buxton noted that it is a 37 page document and it describes what the Proponent has to do to prepare the Environmental Impact Statement.

Mr. Ivens asked if most of these requirements are standard or did they come from the comments received.

Mr. Buxton replied there have been no comments for the Environmental Impact Statement and that the Proponent is now in the commentary period for the Scoping Document. He noted that anyone can forward their comments to Steve Chapman, the project administrator until January 21, 2005

Mr. Buxton noted that a three person panel was named after the Memorandum of Understanding was signed. He noted the panel members in place are the Chair, Bob Fournier, Dr. Gunter Muecke, and Dr. Grant who are all scientists and that they intend to hold hearings in this area in December 2004 with respect to the Scoping Document. The hearing dates will be announced.

He noted this will allow for everyone to be able to read the Scoping Document and make suggestions by the end of the January 21, 2005 period. The panel will then review the comments and determine what changes are required to be made to the draft document and a final Scoping Document or as it will be called the Guidelines for the Environmental Impact Statement will be issued. He noted this will become the final blueprint for what Bilcon of Nova Scotia has to submit to the panel. The panel will then start hearings.

Mr. Buxton noted in the next newsletter issue there is a chart (see Appendix E) which purports to set out the process. He noted that it is the responsibility of Bilcon of Nova Scotia to submit the Environmental Impact Statement to the panel. There is a documentary process to follow in order to set out and set up the Environmental Impact Statement with all the research reports annotated and separate volumes, etc. The panel will review this information and hear the comments and possibly hold hearings because the Environmental Impact Statement will again

go on the website and it will be available in the Annapolis Royal and Digby libraries for people to review and make comments.

Mrs. Graham asked if this is all a normal procedure.

Mr. Buxton replied that this is not a normal procedure for a quarry and to his knowledge it had not been done before.

Mrs. Graham noted that Mr. Buxton informed them there is a 90 year lease on the land and she asked who owns the land.

Mr. Buxton replied that the Johnson's and Lineberger's still own the property and it is leased from them for exclusive use to remove rock for 90 years.

Mr. Buxton noted that when the panel has heard all the comments they will make a series of recommendations to the Ministers and they will review and make a decision.

Mr. Ivens asked if Bilcon of Nova Scotia is comfortable with the panel members.

Mr. Buxton replied the Proponent is comfortable that the panel members understand the science.

Mrs. Graham asked if any of the groups and individual's research and findings that were presented to the committee would be used by the panel or does everything have to start from scratch.

Mr. Buxton replied that the Proponent feels they are pretty much finished with the process.

Mr. Ivens noted that information would go into the Environmental Impact Statement.

Mrs. Graham noted that all of this information has been gathered and she asked if it is required again.

Mr. Buxton replied no and that the Proponent started this process two and a half years ago. He noted that there is a massive compilation and writing job to be prepared but the technical aspects are complete. He further noted that the Proponent has been advised that the Environmental Impact Statement should be a concise, brief document hopefully 200 – 300 pages but it is more likely to be 500 – 600 pages. He noted the appended volumes will be approximately 10,000 pages and it will be a very extensive document.

Mr. Buxton noted that whether it is a comprehensive study report or a panel review any government department can declare itself to be a responsible authority. For example, we are going to build a marine terminal so Department of Fisheries and Oceans can declare itself a responsible authority. He noted that initially on the Federal side the Department of Fisheries and Oceans was the sole responsible authority but since that time Transport Canada has declared itself a responsible authority. There has been a shift in the position of Navigatable Waters protection people and the Coast Guard. He further noted that because of this some elements have fallen under the Department of Transport's jurisdiction.

Mr. Ivens noted that this is confusing because the Department of Fisheries is the Coast Guard.

Mr. Buxton replied that there has been a reassignment of responsibility.

Mr. Buxton noted that the Proponent has found that the Federal government since the Memorandum of Understanding has been signed has been more open and willing to meet. He noted they recently met with the Department of Fisheries and Oceans and they are prepared to discuss issues such as blasting and seem willing to conduct a responsible scientific process.

Mrs. Graham asked if they were not willing to meet prior to the signing of the Memorandum of Understanding.

Mr. Buxton replied they would not meet with the Proponent.

Mr. Ivens asked if this was because the Memorandum of Understanding had not been signed.

Mr. Buxton replied that was their position that there was no project until there was a Memorandum of Understanding.

Mr. Buxton noted that this is Bilcon's status in the process at this time and it has been their intention to continue with the process and they have no intention of discontinuing with the

process now. He noted one thing to emerge from further work on this project is the realization that staff levels will probably increase slightly and the capital cost has gone up considerably, to approximately 35 million dollars to get this project underway. He further noted that much of the money being spent is in the province of Nova Scotia.

Mr. Buxton noted that there has been nothing that has changed dramatically since the last CLC meeting and that it is still estimated that the quarry will produce 2 million tons per year with approximately 40 – 45 ships per year. He noted the Canadian dollar has increased considerably in the last year which makes a huge difference.

Mr. Ivens asked if this would affect the feasibility of the project.

Mr. Buxton replied not necessarily but it changes the parameters. He noted that we have observed that the Chinese market continues to progress by 10% per year and that many bulk carriers proceed to China with copper, zinc, lead, aluminum, scrap iron, etc. He further noted that when this project began the first discussion on the cost to charter a ship it was \$14,000.00 per day but today it would cost \$55,000.00 per day.

Mr. Buxton noted that the problem at this moment is that virtually every country has banned single hull tankers carrying oil products which mean that single hulled tankers will be banned.

Mr. Ivens replied they would be banned whether they carried oil or not.

Mr. Buxton replied that bulk cargo is ok but noted that there is a frantic rush for shipyards to build double hull tankers and the slips are booked 3 years in advance.

Ms. Herron noted by request of the CLC the Proponent held a series of focus groups with fishermen who are affected and fish in Whites Cove. She noted that names were suggested by the chair and by Bruce Theriault and a member of the CLC who has an interest in fishing. She noted that there were some very interesting views. She further noted they don't like the idea of a quarry but have become used to it.

Ms. Herron noted that contingency measures, shipping routes and other aspects were discussed in order to help facilitate a mutual beneficial co-existence between the fishermen and the quarry.

Mr. Ivens noted that he felt once they realize that once they get to the stage when they can go ahead whether fishermen fish there or not the quarry can still go ahead. He noted that it would be better for them to sit with the Proponent now and come to some sort of agreement then to have the quarry just go ahead.

Mr. Buxton noted that where this is not a formal committee any longer that when they go through specific and pertinent information he would suggest that it be done in an open verbatim discussion and that minutes be less formal with comments not attributed to individuals. This is to be able to understand all the aspects of the project. He noted this may induce much more frank and specific comments and that straight answers are put out that deal with the facts of the project. He further noted that general discussions can be recorded as topics discussed.

Mr. Ivens agreed that there is no need for detailed minutes.

Mr. Buxton noted that the fishermen want the Proponent to sail a prescribed route in and out and they want it placed on the charts. He noted that the Proponent is prepared to make funds available to a committee or association so that if traps are lost to fisherman that fish in the area they would be compensated.

Mr. Ivens replied that they would get into a battle if they say there is a fund available for lost traps.

Mr. Buxton replied that the money would be turned over to a committee or association and they would be responsible for its administration. The fishermen would approach the administrator and make application to them for their loss. The Proponent would have no way of knowing who does or does not have traps there but they are prepared to place money in a fund for this.

Ms. Herron noted that Bruce Theriault had suggested that the Lobster Association may administer the fund.

Mr. Buxton noted that they were very positive meetings with the fishermen and he felt there would be another meeting in 2 – 3 months to ensure the Proponents understanding of their concerns.

Mr. Buxton noted that another issue looked at in the last year was blasting. He noted that DFO cited the issue of the Inshore Bay of Fundy Salmon.

Mr. Ivens asked why they would comment on that as blasting has occurred behind his home all summer and no one has made any comments about the Inshore Bay of Fundy Salmon.

Ms. Harnish asked if there is Bay of Fundy Salmon out there.

Mr. Buxton replied that the Proponent engaged Jasco Research Ltd and LGL who provided a presentation to the committee to do a very site specific computer model of blasting which showed that the Proponent is well within the guidelines for blasting.

Mr. Buxton noted they have proceeded to research the inshore Bay of Fundy Salmon and this was carried out by Mike Dadswell.

Mr. Buxton noted that they are dealing with the issue, they will tackle it scientifically and they will get the best people to get results.

Mr. Buxton noted that Gardener Pinfold is beginning to conduct a Socio Economic study on the effects of the quarry. He noted the Proponent has provided background data obtained from Stats Canada. He noted Gardner Pinfold would do an input output model to determine what the real economic benefits of deficits are of the quarry.

Mr. Buxton noted that this would probably be available in January 2005 and that this is the last major piece required and that the Proponent hopes to submit their document by the end of March 2005.

Ms. Herron noted they would be sending out a monthly newsletter and showed a draft copy that will be mailed in early December. She noted that Bilcon of Nova Scotia will be holding an open house on December 7 – 8, 2004.

Ms. Herron noted that the Nova Scotia Department of Natural Resources and the Chamber of Mineral Resources will be forwarding material which will also be available.

Ms. Harnish asked if there would be someone from the Nova Scotia Department of Environment and Labour attending.

Mr. Buxton replied they would certainly advise them of the open house.

Ms. Harnish noted that Jacqueline Cook would be attending both dates.

Ms. Nesbitt asked if the review panel reviews the EIS and make their report to the Minister what is there to stop them from saying no you cannot go ahead with the quarry.

Mr. Buxton replied you can refer to the Canadian Environmental Assessment Act and the verbiage that goes with it. He noted it is available on the web site or the Proponent has a copy. It essentially says that the Canadian Environment Assessment Agency is to ensure that projects are carried out in an environmentally safe manner. He further noted it does not say that CEAA will determine whether or not a project will go ahead.

Mr. Buxton noted this project is a legal project and there is nothing in law to prevent this project from going ahead. He noted there are hoops to jump through and satisfy to obtain permits but there is nothing to say that the quarry can't proceed at Whites Cove. He further noted that maybe the opposition would like to say that the panel will decide whether or not there is a quarry in its recommendation to the Minister or that the Minister will decide whether or not there is a quarry. Our reading is that the panel and the Minister will decide how stringent the mitigating measures are in the operation of that quarry.

Mr. Buxton noted that the Voise Bay assessments were assessments to determine what the Proponent had to do to keep the environment and the public safe. He noted that is how they read this process and if you look at what our opponents are saying then the Minister should reject this quarry either Federally or Provincially before hearings. He further noted if the Minister had that power then he would also have the power to sign a paper and they could start blasting tomorrow.

Mrs. Graham asked who said there had to be a review panel.

Mr. Buxton replied that it was a request by Mr. Robert Thibault.

Mrs. Graham asked who decided who would sit on the panel.

Mr. Buxton noted that it had already been agreed that there would be a joint review so it became a joint review panel between the Federal and Provincial governments. He further noted that the Memorandum of Understanding determined how the panel would be put together. The Federal government nominated two members and all three members are Nova Scotian. The chair, Bob Fournier has been on several other panel reviews in the past and is very well respected.

Ms. Herron noted the chair participated in the Sable Gas Panel and he chaired the Deep Panuke Seismic Study in Cape Breton, and is a radio personality for CBC and an oceanographer. Jill Grant is an urban planner and a lot of her work has been done on what is termed “gated communities”. Gunter Muecke is a chemical geologist and has been involved in review panels in particular Kelly’s Mountain. She further noted that all 3 are current Dalhousie professors and are competent and are respected in their fields.

Mrs. Graham asked if they were not picked by the quarry.

Ms. Herron replied they were not.

Mr. Buxton noted if they had the option to choose they may well have chosen these professionals.

Ms. Nesbitt noted that it sounds like a well rounded panel.

Ms. Herron noted that it is well known in the community that Bilcon of Nova Scotia is responsible to cover the cost of the panel and they will be paying for the panel review.

Mr. Buxton noted they pay 100% which will be approximately \$3 – 400,000.

Ms. Harnish noted that the public looks at that and thinks you are paying them too.

Ms. Herron replied that this is what’s out there and just as we were required to pay for your secretariat for the CLC the CLC is not our committee. Nor is this panel our panel. She noted that the Proponent is paying for it but they have no say over it.

Ms. Herron noted that what has been heard coming from the community, from some of the quarry opponents is that obviously since the Proponent is paying for it that we got to pick the panel and since we are paying for it it’s a done deal. She further noted that it has to be made very clear is that yes Bilcon of Nova Scotia is responsible for the cost not the tax payers but they have no say in how the panel is operated.

Mr. Buxton noted that interested parties are eligible for a \$100,000 fund to engage consultants and cover costs. He noted they can apply for funds up to \$25,000 in the first stage for the Scoping Document and in the next stage when the Environmental Impact Statement is submitted \$75,000.

Mr. Buxton noted that the CLC could apply for status to have their own scientific adviser for CLC.

Mr. Buxton noted that by the time this process is complete it will have cost the Proponent \$2.5 million.

Ms. Nesbitt asked if the CLC minutes will be part of the process.

Mr. Buxton replied yes.

Ms. Herron noted that the minutes are now available on CD and that they are fascinating to go through, the detail is phenomenal.

Mr. Buxton noted that the Proponent will provide a copy of the Draft Scoping Document to the CLC and that if any member of this group wants specific detailed information the Proponent will provide it. He noted that they feel they hired the best scientists in the Maritime Provinces. He further noted if the scientific documents are made available to the general public at this time they may be deliberately misquoted. They are willing to have neutral open minded people who are willing to come sit and read these documents so that they can say to either a supporter or opponent that this is what the evidence has shown. That is all that is asked of the Committee is to get accurate information out to the public.

Mr. Buxton noted that after the draft Scoping Document there will be a final Scoping Document which will probably arrive in March 2005.

Ms. Herron noted that as per the Panel Process description (see Appendix E) there is a specific timeline that must be met within the context of the regulation. She noted the worst case scenario is this time next year they are breaking ground in Whites Cove.

Ms. Nesbitt asked what the best case scenario is.

Mr. Buxton replied July – August 2005.

Mr. Buxton noted that if the Proponent had chosen to not start the scientific work until the final Scoping Document was produced it would take an additional 2 – 2 ½ years to do this. He noted that if we had not and done all the scientific work prior to the Scoping Document this would be a 5 year process. He further noted that no one would want to perform a 5 year process for development work or exploration in Nova Scotia.

Ms. Herron noted that the Sable offshore project may not even happen for this reason. She noted that Deep Panuke has asked for a modification of its approval to decrease the size of the field it was going to investigate and they were advise that it would be a 3 – 5 year regulatory process. She further noted that EnCana, Shell, and Mobil who have deep pockets the money is not the particular issue it is the length of time to get something in production whereas they can go elsewhere to the North Sea for example, where the assessment process is established and timely.

Ms. Herron noted that for every well, every hole there has to be a total assessment related to the area around it. You can't permit a particular geographic area for as many wells as you want to drill you have to permit each individual well which is a 3 – 5 year process.

Mr. Buxton noted that the Proponent should also provide copies of drafts of Bills 88 and 118 to the CLC which have both gone through the House for first reading.

Mrs. Graham asked what the difference between mining gold and quarrying basalt is.

Mr. Buxton replied that one requires a mining permit for gold and Bill 118 deals with mining. He noted that those two bill would basically stop quarrying and mining in the province of Nova Scotia.

Ms. Nesbitt asked who introduced these bills.

Mr. Buxton replied they were introduced by the Liberals who have said that government regulation is destroying the economy of Nova Scotia. He noted that the NS Chamber of Mineral Resources has determined that if these bills go through that essentially it will be the end of quarry and mining in the province of Nova Scotia.

Mr. Buxton noted that Nova Scotia produces \$1.25 billion and that fish is below \$1 billion. He noted that these groups want to stop the exporting of rock, stop mining, quarrying and pits. When asked where will you get rock from they say import it. He further noted these groups state there is no rock in New Jersey but there is more rock there then in the whole of Nova Scotia.

Ms. Nesbitt noted the work done on the wharf in Tiverton and that there was no problem at all for the fishing community.

Ms. Herron noted that there is an observation deck in Hantsport to watch the ships loading.

Ms. Nesbitt asked Mrs. Graham where they had gone in British Columbia and paid to go to a tourist attraction.

Mrs. Graham replied that it was an old mine with a gift shop and they had a huge truck on display that you could go around the area.

Mr. Buxton noted that the reality is that you can't live in our society and have roads and electricity without industry.

Mrs. Graham replied you don't have a job either without industry.

Ms. Nesbitt noted that a community can't survive without a diverse backbone. If you don't have people working you don't have young people and how do you run a community, schools, and a volunteer fire department without jobs. Employment Insurance is not a viable solution nor is Old Age Security.

Mr. Buxton noted that you can have diversity and the other things as well they are not mutually exclusive. He noted that his favorite area of the world is the Peak District where you can walk for miles of hills and dales which are beautiful but off to one side there are 3 or 4 cement mills. So you have industry and a beautiful area hand in hand.

Mrs. Graham asked where was the quarry that celebrated its 50 or 60 years and the whole community came out to celebrate.

Mr. Buxton replied that was a gypsum plant, National Gypsum. He noted they celebrated 50 years and the Minister was there and people went into open pits and terraces etc. it was a wonderful celebration.

Ms. Herron noted that they have observation decks to watch ships load and that they have been mining and transporting gypsum for over 100 years.

Mr. Buxton noted the Martin Marietta quarry in Auld's Cove is 40 plus years old and it is an in your face quarry and Cape Breton is a tourist attraction.

Ms. Harnish asked what their setback point there is for blasting.

Mr. Buxton replied he is not aware of what it is.

Ms. Herron noted that she had been talking with the Chair of the Chamber of Commerce and asked for a formal statement on the benefits of Martin Marietta to their community and how he felt. She noted that Martin Marietta is being used for other things besides aggregate.

Mr. Buxton noted they ship approximately 2 ½ million tons per year

Ms. Nesbitt noted the concerns about siltation and that there seems to be nothing heard about whether it has affected the lobster catch in the area.

Mr. Buxton replied the silt there was because of the causeway construction and not the quarry..

Ms. Herron noted that the Proponent has been approached by other fishermen's groups for possible uses of our facility.

Mr. Buxton noted that they expect to load in 10 – 12 hours so there would be 168 hours per week the terminal would not be used so if anyone has a useful purpose we may be happy to accommodate them.

Ms. Harnish asked if there is shelter there.

Mr. Buxton replied there is little as the marine terminal is dolphins or pipe piles rather than a breakwater.

Mr. Buxton noted that if fishermen come to us we will discuss possible use of our facility.

Meeting adjourned at 9:15 pm.

Next meeting date is to be determined and advised.